

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Waimakariri District Council

Name of submitter: Waimakariri Irrigation Limited (*WIL*)

- 1 This is a submission on the proposed Waimakariri District Plan (the **Proposed Plan**).
- 2 WIL could not gain an advantage in trade competition through this submission.
- 3 WIL's submission relates to the whole proposal. The general and specific reasons for WIL's relief sought in **Annexure B** are set out in full in **Annexure A**.
- 4 WIL seeks the following decision from the local authority:
 - 4.1 Grant the relief as set out in **Annexure A** and **B**.
 - 4.2 Grant any other similar relief that would deal with WIL's concerns set out in this submission.
- 5 WIL **wishes to be heard** in support of the submission.
- 6 If others make a similar submission, WIL will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Waimakariri Irrigation Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner
26 November 2021

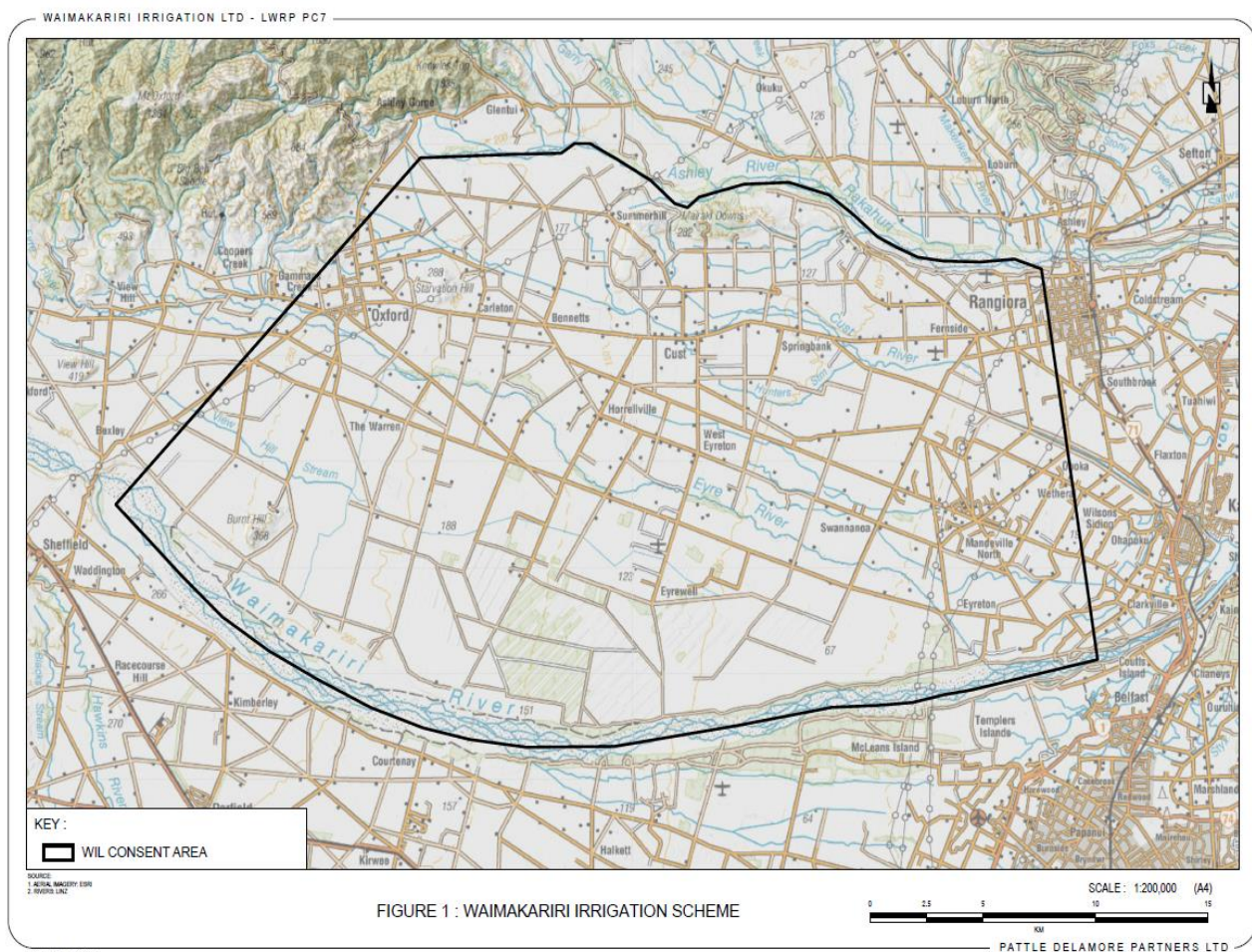
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ANNEXURE A

Background to WIL and the submission

- 1 Waimakariri Irrigation Limited (*WIL*) is a shareholder-owned co-operative company with consent to take water from the Waimakariri River. Water is supplied to farms through open race channels supplying approximately 177 shareholders and irrigating up to 30,000 hectares within an overall command area of 78,000 hectares (*the irrigation Scheme*). The WIL irrigation Scheme is located between the Waimakariri and the Ashley Rivers and between Oxford and Rangiora townships (see **Figure 1**).
- 2 WIL delivers water to shareholders through a series of races and head canals, which largely flows along the alignment of the Waimakariri District Council (*Council*) stockwater scheme (*the stockwater Scheme*) that was constructed in the 1890's (see **Figure 2**). WIL also manages the Council's stockwater Scheme (which is operated in conjunction with the irrigation Scheme). The stockwater Scheme is an open canal system with approximately 250kms of irrigation races and 1,100 kilometres of stockwater races and operates 24/7 year round.



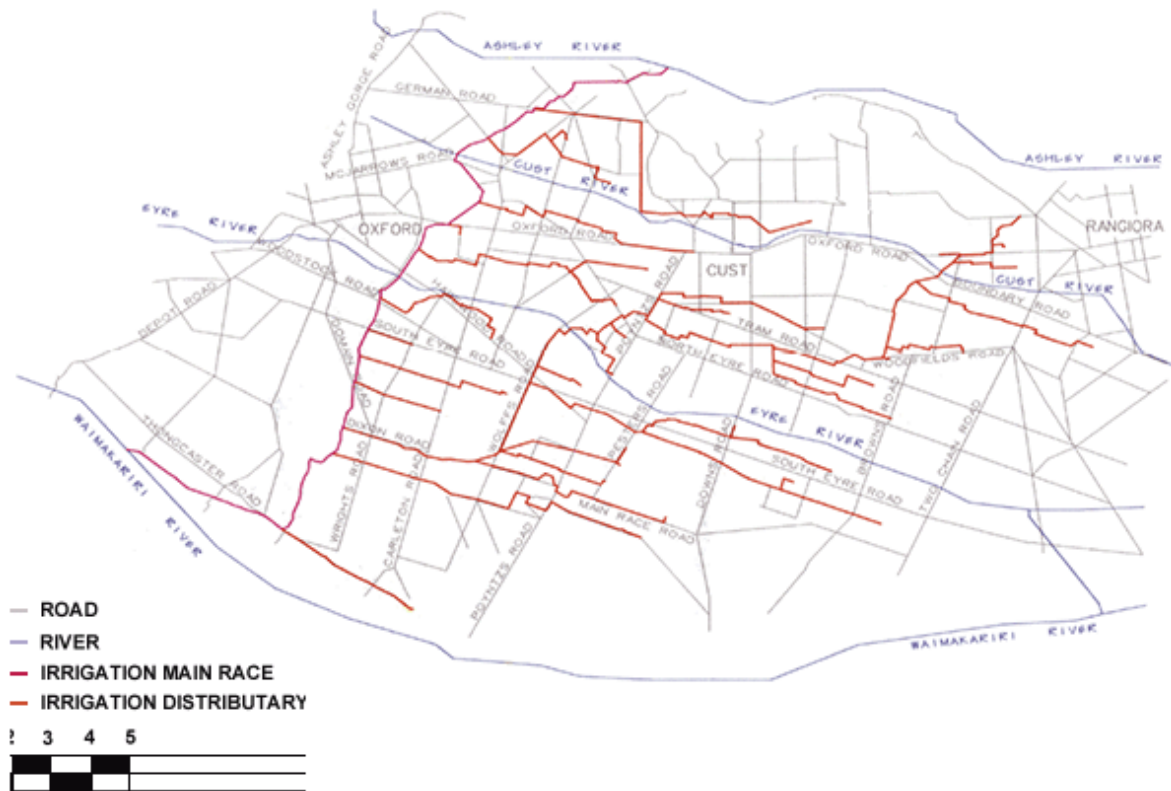


FIGURE 2: WAIMAKARIRI IRRIGATION RACES

Summary of issues for WIL

- 3 The stockwater and irrigation Schemes (collectively, *the Scheme*) play an essential role in both farming operations and wider community initiatives undertaken in the Waimakariri District, and is a significant contributor to economic and social benefits. It is essential for WIL that the proposed Waimakariri District Plan (*proposed Plan*) enables WIL to continue this role into the future, including in relation to:

Maintenance and upgrading of race and canal infrastructure

- 3.1 WIL employs an operations manager and a team of three operators to manage the delivery of irrigation and stockwater and to carry out maintenance and repair activities, which are essential for the smooth running of the Scheme, delivery of irrigation and stockwater to a large number of properties and to prevent any disruption to communities that live and work around WIL's infrastructure and the Council's stockwater races.
- 3.2 These works are often unplanned, and it is essential that the proposed Plan does not create burdensome consenting requirements on, for example, the clearing of material from races, to ensure that private property and infrastructure is protected.

Biodiversity initiatives

- 3.3 WIL aims to deliver a reliable, economic and sustainable water supply with a core focus on environmental stewardship. As well as being involved in on-farm nutrient management and wider issues, WIL also undertakes a number of activities that contribute to sustainable farming and community wellbeing in Waimakariri.
- 3.4 Since 2018 WIL has developed and started to implement a biodiversity and planting programme across the Scheme. In other places, the clearance of vegetation is essential for the safe and efficient operation of WIL's

infrastructure. It is therefore important that the proposed Plan recognises the efforts WIL makes in increasing biodiversity in the District, and does not hinder activities such as vegetation removal that are important for the network.

Managed aquifer recharge and targeted stream augmentation

- 3.5 WIL has also partnered with the Canterbury Regional Council (ECan) on a three-year trial to denitrify groundwater near Kaiapoi, using infiltration to augment and recharge the aquifer leading to Silverstream. WIL's shareholders have been strongly supportive of the trial and are keen to play their part in helping to reduce nitrate levels and WIL is able to utilise its resources and infrastructure to improve water quality, not just in Silverstream, but also other water bodies in the District.
- 3.6 Manager Aquifer Recharge and Targeted Stream Augmentation are initiatives that WIL intends to actively pursue in the near future, as a feasible way to see immediate improvements in water quality and associated positive environmental outcomes. ECan's recently released decision on proposed Plan Change 7 to the Canterbury Land and Water Regional Plan includes specific provision for these activities in the Waimakariri sub-region.
- 3.7 It is essential that the proposed Plan enables WIL to continue its efforts to improve water quality through these initiatives. These activities are extensively regulated by ECan, and WIL considers that the proposed Plan should recognise the benefits of these activities to the District, while acknowledging that their effects are appropriately managed under the regional planning framework.

Activities in the vicinity of streams and rivers

- 3.8 WIL greatly understands and appreciates the significance of streams and rivers for biodiversity, community wellbeing and cultural values. The areas in and around streams and rivers are also vital for the smooth operation of the WIL system, with a significant amount of WIL's infrastructure located in and running through (and under) a number of water bodies across the district, including critical infrastructure such as the intake at Browns Rock in the Waimakariri River and a number of discharge points into various streams and rivers.
- 3.9 The mapping of a number of overlays associated with these streams and rivers appears to be very conservative, with large areas of river margins proposed for additional protection. WIL agrees that it is important that rivers and streams are protected from inappropriate activities, but considers that it is essential that:
- (a) its activities that have a functional requirement to be in these locations are enabled; and
 - (b) the spatial extent of these overlays is directly related to what is being protected.
- 3.10 WIL is concerned that three overlays (Ngā Wai, Scheduled Natural Character Freshwater Bodies and Natural Features and Landscapes) cover large areas that do not function as streams or rivers, have been intensively developed and support activities that would not be enabled by the proposed provisions of these overlays, including WIL's intake and associated infrastructure at Browns Rock. WIL's submission is that these overlays must reflect the definition of

“riverbed” under the Resource Management Act 1991, as in the area covered by water when the river is at its fullest flow in “usual” conditions.¹ In addition, WIL seeks that its intake infrastructure at Browns Rock is excluded from these overlays.

Relief

- 4 WIL seeks that the relief as set out in **Annexure B** is granted, or alternatively that the Panel grant any other similar relief that would deal with WIL’s concerns set out in this submission.

¹ As confirmed by the Court of Appeal in *Canterbury Regional Council v Dewhirst Land Company* [2019] NZCA 486.

ANNEXURE B

The drafting suggested in this annexure reflects the key changes WIL seeks, or drafting with materially similar effect. Consequential amendments may also be necessary to other parts of the proposed provisions.

Suggested amendments and alternative drafting is shown in track change – WIL’s requested deletions are shown using ~~red strike through~~ and requested insertions shown using red underline.

Provision	Content:	Position	Relief requested	Explanation
Part 1: Introduction and General Provisions				
Interpretation				
Biodiversity offset	<p><i>means a measurable conservation outcome resulting from actions that comply with the principles in ECO-APP2 and are designed to:</i></p> <ul style="list-style-type: none"> <i>a. compensate for more than minor residual adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and</i> <i>b. achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.</i> 	Support.	Retain as notified.	WIL considers that achieving no net loss provides adequate protection of indigenous biodiversity.
Regionally Significant Infrastructure	<p><i>Means:</i></p> <p>...</p>	Support.	Retain as notified.	WIL supports this definition, particularly the recognition of irrigation and stockwater infrastructure in (k).

	<i>k. established community-scale irrigation and stockwater infrastructure;</i> ...			
Part 2: District Wide Matters				
Hazards and Risks				
Natural Hazards				
NH-O2 Infrastructure in natural hazard overlays	<i>For infrastructure within natural hazard overlays:</i> <ol style="list-style-type: none"> <i>existing infrastructure can be upgraded, maintained and replaced;</i> <i>new non-critical infrastructure does not increase the risk to life or property from natural hazard, including coastal hazard, events and is designed to maintain its integrity and ongoing function during and after natural hazard events, or is easily replaced;</i> <i>critical infrastructure is avoided in high flood hazard areas and high coastal flood hazard areas, unless there is a functional need or operational need for the location or route.</i> 	Support.	Retain as notified.	<p>It is critical for the smooth functioning of the WIL and Council stockwater networks that WIL is able to upgrade, maintain and replace infrastructure that crosses natural hazard overlays.</p> <p>WIL is also supportive of the provision for new infrastructure in (2), which will be important for the establishment of further recharge projects adjacent to rivers and streams.</p> <p>As notified, it is not entirely clear which overlays are intended to be captured. If it is intended that this captures the 'Hazards and Risk Overlays' map layer, then this should be included in the objective.</p>
NH-P10 Maintenance and operation	<i>Allow for the operation, maintenance, replacement, minor upgrading, repair and removal of all existing infrastructure in identified natural hazard overlays.</i>	Support.	Retain as notified.	WIL supports this policy and seeks it is retained. It is important that plan provisions enable the ongoing operation, maintenance and upgrading of WIL's irrigation and Council's

of existing infrastructure				stockwater infrastructure, which is significant to the District.
NH-P11 New below ground infrastructure and upgrading of infrastructure outside of high hazard areas	<p><i>Provide for new and upgrading of existing below ground infrastructure outside of high flood hazard and high coastal flood hazard areas, where:</i></p> <ol style="list-style-type: none"> <i>1. if located within a flood assessment or coastal flood assessment overlay, the original ground level is reinstated at completion of the works;</i> <i>2. it does not increase the risk to life or property from natural hazard events;</i> <i>3. it does not result in a reduction in the ability of people and communities to recover from a natural hazard event; and</i> <i>4. it is designed to maintain reasonable and safe operation during and after a natural hazard event.</i> 	Support.	Retain as notified.	WIL supports this policy and seeks that it be retained. It is important that plan provisions enable the upgrade and development of new irrigation and stockwater infrastructure.
NH-P12 New below ground infrastructure and upgrading of infrastructure within high hazard areas	<p><i>Provide for the installation of new and upgrading of existing below ground infrastructure in high flood hazard or high coastal flood hazard areas where:</i></p> <ol style="list-style-type: none"> <i>1. the infrastructure does not exacerbate the natural hazard risk or transfer the risk to another site;</i> <i>2. the conveyance of flood waters is not impeded;</i> <i>3. there is a functional need or operational need for the infrastructure to be located in a high flood hazard or high coastal flood hazard area and there are no practical alternatives; and</i> <i>4. the location and design of the infrastructure address relevant natural hazard risk and appropriate measures have been incorporated into the design to provide for the continued operation.</i> 	Support in part.	<p>Amend (3) to remove the requirement that there be no practical alternatives:</p> <ol style="list-style-type: none"> <i>3. there is a functional need or operational need for the infrastructure to be located in a high flood hazard or high coastal flood hazard area and there are no practical alternatives; and ...</i> 	WIL supports the intent of policy to provide for new and upgraded infrastructure in high flood hazard areas where there is a functional or operational need for that location. WIL does not consider it appropriate that the policy direction requires that there are no practical alternatives, particularly in the case of existing below ground infrastructure. WIL maintains a number of syphons under the bed of rivers, including the Eyre River, which will require occasional upgrading. It would be inappropriate for WIL to have to prove that there are no practical alternatives to those upgrades whenever undertaking those works.

NH-P14 New infrastructure and upgrading of infrastructure within fault overlays	<p><i>Within the fault overlays:</i> ...</p> <p><i>3. enable small scale critical infrastructure and other infrastructure in the Fault Awareness Overlay, while ensuring that larger critical infrastructure does not increase the risk to life or property from natural hazard events unless:</i></p> <p>a) <i>there is no reasonable alternative, in which case the infrastructure must be designed to maintain, as far as practicable, its integrity and ongoing operation during and after natural hazard events; or</i></p> <p>b) <i>be able to be reinstated in a timely manner.</i></p>	Support in part.	<p>WIL considers that the distinctions between types of infrastructure in this policy is confusing and unnecessary.</p> <p>WIL seeks that this policy is amended as follows:</p> <p><i>"enable small scale critical infrastructure and other infrastructure in the Fault Awareness Overlay, while ensuring that ...</i></p>	A number of rules cross mapped fault overlay zones, and will require upgrading within the life of the plan. It is important that this policy direction is both clear and sensible in its application.
<p>NH-R4 Below ground infrastructure and critical infrastructure</p> <p>Urban Flood Assessment Overlay</p> <p>Kaipoi Fixed Minimum Finished Floor Level Overlay</p> <p>Non-Urban Flood Assessment Overlay</p>	<p>Activity status: PER</p> <p><i>Where:</i></p> <p>1. <i>the profile, contour or height of the land is not permanently raised by more than 0.25m when compared to natural ground level.</i></p> <p>Activity status where compliance is not achieved: RDIS</p> <p>Matters of discretion are restricted to: NH-MD3 - Natural hazards and infrastructure</p> <p>Notification <i>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</i></p>	Support.	Retain as notified.	The criteria and activity status for this rule are appropriate.
NH-R5 Above ground infrastructure	<p>Activity status: PER</p> <p><i>Where:</i></p>	Support.	Retain as notified.	WIL considers that this rule is generally appropriate.

that is not critical infrastructure	<ol style="list-style-type: none"> 1. <i>the profile, contour or height of the land is not permanently raised by more than 0.25m when compared to natural ground level; and</i> 2. <i>new infrastructure or an extension to existing infrastructure:</i> <ol style="list-style-type: none"> a. <i>has a footprint of less than 10m²; or</i> b. <i>is not located within an overland flow path as stated in a Flood Assessment Certificate issued in accordance with NH-S1; or</i> c. <i>is limited to a customer connection.</i> 			
Urban Flood Assessment Overlay				
Kaia Poi Fixed Minimum Finished Floor Level Overlay				
Non-Urban Flood Assessment Overlay	<p>Activity status where compliance is not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>NH-MD3 - Natural hazards and infrastructure</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>			
Historic and Cultural Values				
General		Neutral	Retain as notified, provided that the operation, maintenance, upgrading and further development of WIL's network is not unnecessarily restricted.	WIL is neutral on the Historic Heritage chapter. However, to the extent that WIL's irrigation and stockwater infrastructure is located in, or in close proximity to, a historic heritage site, WIL emphasises that the operation, maintenance, upgrade and development of its network must not be unnecessarily restricted.

HH-MD1 Adverse effects on heritage values	<ol style="list-style-type: none"> 1. Any effect on the heritage values, heritage setting, including the form and materials of the proposed works. 2. The location, extent or height of the proposal. 3. For new buildings or structures on the same site or within a heritage setting, the extent the building, structure or feature will be compatible with the heritage fabric, heritage values and significance of the historic heritage including design, materials and location. 4. For infrastructure, the functional need or operational need to be located in or in proximity to the historic heritage and any heritage setting. 	Support.	Retain as notified.	WIL supports this provision, particularly (4) as it is relevant to irrigation and stockwater infrastructure.
SASM-SCHED1	<p>SASM011</p> <p>Wāhi Taonga</p> <p>Ngā Reporepo</p> <p>Wetlands. The rules in this chapter do not apply to areas shown as 'Ngā reporepo' (wetlands). If there is a resource consent required for an activity within or that would adversely affect ngā reporepo, then</p>	Oppose.	Remove or amend the Wāhi Taonga SASM011 overlay at Warren Road.	WIL opposes the proposed Wāhi Taonga overlay at Warren Road as it captures the majority of a canal used by WIL as part of its irrigation and stockwater infrastructure. It is not clear on what basis this particular site has been mapped, particularly as it appears to be the only site in the Ngā reporepo overlay, to which the rules of this chapter are not intended to apply.

	<i>the objectives and policies of this chapter would also need to be considered</i>			<p>If this site was originally wetland, it has since been highly modified and would not be appropriate to be restored as wetland. It is vital that WIL can operate, maintain and upgrade the irrigation infrastructure associated with this canal.</p> <p>It is WIL's preference that this SASM overlay is removed. Alternatively, the boundaries of the SASM should be amended so that it does not overlap with the canal area.</p>
SASM-P5 Ngā Wai	<p><i>Recognise the cultural significance of the waterbodies, repo/wetlands and those parts of the coastal environment identified as Ngā Wai, and manage the effects of land uses, and activities on the surface of water, to:</i></p> <ol style="list-style-type: none"> <i>1. protect the health of these waterbodies and associated coastal waters, including by maintaining their natural character where it is high and enabling enhancement where it is degraded, including through the reinstatement of original water courses where practicable;</i> <i>2. recognise historic and contemporary Ngāi Tūāhuriri customary uses and values associated with these waterbodies and coastal waters and enhance opportunities for customary use and access;</i> <i>3. ensure any land uses adjoining these sites, or structures and activities on the surface of water do not</i> 	Support in part.	Retain SASM-P5 as notified, but amend the Ngā Wai overlay so that the boundary is consistent with the RMA definition of 'river bed' and excludes WIL's intake infrastructure at Browns Rock.	WIL supports the intent of this policy and agrees that the health of waterbodies is protected. However, as previously explained, the overlay as notified covers large areas that are not 'waterbodies' under the RMA, and the proposed provisions of this policy are inappropriate for these areas. WIL therefore seeks that the Ngā Wai overlay is amended in a manner consistent with the RMA definition of 'river bed'. The overlay should only cover the waters of the river at its fullest flow without overtopping its banks, and should not include any of WIL's intake infrastructure.

	<p><i>adversely affect taonga species or Ngāi Tūāhuriri customary uses in these areas;</i></p> <p>4. <i>ensure new land uses do not create an additional demand for the discharge of sewage or stormwater directly into Ngā Wai, and where the opportunity arises, reduce the need for existing land uses to discharge untreated wastewater or storm water into these areas;</i></p> <p>5. <i>protect the health, natural functions and processes of riparian margins and the coastal environment from the adverse effects of adjoining land use activities; and</i></p> <p>6. <i>provide for opportunities for the recognition of cultural values within the design, location and installation of infrastructure, while enabling their safe, secure and efficient installation.</i></p>			
<p>SASM-R4 Earthworks and land disturbance associated with other activities</p> <p>Wāhi Tapu Overlay</p>	<p>"Activity status: PER</p> <p><i>Where:</i></p> <p>1. <i>the earthworks and land disturbance is limited to:</i></p> <p>a. <i>planting of trees;</i></p> <p>b. <i>gardening;</i></p> <p>c. <i>building foundations, septic tank and swimming pool installations where the combined volume of earthworks is 350m³ or less;</i></p> <p>d. <i>freestanding sign foundations to a maximum depth of 200mm or to</i></p>	Support in part.	<p>Amend to provide for the essential earthworks that WIL must carry out for the operation, maintenance and upgrading of its race network, for example through the following amendment:</p> <p>e. drain, <u>race</u> and track maintenance <u>and upgrading</u>;</p>	It is important that this permitted activity rule enables WIL's essential earthworks activities in and adjacent to these overlays to enable the use, maintenance and upgrade of WIL's infrastructure network.

<p>Wāhi Taonga Overlay</p> <p>Ngā Tūranga Tūpuna Overlay</p> <p>Ngā Wai Overlay</p>	<p><i>the depth already disturbed (whichever is the greater);</i></p> <p>e. <i>drain and track maintenance;</i></p> <p>f. <i>cultivation, stopbanks, roadworks and other activities within land previously disturbed by previous earthworks to the depth already disturbed;</i></p> <p>g. <i>cultivation to a maximum depth of 200mm;</i></p> <p>h. <i>a customer connection between a building, other structure, site, and infrastructure as per EI-R4; and</i></p> <p>i. <i>the drilling of a well or bore.</i></p> <p>Activity status when compliance not achieved or provided for: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>SASM-MD1 - Wāhi tapu and wāhi taonga</p> <p>SASM-MD2 - Ngā tūranga tūpuna</p> <p>SASM-MD3 - Ngā wai</p> <p>Notification</p> <p><i>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga and HNZPT, in respect of sites on the New Zealand Heritage List Rārangi Kōrero, where the consent authority considers this is required, absent their written approval."</i></p>			
<p>SASM-MD1</p> <p>Wāhi tapu and wāhi taonga</p>	<p>...</p> <p><i>In respect of infrastructure, the extent to which the proposed infrastructure has a functional</i></p>	<p>Support in part.</p>	<p>Amend the matters of direction to replace 'suitable' with 'practicable'.</p>	<p>Subject to the relief above, WIL supports the matters of discretion in so far as they include provision for infrastructure. It is important that decision makers consider infrastructure that</p>

SASM-MD2 Ngā tūrangā tūpuna	<i>need or operational need for its location, and whether alternative locations, layout or methodology would be suitable.</i>			has a functional and operational need to be located in these areas, particularly WIL's irrigation and stockwater scheme as regionally significant infrastructure. However, WIL seeks an amendment to consider whether alternatives would be practicable, rather than suitable, for additional clarity.
SASM-MD3 Ngā wai				
Ecosystems and Indigenous Biodiversity				
ECO-P1	"Identification of mapped SNAs <i>Recognise the additional clarity and certainty provided by mapped SNAs by listing them in ECO-SCHED1, and continuing to identify new mapped SNAs through applying the significance criteria in ECO-APP1."</i>	Oppose.	Amend the mapped SNAs to reduce their extent adjacent to WIL irrigation and Council stockwater infrastructure, and remove SNAs where significance criteria is not met.	WIL appreciates the additional clarity and certainty that is served by mapping SNAs and listing them in a Schedule. However, WIL is concerned that a number of SNAs are mapped over larger areas than necessary, and over areas that do not meet the proposed Plan's criteria for SNAs.
ECO-P2	"Protection and restoration of SNAs <i>Protect and restore SNAs by:</i> <ol style="list-style-type: none"> 1. <i>limiting indigenous vegetation clearance within SNAs;</i> 2. <i>limiting planting within mapped SNAs;</i> 3. <i>limiting irrigation near mapped SNAs in order to provide a buffer from edge effects;</i> 4. <i>providing for an on-site bonus allotment or bonus residential unit within sites containing a mapped SNA;</i> 5. <i>supporting and promoting the use of covenants, reserves, management plans and community initiatives;</i> 6. <i>encouraging pest control; and</i> 7. <i>working with and supporting landowners, the Regional Council, the Crown, Queen Elizabeth the Second National Trust, NZ Landcare Trust, and advocacy groups,</i> 	Oppose.	Amend as follows: .. <ol style="list-style-type: none"> 1. <i>limiting, <u>or where that is not reasonably practicable, manage</u> irrigation near mapped SNAs in order to provide a buffer from edge effects</i> 2. ... 	Subject to WIL's requested relief above, it may not always be possible to 'limit' irrigation near mapped SNAs. It is important to recognise that there are occasions where irrigation networks have a functional and operational need to operate in a particular location and this ought to be provided for in this policy.

	including by providing information, advice and advocacy.”			
ECO-P4	<p>"Maintenance and enhancement of other indigenous vegetation and habitats</p> <p><i>Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ECO-APP1 by:</i></p> <ol style="list-style-type: none"> <i>1. continuing to assess the current state of indigenous biodiversity across the District;</i> <i>2. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within:</i> <ol style="list-style-type: none"> <i>a. the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation needs to be restricted in order to protect what remains; and</i> <i>b. the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District, has a larger proportion of indigenous vegetation remaining and therefore some clearance of indigenous vegetation may be acceptable;</i> <i>3. recognising that the District contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, and limiting their clearance;</i> <i>4. providing information, advice and advocacy to the landowner and occupier;</i> 	Oppose.	<p>Amend as follows:</p> <p>...</p> <p>2. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within:</p> <ol style="list-style-type: none"> a. the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation needs to be restricted, <u>or where that is not reasonably practicable, managed</u>, in order to protect what remains; and <p>...</p>	<p>It may not always be possible to 'restrict vegetation clearance' when operating, maintaining or upgrading the irrigation and stockwater networks.</p> <p>It is important to recognise that there are occasions where regionally significant infrastructure, including irrigation and stockwater systems, have a functional and operational need to operate in a particular location, with associated requirements to clear indigenous vegetation for maintenance and upgrading purposes, and this ought to be provided for in this policy.</p>

	<p>5. <i>supporting and promoting the use of covenants, reserves, management plans and community initiatives; and</i></p> <p>6. <i>working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups."</i></p>			
ECO-P5	<p>"Offsetting residual effects</p> <p><i>A biodiversity offset will only be considered where there are residual adverse effects which cannot practicably be avoided, remedied or mitigated (in that order of hierarchy); and:</i></p> <ol style="list-style-type: none"> 1. <i>the biodiversity offset is consistent with ECO-APP2;</i> 2. <i>the biodiversity offset will recognise the limits to offsets due to irreplaceable and vulnerable biodiversity (including effects that must be avoided in accordance with ECO-P7 (1));</i> 3. <i>there is a strong likelihood that the offsets will be achieved in perpetuity; and</i> 4. <i>the biodiversity offset will achieve a net gain of indigenous biodiversity if the area contains any of the following:</i> <ol style="list-style-type: none"> a. <i>indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains;</i> b. <i>areas of indigenous vegetation associated with sand dunes and wetlands;</i> c. <i>areas of indigenous vegetation located in 'originally rare' terrestrial ecosystem types not covered under (a) and (b) above; or</i> d. <i>habitats of threatened, and at risk, indigenous species. "</i> 	Oppose in part.	<p>Amend as follows:</p> <p><i>A biodiversity offset will only be considered where there are residual adverse effects which cannot practicably be avoided, remedied or mitigated (in that order of hierarchy); and:</i></p> <p>...</p>	<p>WIL seeks that the policy is amended to recognise that in some circumstances offsetting may be a more suitable option than avoiding, remedying or mitigating adverse effects. Greater flexibility is required to allow off-setting as an alternative.</p> <p>WIL also considers that achieving no net loss provides adequate protection of indigenous biodiversity.</p>

<p>ECO-R1 Indigenous vegetation clearance within any mapped SNA or unmapped SNA (all zones)</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <i>within any mapped SNA or unmapped SNA, the indigenous vegetation clearance is:</i> <ol style="list-style-type: none"> a. <i>required for maintenance, repair or replacement purposes and is:</i> <ol style="list-style-type: none"> a. <i>within an existing access track; or</i> b. <i>within 3m of an existing building; or</i> c. <i>within 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank;</i> d. <i>within 2m of existing critical infrastructure, regionally significant infrastructure, strategic infrastructure or lifeline utility;</i> b. <i>for the purpose of protecting, maintaining, restoring or accessing the SNA's ecological values where it involves:</i> <ol style="list-style-type: none"> i. <i>carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth</i> 	<p>Support in part.</p>	<p>Amend activity status when compliance not achieved to discretionary.</p>	<p>Subject to the relief requested above, WIL supports this permitted activity rule and seeks it is retained.</p> <p>However, WIL seeks that discretionary activity status apply where requirements are not met. A non-complying activity status is unnecessarily restrictive and fails to recognise other potential circumstances that may be appropriate.</p> <p>It is important that a balance is struck to enable infrastructure providers to operate, maintain and upgrade regionally significant infrastructure, including irrigation and stockwater systems, without unnecessary consenting requirements.</p>
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	<p><i>the Second National Trust Act 1977;</i></p> <p><i>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</i></p> <p><i>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management Plan prepared under the Conservation Act 1987; or</i></p> <p><i>iv. erecting a fence;</i></p> <p><i>c. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, the Regional Council or Crown, or their nominated agent;</i></p> <p><i>d. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry;</i></p> <p><i>e. for the purpose of customary harvesting;</i></p> <p><i>f. expressly authorised under the NESF; or</i></p> <p><i>g. for the purpose of forming a walking or cycling access track where:</i></p> <p><i>a. the track has a maximum width of 2m; and</i></p>			
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	<p>b. <i>the area of indigenous vegetation clearance is a maximum of 1% of the total area of the SNA on that site, or a maximum of 50m² from the SNA on that site, whichever is lesser; and</i></p> <p>c. <i>does not involve the clearance of any tree with a trunk greater than 15cm in diameter when measured 1.4m above ground.</i></p> <p>Activity status when compliance not achieved: NC</p>			
ECO-R4 Irrigation infrastructure near any mapped SNA	<p>Activity status: PER</p> <p>Where:</p> <p>1. <i>any new irrigation infrastructure shall be set back a minimum of 20m from any mapped SNA that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.</i></p> <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p><i>ECO-MD1 - Indigenous vegetation clearance</i></p>	Oppose.	<p>Amend as follows:</p> <p>1. <i>any new irrigation infrastructure shall be set back a minimum of 5 20m from any mapped SNA that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.</i></p>	Subject to the requested relief above regarding the proposed SNAs, WIL also opposes a minimum setback of 20m with respect to new irrigation infrastructure. The proposed setback will result in significant limitations on the use of land, and is considered excessive.
ECO-MD1	<p>"Indigenous vegetation clearance</p> <p>1. <i>The extent to which the proposal adequately identifies indigenous biodiversity values including whether any naturally occurring species that are threatened, at risk, or reach their national or regional distribution limits in the District, or any naturally</i></p>	Support in part.	<p>Amend as follows:</p> <p>...</p> <p>12. <i><u>The extent to which the landowner has invested in any of the above matters for</u></i></p>	WIL is supportive of the intent to protect indigenous biodiversity values, including the matters listed in MD1. However, this can often come at a great expense to the applicant / landowner, especially if consent is not ultimately granted. Therefore, WIL requests an

	<p>uncommon ecosystems listed in ECO-SCHED3 are present and if so, how they will be protected or managed.</p> <ol style="list-style-type: none"> 2. The extent to which the proposal will achieve no net loss of indigenous biodiversity values identified as significant. 3. The actual or potential effects on indigenous biodiversity or ecological values, including intrinsic values, expected to occur as a result of the proposal, including those on ecosystem connectivity, function, and integrity and species diversity. 4. Any potential for avoiding, remedying, mitigating or otherwise offsetting or compensating for adverse effects on indigenous vegetation and habitats of indigenous fauna. 5. Any conditions to ensure obligations in respect of indigenous biodiversity endure, including beyond any changes of ownership (wholly or partially) of the landholding and review of conditions. 6. Where the clearance is within an ONL, ONF, SAL, ONC, VHNC, HNC, or any natural character of scheduled freshwater body setback, whether the indigenous vegetation proposed to be cleared contributes to the values of these areas and the degree to which the proposed clearance would adversely affect these values. 		<p>the purposes of protecting indigenous biodiversity.</p>	<p>additional matter in MD1 which allows decision makers to consider associated costs.</p>
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	<p>7. <i>The relevance and quality of a Biodiversity Management Plan, if provided.</i></p> <p>8. <i>The extent of adverse effects on indigenous biodiversity in the coastal environment.</i></p> <p>9. <i>The extent to which, if any, the health of any indigenous vegetation and/or habitat of indigenous fauna is improved.</i></p> <p>10. <i>The extent to which, if any, the spatial extent of any indigenous vegetation and/or habitat of indigenous fauna is increased.</i></p> <p>11. <i>Adverse effects on Ngāi Tahu cultural values including mahinga kai and other customary uses, and access for these purposes."</i></p>			
Natural Character				
NATC-01	<i>"The preservation of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins."</i>	Support in part.	<p>Amend as follows:</p> <p><i>"The preservation <u>protection</u> of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins."</i></p>	WIL recognises the importance of the surface freshwater environment. However, it is critical for the social and economic well-being of the Waimakariri District that natural character is protected, rather than preserved, so that irrigation and stockwater infrastructure continues to be enabled.
NATC-02	<i>"Restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred."</i>	Support in part.	<p>Amend as follows:</p> <p><i>"Restoration <u>Where practicable, prioritise restoration</u> of the natural character of surface freshwater bodies and their margins where degradation has occurred."</i></p>	WIL recognises the importance of the surface freshwater environment and is supportive of the intent to restore degraded freshwater bodies. However there may be circumstances, particularly with respect to regionally significant infrastructure, where restoration is not practicable. The objective ought to recognise this.

NATC-O3	<i>"The use of wetlands, and lakes and rivers and their margins are managed to preserve their natural character."</i>	Support in part.	<i>"The use of wetlands, and lakes and rivers and their margins are managed to preserve maintain their natural character."</i>	WIL recognises the importance of the surface freshwater environment. However, it may not always be possible to preserve natural character, particularly with respect to regionally significant infrastructure.
NATC-P2 Identify, map and schedule significant freshwater bodies	<p><i>"Continue the identification, mapping, and scheduling of freshwater bodies with one or more recognised natural character attributes, where the following apply:</i></p> <ol style="list-style-type: none"> <i>1. the freshwater bodies and their margins have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;</i> <i>2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;</i> <i>3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri to the freshwater body, including the ability to undertake customary practices; and</i> <i>4. importance of the freshwater body to provide access and connections to areas of recreational use."</i> 		<p>Amend as follows:</p> <p>...</p> <p>5. <u><i>the absence of critical or regionally significant infrastructure."</i></u></p>	<p>Irrigation and stockwater networks are critical for the social and economic well-being of the Waimakariri District, and have been for some time. It is vital that, when identifying and mapping significant freshwater bodies, consideration is given to the presence of infrastructure and the potential for any identification of that freshwater body to interfere with the safe and efficient functioning of that infrastructure.</p> <p>The Plan must strike a balance between protecting the natural environment and enabling infrastructure that serves the community's needs.</p>
NATC-P3 Customary harvesting and Ngāi Tūāhuriri	<i>"Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely</i>	Support in part.	<p>Amend as follows:</p> <p><i>"Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to</i></p>	WIL supports the intent of this policy to the extent that land use effects are managed. However the current wording only directs that effects of land use are managed through limiting their size, appearance and location,

values within the freshwater body and their margins	<i>affect taonga species, mahinga kai or customary harvesting, access, and other cultural values. "</i>		<i>ensure they do not adversely affect taonga species, mahinga kai or customary harvesting, access, and other cultural values. "</i>	which inappropriately limits the methods available to manage land use effects.
NATC-P4 Preservation of natural character values	<p><i>"Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:</i></p> <ol style="list-style-type: none"> <i>1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;</i> <i>2. minimising indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;</i> <i>3. requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and</i> <i>4. promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values."</i> 	Oppose.	<p>Amend as follows:</p> <p><i>"Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:</i></p> <ol style="list-style-type: none"> <i>1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;</i> <i>2. minimising, <u>or where that is not reasonably practicable, managing</u> indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;</i> <i>3. <u>where reasonably practicable,</u> requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and</i> <i>4. promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values."</i> 	WIL supports the intent of this policy to preserve natural character where that is practicable. However, the plan must recognise and provide for regionally significant infrastructure, including irrigation infrastructure that has a functional and operational need to locate near freshwater bodies.

NATC-P5 Structures within surface freshwater body setbacks	<i>"Enable activities that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated."</i>	Support in part.	Amend as follows: <i>"Enable activities that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated, <u>or offset</u>."</i>	WIL seeks that the policy is amended to recognise that in some circumstances offsetting may be a more suitable option than avoiding, remedying or mitigating adverse effects. Greater flexibility is required to allow off-setting as an alternative.
NATC-P6 New and existing structures within and over freshwater bodies	<i>"Provide for new structures, and upgrades to existing structures, on the surface of freshwater where:</i> <ol style="list-style-type: none"> <i>1. public access to, and along, the freshwater body is maintained;</i> <i>2. the structure has a functional need or operational need to be located on the surface of freshwater;</i> <i>3. the structure does not compromise the use of the surface of freshwater for existing users;</i> <i>4. the structure does not disturb the habitat of indigenous species or hinder passage of migratory fish species;</i> <i>5. the structure avoids creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and</i> <i>6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values."</i> 	Support in part.	Amend as follows: ... <i>6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated, <u>or offset</u> in order to preserve those values.</i>	WIL supports the intent of this policy, but seeks that (6) is amended to recognise that offsetting may be necessary or a more suitable option in some circumstances.

NATC-S1 Setback standards for the natural character of freshwater bodies	<p>1. <i>Activities shall be outside of the setback distance specified in Table NATC-1.</i></p> <p><i>Table NATC-1: Freshwater body setback widths Rural Zones, Open Space and Recreation Zones</i></p> <ul style="list-style-type: none"> - NATC-SCHED1 50m - NATC-SCHED2 20m - NATC-SCHED3 10m - UNSCHEDULED 5m 	Oppose in part.	<p>Amend as follows:</p> <p>1. <u>Except for community scale irrigation and stockwater infrastructure</u>, activities shall be outside of the setback distance specified in Table NATC-1.</p>	<p>Irrigation and stockwater networks are critical for the social and economic well-being of the Waimakariri District, and have been for some time. The associated infrastructure often has a functional and operational need to be located in close proximity to freshwater bodies.</p> <p>Therefore, it is vital that the setback standards contain an appropriate carve out for community scale irrigation and stockwater infrastructure.</p>
NATC-MD6 Freshwater body setback assessment	<p>1. <i>Reduction in the setback width and any adverse effects on:</i></p> <ul style="list-style-type: none"> a. <i>the natural state of freshwater body margins;</i> b. <i>freshwater landforms and landscapes, biophysical, geologic and morphological aspects;</i> c. <i>the hydrological and fluvial processes, including erosion and sedimentation;</i> d. <i>indigenous biodiversity, habitats and ecosystems;</i> e. <i>water flow and levels, colour and clarity, and water quality;</i> f. <i>cultural values of the freshwater body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability of the freshwater body to</i> 	Support in part.	<p>Amend as follows:</p> <p>3. <u>Where regionally significant infrastructure, including for irrigation and stockwater, has a functional and operational need to locate within the applicable setback width.</u></p>	<p>Irrigation and stockwater networks are critical for the social and economic well-being of the Waimakariri District, and have been for some time. The associated infrastructure often has a functional and operational need to be located in close proximity to freshwater bodies.</p> <p>Therefore, it is vital that irrigation and stockwater infrastructure is explicitly recognised as a matter for consideration.</p>

	<p><i>support taonga species and mahinga kai activities;</i></p> <p><i>g. where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation; and</i></p> <p><i>h. the experience of the above elements, patterns and processes.</i></p> <p><i>2. Any assessment of the natural character of freshwater bodies that undertaken by a suitably qualified and experienced specialist in the various attributes of natural character.</i></p>			
Natural Features and Landscapes				
NFL-01	"Outstanding natural features are protected from land use or development that would adversely affect the values of these features."	Support in part.	<p>Amend as follows:</p> <p><i>"Outstanding natural features are, <u>where reasonably practicable</u>, protected from land use or development that would adversely affect the values of these features."</i></p>	WIL recognises the importance of protecting outstanding natural features and landscapes. At the same time, WIL must be able to operate, maintain, upgrade and develop the irrigation network and Council's stockwater network which are important for the social and economic well-being of the Waimakariri community.
NFL-02	"Outstanding natural landscapes are protected from land use or development that would adversely affect the values of these landscapes."	Support in part.	<p>Amend as follows:</p> <p><i>"Outstanding natural landscapes are, <u>where reasonably practicable</u>, protected from land use or development that would adversely affect the values of these features."</i></p>	As above.

NFL-P1 Protect Outstanding Natural Features	<p><i>"Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of activities and development by:</i></p> <ol style="list-style-type: none"> <i>1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River;</i> <i>2. avoiding use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on:</i> <ol style="list-style-type: none"> <i>a. coastal physical processes;</i> <i>b. ecological habitat and indigenous biodiversity; and</i> <i>c. the experience of the elements and processes of (a) and (b);</i> <i>3. enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated;</i> <i>4. avoiding any significant loss of indigenous vegetation;</i> <i>5. avoiding activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;</i> 	Support in part.	<p>Amend as follows:</p> <p><i>avoiding, <u>where practicable, or otherwise remedying, mitigating or offsetting</u>, use and development that detracts from the</i></p>	<p>The use of 'avoiding' in this policy is inappropriately restrictive, given the significance of the Waimakariri River for the social and economic wellbeing of the District, and the existing infrastructure that is located within and adjacent to the River.</p>
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	<p>6. <i>providing for existing rural production where this does not detract from the identified values; and</i></p> <p>7. <i>enabling conservation activities and non motorised recreation activities."</i></p>			
NFL-P4 Maintain Significant Amenity Landscapes	<p>"Recognise the values of the significant amenity landscapes identified in NFL-APP1 and maintain them by:</p> <ol style="list-style-type: none"> 1. <i>managing adverse effects of use and development on the moderate-high biophysical values and high sensory and associative values of the Ashley River/Rakahuri identified in NFL-APP1, in particular on the:</i> <ol style="list-style-type: none"> a. <i>braided river system;</i> b. <i>indigenous fauna and vegetation;</i> c. <i>the wilderness and natural environment; and</i> d. <i>recreational values;</i> 2. <i>enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated;</i> 3. <i>avoiding any significant loss of indigenous vegetation;</i> 4. <i>avoiding incompatible activities, including plantation forestry, shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures which create unacceptable adverse effects on the identified values;</i> 5. <i>mitigating through bulk, location and design controls the adverse effects of other uses</i> 	Support.	Retain as notified.	WIL supports the recognition of significant amenity landscapes. It is appropriate to manage adverse effects of land use and development in these circumstances.

	<p>and development in areas which have no capacity to absorb change;</p> <p>6. providing for non motorised recreation activities and conservation activities; and</p> <p>7. providing for existing rural production where this does not detract from the identified values.”</p>			
New policy		Insert new policy	<p>Insert new policy as follows:</p> <p><u>Recognise that there may be irrigation and stockwater activities in areas identified as outstanding natural features and landscapes, or significant amenity landscapes, and that those activities have a functional and operational need to locate in that landscape.</u></p>	<p>It is important to WIL that the plan adequately recognises all existing irrigation and stockwater infrastructure farming properties, some of which are within the natural features and landscapes overlays, as well as new infrastructure which may be reasonably required in those overlays in the future.</p>
<p>NFL-R5 Structures and buildings</p> <p>Waimakariri River ONF</p> <p>Puketeraki Range & Oxford Foothills ONL</p> <p>Ashley River / Rakahuri SAL</p>	<p>Activity status: PER</p> <p>Where:</p> <p>1. each individual structure or building shall have a maximum footprint of 10m², except that this shall not apply to post and rail or wire fences which are more than 75% visually transparent.</p> <p>Activity status when compliance not achieved in the Puketeraki Range and Oxford Foothills ONL: RDIS</p> <p>Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings and access tracks</p>	Support in part.	<p>Amend the default activity status of the Waimakariri River from NC to RDIS.</p>	<p>The Waimakariri River ONF contains a number of structures essential for the operation and maintenance of significant infrastructure, including WIL’s Browns Rock intake point.</p> <p>WIL has sought that this overlay is amended to exclude its infrastructure, and it is important that any new structures in this location are not unnecessarily restricted in order to enable the smooth functioning of the scheme into the future.</p>

Ashley River / Rakahuri Saltwater Creek Estuary	<p>Activity status when compliance not achieved in the Waimakariri River ONF and Ashley River / Rakahuri SAL: NC</p> <p>Activity status: NC</p> <p>Activity status when compliance not achieved: N/A</p>			
NFL-APP1 - Outstanding and Significant Landscapes and Features - Values and Threats	Waimakariri River - Outstanding Natural Features ...	Oppose.	Amend to rectify that a number of activities identified as 'threats' are already located in the Waimakariri ONF.	The appendix lists as 'likely threats' to the Waimakariri ONF a number of activities that are already existing in the mapped ONF, such as irrigation canals. This should be amended to ensure that ongoing operation, maintenance and upgrading of these existing activities is not prevented.
General District Wide Matters				
New Rule	<p><i>"Earthworks associated with the maintenance and upgrading of community scale irrigation and stockwater infrastructure.</i></p> <p><i>Activity Status: Permitted"</i></p>	Support.	Include new rule.	<p>WIL's irrigation and stockwater networks are critical for the social and economic well-being of the Waimakariri District. It is critical for the plan to enable WIL to operate, maintain, upgrade and develop its infrastructure.</p> <p>WIL's preference is for the proposed plan to include a permitted activity rule enabling the maintenance and upgrade of the irrigation</p>

				<p>network so that it is not subject to unnecessary consenting requirements.</p> <p>In the alternative, WIL seek that the proposed earthworks rules are each amended to explicitly recognise irrigation network maintenance and upgrades as a permitted activity.</p>
New Rule	<p><i>"Earthworks associated with targeted stream augmentation and managed aquifer recharge.</i></p> <p><i>Activity Status: Permitted"</i></p>	Support.	Include new rule.	As previously explained, WIL is committed to using its infrastructure and resources to undertake further works such as managed aquifer recharge and targeted stream augmentation in the District. Given the likely significance of these activities for water quality going forward, it is appropriate that they are separately provided for as a permitted activity, noting that the regional plan includes appropriate controls on the establishment of these activities.
EW-P1 Enabling Earthworks	<p><i>"Enable earthworks where they:</i></p> <ol style="list-style-type: none"> <i>1. are compatible with the character, values and qualities of the location and surrounding environment;</i> <i>2. avoid, remedy or mitigate any adverse effects on any sites or areas identified as ONL, ONF, SAL, Coastal Environment Overlay, SNA, sites and areas of significance to Māori, Natural Open Space Zone, surface freshwater bodies and their margins, or any notable tree, historic heritage or heritage setting;</i> 	Support in part.	<p>Amend as follows:</p> <p>...</p> <p>8. <u><i>are necessary for the operation, maintenance, upgrade or development of regionally significant infrastructure, including irrigation and stockwater infrastructure."</i></u></p>	Subject to the relief sought above, WIL supports this policy in so far as it enables earthworks. However, given the importance of irrigation and stockwater infrastructure in the Waimakariri District, WIL seeks explicit recognition for earthworks which are necessary for the operation, maintenance, upgrade or development of its infrastructure.

	<ol style="list-style-type: none"> 3. <i>minimise erosion and avoid adverse effects from stormwater or sediment discharge from the site;</i> 4. <i>avoid increasing the risk to people or property from natural hazards;</i> 5. <i>maintain the stability of land including adjoining land, infrastructure, buildings and structures;</i> 6. <i>minimise the modification or disturbance of land, including any associated retaining structures, on the visual amenity values of the surrounding area; and</i> 7. <i>minimise adverse dust, vibration and visual effects beyond the site."</i> 			
EW-P2 Earthworks within Flood Assessment Overlays	<p>"Allow earthworks within the Urban Flood Assessment Overlay and Non-Urban Flood Assessment Overlay where:</p> <ol style="list-style-type: none"> 1. <i>the earthworks do not increase the flooding risk to the site or neighbouring sites through the displacement of flood waters;</i> 2. <i>the earthworks associated with proposed subdivision, development or use do not increase the risk to life or property; and</i> 3. <i>the ability to convey flood waters is not impeded as a result of the earthworks."</i> 	Support in part.	<p>Amend as follows:</p> <ol style="list-style-type: none"> 4. <u><i>are necessary for the operation, maintenance, upgrade or development of irrigation and stockwater infrastructure."</i></u> 	As above.
EW-P3 Archaeological sites, and sites of	<p>"Earthworks avoid, remedy or mitigate adverse effects on archaeological sites and sites and areas of significance to Māori, by having regard to:</p> <ol style="list-style-type: none"> 1. <i>the particular cultural or historical values of the site and the extent to which these values may be affected;</i> 	Support in part.	<p>Earthworks avoid, remedy, or <u>mitigate, or offset</u> adverse effects on archaeological sites and sites and areas of significance to Māori, by having regard to:</p>	WIL recognises the importance of protecting sites of significance to Māori. However, WIL seeks that the policy is amended to recognise that in some circumstances offsetting may be a more suitable option than avoiding, remedying or mitigating adverse effects. Greater flexibility

significance to Maori	<p>2. <i>any consultation with mana whenua, in particular any identified mitigation measures or the incorporation of mātauranga Māori into the scale and extent of the earthworks; and</i></p> <p>3. <i>any consultation with HNZPT."</i></p>		<p>4. <i>the particular cultural or historical values of the site and the extent to which these values may be affected;</i></p> <p>5. <i>any consultation with mana whenua, in particular any identified mitigation measures or the incorporation of mātauranga Māori into the scale and extent of the earthworks; and any consultation with HNZPT.</i></p>	is required to allow off-setting as an alternative.
EW-P6 Water resources	"Avoid adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on mahinga kai."	Oppose in part.	" Avoid Manage adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on mahinga kai."	WIL recognises the importance of protecting surface water bodies and avoiding contamination and adverse effects on mahinga kai. However, with respect to irrigation and stockwater infrastructure, it may not be practically possible to avoid adverse effects in all circumstances. There needs to be sufficient flexibility to enable the management of these effects, in order to not prevent the safe and efficient operation, maintenance, upgrade and development of regionally significant infrastructure.
EW-R1 Earthworks for the maintenance and repair of roads,	<p>"Activity status: PER</p> <p>Where:</p> <p>1. EW-S4 and EW-S7 are met;</p>	Support in part.	<p>Activity status: PER</p> <p>Where:</p> <p>1. EW-S4 and EW-S7 are met;</p>	<p>Given the importance of WIL's infrastructure in the Waimakariri District, a stand-alone permitted activity rule is preferred (see above).</p> <p>In the alternative, WIL supports the proposed permitted activity rules provided they are</p>

<p>footpaths, cycleways, tracks, carparks and accessways</p>	<p>2. <i>the earthworks are within the formed area of the road, footpath, cycleway, track, carpark or accessway; and</i></p> <p>3. <i>the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark or accessway.</i></p> <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>EW-MD1 - Activity operation, scale, form and location</p> <p>EW-MD2 - Nuisance and reverse sensitivity</p> <p>EW-MD3 - Land stability</p> <p>EW-MD4 - Natural hazards</p> <p>EW-MD5 - Rehabilitation</p> <p>EW-MD6 - Coastal environment and hazards</p> <p>EW-MD7 - Water bodies, vegetation and fauna</p> <p>EW-MD8 - Outstanding natural features and landscapes”</p>		<p>2. <i>the earthworks are within the formed area of the road, footpath, cycleway, track, carpark or accessway; and</i></p> <p>3. <i>the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark or accessway-; and</i></p> <p>4. <i><u>the earthworks are for the maintenance or upgrade of regionally significant infrastructure, including for community scale irrigation and stockwater.</u></i></p>	<p>explicitly applicable to the maintenance or upgrade of irrigation and stockwater infrastructure. It is vital that WIL can operate, maintain, upgrade and develop its infrastructure without unnecessary consenting requirements.</p>
<p>EW-R3</p> <p>Earthworks for maintenance of public water races or drains</p>	<p>"Activity status: PER</p> <p>Where:</p> <p>1. <u>EW-S1 to EW-S7</u> are met;</p> <p>2. <i>the disposal or stockpiling of any dredged material to land shall meet <u>EW-S1</u>, <u>EW-R9</u> (stockpiling), <u>EW-S2</u> and <u>EW-R5</u> (overland flow paths), and</i></p> <p>3. <i>the activity is undertaken by the Crown, Regional Council, District Council or their nominated agent.</i></p> <p>Activity status where compliance not achieved: RDIS</p>	<p>Support in part.</p>	<p>Amend as follows:</p> <p>EW-R3 Earthworks for maintenance of public <u>or community scale</u> water races or drains</p> <p>Activity status: PER</p> <p>Where:</p> <p>1. <u>EW-S1 to EW-S7</u> are met;</p> <p>2. <i>the disposal or stockpiling of any dredged material to land shall meet <u>EW-S1</u>, <u>EW-R9</u> (stockpiling), <u>EW-</u></i></p>	<p>As above.</p>

	<p>Matters of discretion are restricted to:</p> <p><i>EW-MD1 - Activity operation, scale, form and location</i></p> <p><i>EW-MD4 - Natural hazards</i></p> <p><i>EW-MD5 - Rehabilitation</i></p> <p><i>EW-MD6 - Coastal environment and hazards</i></p> <p><i>EW-MD7 - Water bodies, vegetation and fauna”</i></p>		<p>S2 and EW-R5 (overland flow paths), and</p> <p>3. the activity is undertaken by the Crown, Regional Council, District Council or their nominated agent, <u>or the operator of established community-scale irrigation and stockwater infrastructure.</u></p>	
<p>EW-R5 Earthworks within an overland flow path</p> <p>(Non-urban Flood Assessment Overlay)</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. EW-S1 to EW-S7 are met; and 2. the height of any filling does not exceed 0.25m above the ground level at (18 September 2021); or 3. the filling is for a building platform that is located greater than 2m from any site boundary within the Urban Flood Assessment Overlay, or greater than 10m from any site boundary within the Non-Urban Flood Assessment Overlay; or 4. the flood depth in a 0.5% AEP event is less than 100mm. <p>Activity status where compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p>	Oppose.	<p>Amend as follows:</p> <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. EW-S1 to EW-S7 are met; and 2. the height of any filling does not exceed 0.25m above the ground level at (18 September 2021); or 3. the filling is for a building platform that is located greater than 2m from any site boundary within the Urban Flood Assessment Overlay, or greater than 10m from any site boundary within the Non-Urban Flood Assessment Overlay; or 	As above.

	EW-MD4 - Natural hazards		<p>4. the flood depth in a 0.5% AEP event is less than 100mm.</p> <p>5. <u>the earthworks are necessary to enable the maintenance or upgrading of regionally significant infrastructure, including for established community-scale irrigation and stockwater infrastructure.</u></p> <p>Activity status where compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: EW-MD4 - Natural hazards</p>	
<p>EW-R8</p> <p>Earthworks for underground infrastructure</p> <p>(This rule does not apply to any treatment plants, pump stations, canals, infiltration basins, open raw water storage ponds/lakes and treated water reservoirs provided)</p>	<p>"Activity status: PER</p> <p>Where:</p> <p>1. the activity is permitted under EI-R10.</p> <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> EW-MD1 - Activity operation, scale, form and location EW-MD6 - Coastal environment and hazards EW-MD7 - Water bodies, vegetation and fauna TREE-MD1 - Pruning, root protection area, trunk and crown, removal TREE-MD2 - Extent of benefit or need for the activity or works" 	Oppose.	<p>Amend EI-R8 to clarify the intended application of this rule.</p>	<p>EI-R10 is only applicable to quarrying. There is otherwise no permitted activity rule for earthworks for underground infrastructure. It is therefore not clear whether this rule is intended to apply only to quarrying, or to other types of underground infrastructure.</p>

Standards for earthworks	<i>General Rural Zone, Rural Lifestyle Zone, Special Purpose Zone (Kāinga Nohoanga) - sites outside of Tuahiwi Precinct: 500m3 or 100m3 per ha, whichever is greater"</i>			
EW-S2 General setbacks	<p>1. <i>Earthworks more than 300mm in height or depth shall be set back a minimum of 2m from any boundary of a site in different ownership.</i></p> <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: EW-MD1 - Activity operation, scale, form and location EW-MD2 - Nuisance and reverse sensitivity EW-MD3 - Land stability EW-MD4 - Natural hazards EW-MD5 - Rehabilitation EW-MD6 - Coastal environment and hazards EW-MD7 - Water bodies, vegetation and fauna EW-MD8 - Outstanding natural features and landscapes</p>	Oppose.	<p>Amend this standards to provide for earthworks for linear infrastructure that, due to operational requirements, often lies adjacent to boundaries, as follows:</p> <p>1. Earthworks more than 300mm in height or depth shall be set back a minimum of 2m from any boundary of a site in different ownership, <u>unless the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals.</u></p>	As above, this standard would create burdensome consenting requirements on the operation of linear infrastructure, which is often located along property boundaries. WIL seeks that such infrastructure is exempt from these limits.
EW-S3 Setback from waterbodies	<p>1. <i>Earthworks shall not be undertaken:</i></p> <p>a. <i>within 20m from the bank of any stream, river; or</i></p> <p>b. <i>within 50m of the edge of any wetland or lake.</i></p> <p>Activity status when compliance not achieved: RDIS</p>	Oppose.	<p>Amend as follows:</p> <p>...</p> <p><u>Except where the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals.</u></p>	As above, the WIL infrastructure traverses much of the district and in many places may be within 50 metres of a mapped wetland or 20 metres of a stream or river, without those earthworks having any impact on those waterbodies. In order to avoid unnecessary and burdensome consenting requirements, WIL seeks that earthworks associated with its

	<p>Matters of discretion are restricted to:</p> <p><i>EW-MD7 - Water bodies, vegetation and fauna</i></p>			infrastructure are exempt from such requirements.
EW-S5 Excavation and filling	<p>1. <i>Except for the burial of dead animals, and for offal pits, earthworks shall achieve the following:</i></p> <ul style="list-style-type: none"> a. <i>a maximum height of 1.5m above ground level,</i> b. <i>a maximum depth of 2m below ground level;</i> c. <i>material used for filling of land must be cleanfill material.</i> <p>Activity status when compliance not achieved:</p> <p>RDIS</p> <p>Matters of discretion are restricted to:</p> <p><i>EW-MD1 - Activity operation, scale, form and location</i></p> <p><i>EW-MD2 - Nuisance and reverse sensitivity</i></p> <p><i>EW-MD3 - Land stability</i></p> <p><i>EW-MD4 - Natural hazards</i></p> <p><i>EW-MD5 - Rehabilitation</i></p> <p><i>EW-MD6 - Coastal environment and hazards</i></p> <p><i>EW-MD7 - Water bodies, vegetation and fauna</i></p> <p><i>EW-MD8 - Outstanding natural features and landscapes</i></p>	Support.	Retain as notified.	WIL considers that this standard is generally appropriate.
EW-S6 Earthworks maximum slope	<p>1. <i>Earthworks shall not be undertaken on land that has a slope of more than 1:4 (25%) where the volume of cut exceeds 10m³ or the volume of filling exceeds 30m³ within any 12 month period.</i></p>	Support.	Retain as notified.	WIL considers that this standard is generally appropriate.

	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p><i>EW-MD1 - Activity operation, scale, form and location</i></p> <p><i>EW-MD2 - Nuisance and reverse sensitivity</i></p> <p><i>EW-MD3 - Land stability</i></p> <p><i>EW-MD5 - Rehabilitation</i></p> <p><i>EW-MD7 - Water bodies, vegetation and fauna</i></p> <p><i>EW-MD8 - Natural features and landscapes</i></p>			
EW-S7 Earthworks sediment control	<p><i>While earthworks are being undertaken or rehabilitated, sediment from the earthworks shall be prevented from entering any water body, drain or stockwater race.</i></p> <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> • <i>EW-MD1 - Activity operation, scale, form and location</i> • <i>EW-MD2 - Nuisance and reverse sensitivity</i> • <i>EW-MD4 - Natural hazards</i> • <i>EW-MD6 - Coastal environment and hazards</i> • <i>EW-MD7 - Water bodies, vegetation and fauna</i> • <i>EW-MD8 - Outstanding natural features and landscapes</i> 	Oppose.	<p>Amend to provide for earthworks in stockwater races as follows:</p> <p><i>While earthworks are being undertaken or rehabilitated, sediment from the earthworks shall be prevented from entering any water body, drain or stockwater race, <u>except where the works are for the maintenance of stockwater races, in which case methods shall be implemented to reduce the suspension of sediment.</u></i></p>	Excavation of stockwater races remains essential for the safe and efficient functioning of these races. It is important that the standards do not restrict these works.
EW-MD1 Activity operation, scale, form and location	...	Support in part.	<p>Amend as follows:</p> <p><u>x. the safe and efficient functioning of infrastructure.</u></p>	WIL generally supports the matters of discretion for earthworks, but seeks that this also includes consideration of the effect of the proposed earthworks on the safe and efficient functioning of infrastructure.

EW-MD2 Nuisance and reverse sensitivity				
EW-MD3 Land stability				
EW-MD4 Natural hazards				
EW-MD5 Rehabilitation				
EW-MD7 Water bodies, vegetation and fauna				
EW-MD8 Outstanding natural features and landscapes				

Submission ends.