



File Ref: SAR 04 63-08

14 October 2010

The Chief Executive Officer
West Coast Regional Council
PO Box 66
Greymouth 7840

Attention: Chris Ingle

Dear Chris

Re: Proposed Regional Land and Water Plan-Public Notification

Thank you for the opportunity to submit on the West Coast Regional Council Proposed Regional Land and Water Plan. Please find attached a copy of the submission on behalf of the Director-General of Conservation on the proposed plan change.

You will note that the submission seeks that the proposed Regional Land and Water Plan not be approved in its current form. I would like to clarify that the Department of Conservation supports the merge of three plans into one Proposed Land and Water Plan. However, for the Proposed Plan to adequately provide for the sustainable environmental management of the West Coast Region several issues need to be addressed as are outlined in my submission. In particular, the proposed plan must reflect the outcome of the current Environment Court wetlands appeals. It must be noted that the submission is only on changes, not on existing provisions that are being amalgamated. The department understands that Council will not be accepting submissions from other submitters on provisions simply being amalgamated.

The Department would like to make ourselves available for any discussion or meetings with the Council regarding this matter. Please contact Jo Stapleton at (03) 756 9147 if you would like to arrange for a meeting, and/or have any comments or queries regarding the submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Hickford'.

Chris Hickford
Community Relations Manager
Department of Conservation, West Coast Conservancy Office

Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

To: West Coast Regional Council

Submission on: Proposed Regional Land and Water Plan

Submitter: Chris Hickford, Community Relations Manager, West Coast Conservancy of the Department of Conservation, under delegated authority, make the following submission on behalf of the Director-General of Conservation

This is a submission on a the notification of the Proposed Regional Land and Water Plan

The Department would like to congratulate the Council on its efforts to review and improve the integration of three plans into one Proposed Regional Land and Water Plan. The specific provisions of the variations, my submission on those provisions, and the decision I seek from the consent authority on those provisions are as follows.

I wish to be heard in support of this submission.

General Comments

1 Entire Plan

The department opposes the entire plan and the proposed plan process should be placed on hold until, or renotified after, the outcome of [2010] NZ ENV 345, and any final decision can be incorporated into the new proposed plan. The outcome of this Court decision has important implications for all parts of this proposed plan.

2 Wetlands

Submission: oppose

Oppose the entire Wetlands chapter and any other parts of the plan that directly or indirectly relate to wetlands as it is currently worded in the Proposed Plan.

Decision sought:

Amend the wetlands chapter and any other parts of the plan that directly or indirectly relate to wetlands throughout the Plan to reflect the changes as a result of Environment Court decision [2010] NZ ENV 345, and any final decision. Also amend any other parts of the Plan that need amendment as a result of the changes directed by the Court through the current Variation 1 process.

3 Water Plan Appeal

Submission: oppose

Oppose any amendments prejudicial to the outcome of existing appeals on the Water Plan relating to wetlands matters.

Decision sought:

Ensure that the outcome of water plan appeals will be incorporated into the new proposed plan. If necessary, this should require deferral of the Water Plan into the new proposed plan.

4 Any changes sought need to be consistent throughout the plan

Submission: amend

Where a plan provision in the plan has been submitted on, consequent changes may be required in other parts of the Plan to remove inconsistencies that may otherwise be introduced. These changes are implied in the submission on each provision and are requested.

Decision sought:

Amend the provisions in the Plan as necessary to remove any inconsistency created by making specific amendments in this submission.

5 Cross Referencing

Submission: amend

Cross reference, for all plan provisions to which cross-referencing needs to apply.

Decision sought:

Amend the Proposed Plan by adding cross references throughout the plan where necessary.

Specific Comments

6 Chapter 5 Wetlands

Submission: oppose and amend

Oppose the chapter in its entirety

Decision sought:

That the plan is consistent with, and incorporates, any changes directed by the Environment Court as a result of **[2010] NZ ENV 345, and any final decision.**

7 Objective 9.2.1

Submission: support and amend

Objective 9.2.1 is supported. However there remain some concerns regarding the use of water clarity to assess water quality.

A more effective measure would be the Trophic level Index (TLI). This is a measure that uses four parameters, TN, TP, clarity and chlorophyll a. As these parameters are currently monitored by council it would seem feasible to utilise these in the calculation of TLI and

would allow the change in lake water quality to be more closely assessed. Utilising TLI would enable classification of the lake in its present state and to detect change in the lake over time.

Decision sought:

Use the Trophic Level Index (TLI) as a measure for water quality rather than water clarity.

8 Policy 9.3.3

Submission: oppose and amend

The Department would prefer to see a policy that addresses both phosphorus and nitrogen discharges.

Decision sought:

Amend the policy to the following wording:

“To reduce the amount of nutrients discharged in the Lake Brunner catchment”.

9 Policy 9.3.4

Submission: support and amend

The Department supports that discharge to water is not appropriate. The wording in the explanation is vague, stating that “strong preference [will be] given to discharges to land and that low application rate systems...are likely to be required”. This wording lacks strength and does not provide certainty to users of what will be required from applicants.

Decision sought:

Amend the explanation in Policy 9.3.4 to the following wording:

“...~~are likely to~~ will be required”.

10 Policy 9.3.5

Submission: support and amend

This Policy is supported and should be implemented region wide rather than just in Lake Brunner.

There is confusion as to what ‘preference’ means in the explanation.

Decision sought:

Amend the explanation to include a more concise word than ‘preference’ and implement this policy region wide.

11 Policy 9.3.6

Submission: oppose and amend

This policy undermines policy 9.3.3 which aims to “reduce” phosphorus discharge in the catchment while the explanation for this policy aims to “maintain, or reduce” phosphorus to the lake. Also it states that future phosphorus use should not exceed past phosphorus use per property.

Decision sought:

Amend the explanation of Policy 9.3.6 to be consistent with Policy 9.3.3. Amend in the following way:

Delete and replace with the following:

“~~maintain or reduce~~”

12 Policy 9.3.7

Submission: support and amend

Encouraging methods of wintering stock is a progressive policy and could work well. This policy needs a rule to ensure that the effects of effluent are managed.

Decision sought:

Add a rule to ensure that the effects of effluent from wintering stock are managed.

13 Method 9.4.5

Submission: support and amend

The Department agrees with this method and would like to see it supported with a rule requiring the development and use of nutrient budgets (such as OVERSEER®) which takes into account all sources of nutrients and is designed to minimise leaching rates.

Decision sought:

Support this Policy and add a Rule that requires the development of nutrient budgets.

14 Method 9.4.6

Submission: support

The use of Farm Plans as a management approach is supported.

Decision sought:

Support this policy in its entirety.

15 Rule 9

Submission: support

The Department supports this rule.

Decision sought:

Support this rule

16 Rule 10

Submission: oppose and amend

Fences 1m from water ways are effective at restricting stock access but are not effective at addressing overland flow during high rainfall events. For the Lake Brunner catchment it would be suitable to consider changing the fencing margin to 3m from the edge of the waterway rather than 1m.

Decision sought:

Change fencing distance from the waterway from 1 metre to 3 metres.

17 Rule 17

Submission: oppose and amend

This rule would be clear and concise if it included provision for the definition of a farm drain.

Decision sought:

Define farm drain

18 Rule 18

Submission: oppose

The wording of this rule needs to be consistent with the outcome of the wetlands litigation.

Decision sought:

Amend wording to be consistent with the outcome of the wetlands litigation.

19 Rules 65, 66, 74, 77, 78

Submission: oppose and amend

It is not clear how the West Coast Regional Council will monitor whether there are any adverse effects of discharges on any take of water for human consumption in rules 65, 66, 74, 77 and 78. Clarification is also sought in regards to whether there will be certain water quality limits that need to be met. If there are certain water quality standards, the rules need to reference what the standards are.

Decision sought:

Oppose in current form and clarification is required regarding how adverse effects of discharges on any take of water for human consumption in rules 65, 66, 74, 77 and 78 will be monitored and what the water quality standards are.

20 Rule 72

Submission: oppose and amend

This rule could be strengthened by including a condition requiring the discharge of fertiliser to be in accordance with a nutrient budget as part of the Farm Plan. This would also be an effective replacement of condition a) and the ambiguous use of 'discernible'.

Decision sought:

Add a condition to the rule requiring the discharge of fertiliser to be in accordance with a nutrient budget as part of the Farm Plan and delete the word 'discernable'.

21 Rule 73

Submission: oppose and amend

In 73(d) there is concern that the amount is too high. The limit of 275kgN/ha/yr is higher than any other Council limits in New Zealand with the majority of Regional Councils limiting land application of agricultural effluent to a rate of 200kgN/ha/yr or less.

Decision sought:

Delete and amend to read the following:

In 73(d) and in the note "~~275kgN/ha/yr~~ 200kgN/ha/yr"

22 Rule 84

Submission: oppose and amend

The use of the word 'discernible' in this rule is too vague.

Decision sought:

Amend 'discernible' to a more clear and concise word.

Dated at Hokitika the 15TH day of OCTOBER 2010



Chris Hickford
Community Relations Manager, West Coast *Tai Poutini* Conservancy
Acting pursuant to delegated authority

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