BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of the Canterbury Regional Council’s Proposed Land and Water Regional Plan

BETWEEN Ruby Views Limited ("RVL")
Submitter

and

Meadow Mushrooms Limited ("MML")
Submitter

AND

The Canterbury Regional Council
Local Authority

WRITTEN STATEMENT OF RUBY VIEWS LIMITED AND MEADOW MUSHROOMS LIMITED IN SUPPORT OF THEIR SUBMISSIONS TO THE PROPOSED LAND AND WATER REGIONAL PLAN PREPARED BY RESOURCE MANAGEMENT GROUP LIMITED
EXEUTIVE SUMMARY

1. This matter relates to submissions from Meadow Mushrooms Limited ("MML") and Ruby Views Limited ("RVL") on the Proposed Land and Water Regional Plan ("pLWRP"). Their submissions relate to the following provisions of the pLWRP:
   a. Section 2.10 - Definitions;
   b. Section 4 – Policies; and
   c. Section 5 – Region-wide Rules

2. The primary relief sought relates to:
   a. The definition of contaminated land;
   b. The definition of hazardous substances;
   c. The definition of on-site wastewater treatment system;
   d. Policy 4.16 regarding the discharge of contaminants to groundwater;
   e. Policy 4.23 regarding the discharge of hazardous substances from contaminated land;
   f. Rule 5.5 relating to recovery activities;
   g. Rules 5.7-5.10 relating to on-site wastewater;
   h. Rules 5.39-5.46 relating to farming;
   i. Rules 5.72 and 5.73 relating to stormwater;
   j. Rule 5.79 relating to bores; and
   k. Rule 5.164 relating to hazardous substances

3. This written statement does not address all relief sought as outlined above, but instead focuses on key areas of concern to MML and RVL. In addition, the submission point relating to farming will be addressed in the Group 2 hearings.

INTRODUCTION

4. Meadow Mushrooms Limited (MML) is New Zealand’s leading producer of mushrooms and mushroom products and the majority of its operations are based in Canterbury.

5. Ruby Views Limited (RVL) is a land developer specialising in the field of affordable residential land development. Since lodging the original submission, a land development company called Beach Road Estates Limited (BREL) has taken responsibility for the subdivision and development of a site at Beach Road, Kaiapoi. As advised to the Canterbury Regional Council (CRC) on 4 February 2013, RVL have formally given BREL responsibility for any further matters relating to the hearings process for the pLWRP. For the purpose of this written statement, RVL will still be referred to in terms of their original submission.
6. MML’s and RVL’s key area of concern is the effect of the rule framework in the pLWRP on their existing and future land developments. The main areas of concern outlined in this written statement relate to stormwater and wastewater discharges to land and water, contaminated land, and hazardous substances.

7. MML and RVL have elected to file a written statement to set out their position, rather than present evidence at the Group 1 hearing. For this reason, care has been taken to present this statement in a logical and factual matter.

MML AND RVL SUBMISSIONS

8. Pursuant to Clause 6 of the First Schedule of the Act, MML (Submitter 128) and RVL (Submitter 359) lodged submissions to the pLWRP. Following the release of submissions, MML also lodged a further submission. All three submissions are included in Appendix One.

9. The matters contained in the submissions are discussed in detail in the following section. For clarity, the matters relating to on-site wastewater discharges relate solely to MML’s submission as RVL did not submit on on-site wastewater matters.

DISCUSSION

Discharges

On-Site Wastewater – Definition

1. The pLWRP contains provisions relating to the discharge of wastewater from existing, new or upgraded on-site domestic wastewater treatment systems onto or into land. These are of interest to MML as wastewater that is not used re-used as part of their composting process at their Norwood mushroom compost production facility is discharged to the surrounding land. In addition, MML have two on-site wastewater treatment systems for staff amenity facilities.

2. As defined by the pLWRP, an on-site wastewater treatment system includes “a system that…treats and applies the wastewater to a land application system or a holding tank.” MML considers the reference to ‘holding tank’ in the definition confusing, as the rules relating to on-site wastewater treatment control the discharge of treated wastewater onto or into land; and not its storage.

3. In that regard, MML seeks the reference to ‘holding tanks’ be deleted from the definition.

4. The Section 42A report makes a recommendation to this effect.

5. Also of interest to MML is the matter of ‘domestic’ wastewater. The scope of Australian/New Zealand Standard for ‘On-Site Domestic Wastewater Management’ (AS/NZS 1547:2012) for which Rules 5.7 and 5.9 relate, includes domestic wastewater as “systems for treating wastewater originating from household or personal activities ........... Such domestic
wastewater includes that from facilities serving staff/employees/residents in institutional, commercial and industrial establishments.”

6. As MML administer on-site wastewater treatment systems, they support the AS/NZS 1547:2012 definition, particularly that part which encompasses facilities serving employees in commercial and industrial establishments. While Rules 5.7 and 5.9 make reference to AS/NZS 1547:2012, it is not clear whether the pLWRP applies the same definition of ‘domestic wastewater’. This will affect the permitted status of the activity.

7. In that regard, MML seek the inclusion of a separate definition of ‘domestic wastewater’.

8. The Section 42A report recommends the definition of on-site wastewater treatment system be amended to reflect AS/NZS 1547:2012.

9. MML consider that the amendment recommended by the Section 42A report is appropriate as it will clarify those users considered ‘domestic’, reduce confusion for plan users and provide certainty for permitted activities. This amendment will address the relief sought by MML on these two matters.

On-Site Wastewater – Discharge Rules 5.7-5.10

10. The Ministry for the Environment’s Hazardous Activities and Industries List (HAIL) lists activities and industries that are considered likely to cause land contamination due to the “storage tanks or drums for fuel, chemicals or liquid waste”. Furthermore, Schedule 3 of the pLWRP lists these hazardous industries.

11. MML stores hazardous substances on their sites, and while all hazardous substances are contained with containment bunds, meaning there should not be contaminants in the soils, they are caught by the definition of “potentially contaminated”.

12. Of concern to MML is condition 6(b) of Rule 5.7, which triggers the requirement for consent from lawfully established on-site wastewater treatment systems where the discharge will be onto or into ‘potentially contaminated land’. MML consider that an exemption should be made for situations where it can be demonstrated that the storage of hazardous substances has been approved by Council; primarily by way of a discharge permit and/or land use consent.

13. In that regard, MML seek the addition of the exemption to condition 6(b) of Rule 5.7.
14. The Section 42A report recommends the inclusion of the exemption to Rule 5.7(6)(b), but rather than specifying particular activities, it exempts any activity where a discharge permit and/or land use consent for the storage of hazardous substances exists. It also recommends the inclusion of the exemption to Rule 5.9(3)(b) for the discharge from new or modified on-site wastewater treatment systems.

15. MML consider that if the storage of hazardous substances at a site has already been considered through a discharge permit and/or land use consent, then the exemptions recommended by the Section 42A report will avoid duplication. The addition of an exemption to Rule 5.9(3)(b), as proposed by the Section 42A report, will provide consistency within the rule framework. These amendments will address the relief sought by MML.

**Stormwater – Discharge Rules**

16. The discharge of stormwater from, onto or into ‘potentially contaminated land’ raises a similar issue to that discussed in Points 10-15 above, as MML’s sites and facilities fit within the definition of ‘potentially contaminated land’. Condition 2(a) of Rule 5.72 results in the discharge of stormwater from, onto or into ‘potentially contaminated land’ being a non-complying activity under Rule 5.73. It is recognised that stormwater generated from or discharged onto or into ‘potentially contaminated land’ could mobilise contaminants and that Council needs to control these activities.

17. RVL is also concerned about the non-complying activity status where any conditions of Rule 5.72 are not met. RVL is concerned that construction phase and post-construction phase (or even remediation) stormwater on a site, which is potentially contaminated, attracts such a strict activity status. This is particularly where the pLWRP states that generally consent would not be granted for non-complying activities except for in exceptional circumstances.

18. Both MML and RVL consider the non-complying status onerous; particularly as rain events cannot be avoided and industry standards are available to avoid, remedy or mitigate any adverse effects. MML are concerned that this could prevent them from carrying out essential upgrades at existing sites and facilities, as well as the development of new sites and facilities. RVL are concerned about the potential impacts on their site development at Kaiapoi or any other development sites in the future. MML and RVL consider that a restricted discretionary status is more appropriate.

19. In that regard, MML and RVL seek an amendment to Rule 5.73 to reflect a restricted discretionary status where the conditions of Rule 5.72 are not met, or, amend Rule 5.73 to allow for discharges from or onto potentially contaminated land to reflect a discretionary activity status.
20. The Section 42A report recommends that Rule 5.73 be amended to become a discretionary activity and states that a discretionary status is more appropriate (than restricted discretionary status) as it provides for the consideration of all aspects, rather than just the condition of Rule 5.72 (now recommended to be split as 5.72(a) and 5.72(b)) which it does not meet.

21. MML and RVL consider that a status which enables more discretion, such as restricted discretionary activity, would be more appropriate. Often a fully ‘discretionary’ status provides an umbrella for those activities where effects are so variable that it is not possible to prescribe standards to control them in advance. However in the case of stormwater discharges, by listing the permitted activity standards Council have indicated the conditions which are to be met in order to avoid, remedy or mitigate adverse effects from stormwater discharges. For this reason, MML and RVL believe the effects of the discharge are able to be anticipated and controlled by the pLWRP through a restricted discretionary status. A restricted discretionary status would make it clear to plan users the matters over which matters Council can exercise its discretion; while retaining the ability to decline an application if warranted by the adverse effects of the activity.

Hazardous Substances and Contaminated Land

Hazardous Substance – Definition

22. The pLWRP provides two definitions of a hazardous substance; one in Section 2.10 (the definitions chapter) and the other in Schedule 4 (Hazardous Substances). Both define a hazardous substance as containing one or more of the listed intrinsic properties or being of a nature that may generate a substance with any one or more of those properties; wording taken from the RMA and its reference to the Hazardous Substances and New Organisms Act. The difference between them being that the definition in Schedule 4 refers to the Hazardous Substances (Minimum Degrees of Hazard) Regulation 2001; a regulation that defines the level of hazard that triggers when a substance becomes hazardous.

23. MML and RVL seek that all hazardous substance provisions refer to a single definition; their preference being the Schedule 4 definition.

24. In that regard, MML and RVL seek that all hazardous substance provisions refer to the definition in Schedule 4 and that the definition in Section 2.10 be deleted.

25. The Section 42A report notes the discrepancy between the definitions and recommends that the definition in Section 2.10 be amended to reflect that in Schedule 4 (and not deleted).

26. MML and RVL consider that the consistent use of any term is vital, and the provision of a single definition will provide clarity for plan users. It is their view that the definition in Schedule 4 is the more appropriate of the two as it provides clarity on the level at which a substance is considered hazardous and this would provide greater certainty for activities. The Section 42A report amendment is supported and gives effect to the relief sought.
Contaminated Land and Potentially Contaminated Land - Policies

27. For the purposes of consistency within the contaminated land framework, MML and RVL seek the substitution of the term ‘contaminated sites’ with the term ‘potentially contaminated land’ in Policy 4.16 as the rules to which this policy relates refer to ‘potentially contaminated land’. Further, the term ‘contaminated site’ is not defined.

28. Similarly, MML and RVL seek the substitution of the term ‘contaminated land’ with the term ‘potentially contaminated land’ in Policy 4.23. They consider reference to the latter term more relevant as that is the term used in the relevant rules.

29. In that regard, MML and RVL seek amendments to Policies 4.16 and 4.23.

30. The Section 42A report recommends the amendment to Policy 4.23, but not to Policy 4.16. No discussion is provided as to why the reference to ‘contaminated sites’ in Policy 4.16 is recommended to be retained.

31. MML and RVL consider that consistency of terms is vital and provides clarity for plan users. They consider that if Council are of a mind to adopt the recommendation of the Section 42A report, the term ‘contaminated sites’ should also be defined in Section 2.10 (definitions). If the Section 42A report recommendation is not ultimately adopted, the relief sought by MML and RVL still stands.

Contaminated Land – No Adverse Effects - Policies

32. MML and RVL are concerned with the terminology used in Policy 4.23, being “any discharges...shall be managed to ensure there are no adverse effects on ...”. It is their view that terminology should be consistent with the policy framework and relevant rules, and that a reference to ‘avoiding’ adverse effects should be substituted.

33. In that regard, MML and RVL seek to amend the wording of Policy 4.23 as follows: “Any discharges of hazardous substances from contaminated land, including existing and closed landfills, shall be managed to ensure there are no adverse effects on people’s health or safety, on human or stock drinking water supplies, or on surface water are avoided.”

34. The Section 42A report dismisses the wording substitution on the premise that the ‘alternative’ does not ‘improve’ the PLWRP.

35. MML and RVL consider the terminology, as proposed, sets a high threshold, one that is in fact, higher than that directed by the purpose of the RMA of ‘avoiding, remedying or mitigating adverse effects’. They question whether the nature of the terminology fits with the permitted activity structure of the rules (which implement the policy). For that reason, MML and RVL do not agree with the recommendation of the Section 42A report.
Recovery Activity

36. The Region is prone to a range of natural hazards and pLWRP provides for ‘recovery activities’, through Rule 5.5 as a restricted discretionary activity. In their submission, the Royal Forest and Bird Protection Society (RFBPS) seek to restrict the duration of ‘recovery activities’ through an additional condition to Rule 5.5. MML consider this would defeat the purpose of the rule, which is to provide flexibility for ‘recovery activities’.

37. In that regard, MML, through their original and further submissions, and RVL through their original submission request that Rule 5.5 is retained without the amendment sought by RFBPS.

38. The Section 42A report also rejects the inclusion sought by RFBPS.

39. MML considers that the restriction of the duration of ‘recovery activities’ contradicts the intent of the rule and that the submission point made by RFBPS be rejected. The first ‘matter of discretion’ under that rule is the duration of the activity and it is considered that this provides adequate opportunity for the length of time of activities to be controlled by Council. Therefore MML agrees with the Section 42A report recommendation.

CONCLUSION

40. The submissions of MML and RVL, as well as this written statement, have highlighted key concerns that MML and RVL have in relation to the content of the pLWRP.

41. Various amendments have been sought to provide consistency and clarity to the pLWRP, including amendments to definitions, policies and rules relating to wastewater, stormwater, potentially contaminated sites and storage of hazardous substances.

42. Overall, the relief sought by MML and RVL seeks to ensure that the rule framework in the pLWRP does not negatively impact on their existing and future land developments.

Prepared by:
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Resource Management Planner
Resource Management Group Ltd
4 February 2013
APPENDIX ONE:

— ORIGINAL SUBMISSION OF MEADOW MUSHROOMS LTD
— ORIGINAL SUBMISSION OF RUBY VIEWS LTD
— FURTHER SUBMISSION OF MEADOW MUSHROOMS LTD
SUBMISSION ON THE PROPOSED LAND AND WATER REGIONAL PLAN


TO
Canterbury Regional Council
P O Box 345
CHRISTCHurch

NAME OF SUBMITTER
Meadow Mushrooms Ltd (“MML”)

A. SUBMISSION BACKGROUND

Format and Content of Submission
This part of the submission provides background about MML. It outlines details of its sites and operations within Canterbury.

This background is important as it provides a context in which the Council can assess and understand MML’s submission on the Proposed Land and Water Regional Plan (“proposed plan”).

The information in Part A of this submission is to ensure that this is a transparent process by which the Council is clear as to what it is that MML is requesting in its submissions and the reasons for such relief.

About MML
Formed in 1970, MML is New Zealand’s leading producer of mushrooms and mushroom products. Currently MML has the majority of its operations based in Canterbury. The different phases of mushroom production are spread across three sites, as follows:

- Giggs Crossing, Norwood – Mushroom Compost production facility within larger 532 hectare land holding leased for grazing (Phase 1);
- Springs Road, Prebbleton – Pasteurisation and Spawning of Compost for Mushroom growing (Phases 2 & 3).
- Wilmers Road, Hornby – Growing, packing and dispatch facilities (Phase 4);

The production of mushroom compost is undertaken within an enclosed building at Giggs Crossing. Any stormwater from roof and hardstand is collected in tanks, treated and re-used as part of the composting process. The resulting wastewater from the composting process is also re-used in the composting process, but can be discharged to the surrounding land holding via a consented irrigation system if required. There are two on-site wastewater treatment facilities for staff amenity facilities.
The operations at the Prebleton site are also undertaken within buildings with associated discharges of wastewater and stormwater to the reticulated Council system.

The growing, packing and dispatch facilities at Wilmers Road are also enclosed in purpose built buildings. Any stormwater generated from roofs is collected via downpipes, separated from wastewater where required, and discharged directly to ground via a soak pit located within the site. Stormwater from internal roads is directed to a grassed swale with any excess water being discharged via overflow chambers into higher permeable gravels. Stormwater from parking areas will be gravity fed via a pipe to the soakage basin. Wastewater is collected and held within tanks where it is then discharged to the CCC system in accordance with a tradewaste agreement.

MML’s key area of concern is the effect of the rule framework in the proposed plan on their existing and future operations. These concerns mainly relate to the rules on:

- Stormwater discharges to land and water,
- Wastewater discharges to land and water, and
- Farming activities.

B THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE SUBMISSION RELATES TO ARE:

The specific provisions of the proposed plan that MML’s submission relates to are as follows:

- Section 2.10 – Definitions
- Section 4 - Policies
- Section 5 – Region-wide Rules

C. DETAILS OF THE SUBMISSION:

Full details of MML’s submissions are outlined as follows:

Submission Point 1 – Section 2.10 – Definition of Contaminated Land

*Contaminated Land means land that has a hazardous substance in or on it that –
a) has significant adverse effects on the environment; or
b) is reasonably likely to have significant adverse effects on the environment*

MML opposes the inclusion of this definition. Even though this definition is from the Resource Management Act, the use of it in this proposed plan does not clearly explain to plan users what makes a parcel of land contaminated. It could be interpreted to mean any site that has contained hazardous substances on it (such as fuel storage) as if a substance escaped it would be reasonably likely to have significant adverse effects on the environment. Plan users would likely have to refer to other documents outside the proposed plan in order to understand how the definition was to be interpreted. Further, and most importantly, this definition causes confusion because there are no rules which refer to “contaminated land”, only rules which refer to “potentially contaminated land”, which is separately defined.
The definition also does not align with the Policy 4.23 which is the only place in the proposed plan which refers to contaminated land. Policy 4.16 also refers to “contaminated sites”, which is different terminology again, and is not separately defined. Policy 4.23 seeks to ensure there are no adverse effects on people’s health and safety, human or stock drinking water, and surface water from contaminated land. The definition only covers land where “significant” adverse effects exist.

MML considers that the definition is not required, and should be removed.

See submission point 4 in relation to Policy 4.16 and submission point 5 in relation to Policy 4.23.

Submission Point 2 – Section 2.10 – Definition of hazardous substances

_Hazardous Substances includes, but is not limited to any substance—_
_a) with 1 or more of the following intrinsic properties:_
_(i) explosiveness:_
_(ii) flammability:_
_(iii) a capacity to oxidise:_
_(iv) corrosiveness:_
_(v) toxicity (including chronic toxicity):_
_(vi) ecotoxicity, with or without bioaccumulation; or_
_b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)_

This definition does not match the definition in Schedule 4 of the proposed plan, which states that substances must also be defined in terms of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001. The definition of hazardous substances in Section 2.10 of the proposed plan (see above) comes straight from the Resource Management Act 1991 and would capture a broad range of substances that are not necessarily hazardous. The rules for storage of hazardous substances refer to the definition in Schedule 4. It is considered that other rules which have conditions which trigger consent because of hazardous substances being present on a site (such as Rule 5.31 and 5.33) should also refer to the definition in Schedule 4.

MML considers that, for consistency, all rules which relate to hazardous substances should refer to the same definition of hazardous substances (contained in Schedule 4). Therefore, the definition of hazardous substances in the definitions section of the proposed plan is not necessary and should be removed.

Submission Point 3 – Section 2.10 – Definition of On-site wastewater treatment system

_On-Site Wastewater Treatment System means a system that receives domestic wastewater from a single site and treats and applies the wastewater to a land application system or a holding tank._

MML considers this definition to be confusing, as rules relating to on-site wastewater treatment systems only cover situations where a discharge to land is occurring. If wastewater is being held in a holding tank on a site, there is no discharge, and therefore the rules relating to on-site wastewater treatment systems do not apply. The definition of on-site waste water treatment system includes holding tanks, when there is no discharge from these tanks.

MML considers that reference to a ‘holding tank’ within this definition should be removed.
Submission Point 4 – Section 4 – Policy 4.16

Policy 4.16 - The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated sites is avoided or minimised by ensuring that:
(a) activities are sited, designed and managed to avoid the contamination of groundwater;
(b) existing or closed landfills and contaminated sites are managed and monitored to minimise any contamination of groundwater; and
(c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of contaminants into the aquifer.

MML oppose the term ‘contaminated sites’ in this policy. The policy seeks to avoid or minimise discharges of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites, and contaminated sites. However, ‘contaminated sites’ is not defined in the proposed plan and there are no rules which specifically use that term. This policy could be made more relevant to the implementation methods by referring to “potentially contaminated land”, rather than contaminated sites.

MML considers that reference to ‘contaminated sites’ in Policy 4.16 should be replaced with ‘potentially contaminated land’.

Submission Point 5 – Section 4 – Policy 4.23

Policy 4.23 - Any discharges of hazardous substances from contaminated land, including existing and closed landfills, shall be managed to ensure there are no adverse effects on people’s health or safety, on human or stock drinking water supplies, or on surface water.

MML opposes the wording of this policy. It is inconsistent with the general policy framework. Most policies seek to avoid adverse effects on the environment, rather than ensuring that there are no effects whatsoever. This is a subtle difference, but MML believe that this policy should be consistent with the rest of the policy framework, and with the rules which relate to these policies.

The policy also refers to managing contaminated land, however there are no rules which specifically refer to contaminated land – rather there are rules which relate to “potentially contaminated land”. This policy could be made more relevant to the implementation methods by referring to “potentially contaminated land”, rather than contaminated land.

MML considers that this policy could be amended to be more consistent with other policies, and also to make it more relevant to the rules which are proposed to implement the policy.

Submission Point 6 – Section 5 – Rule 5.5 Recovery Activities

See Appendix One for this rule.

MML generally supports the inclusion of this rule. It complements the emergency works provisions in the Resource Management Act. The emergency works provisions allow land use activities to be carried out without first obtaining a resource consent in certain circumstances, but require a resource consent to be lodged after the works have been completed. In situations where the works have been undertaken when a regional or national state of emergency has been declared, the rule overrides the activity status of the works to make it a restricted discretionary activity.
MML considers that the approach of making land use activities undertaken in a regional or national state of emergency a restricted discretionary activity is a pragmatic approach, and is supportive of this rule.

**Submission Point 7 – Section 5 – Rules 5.7-5.10 On-site wastewater**

*See Appendix One for these rules.*

MML is generally supportive of the proposed on-site wastewater rules, however seeks clarification that the rules are intended to apply to on-site wastewater systems, other than purely domestic activities. The Australian/New Zealand Standard 1547:2012 referred to in these rules defines domestic wastewater as being “wastewater originating from activities including water closets, urinals, kitchens, bathrooms (including showers, washbasins, baths, spa baths but not spa pools or hot tubs) and laundries. Such domestic wastewater includes that from facilities serving staff/employees/residents in institutional, commercial and industrial establishments”.

It is not clear whether these rules apply the same definition of domestic wastewater. If the rules only provide for household domestic wastewater, instead of also providing for similar sized systems used for institutional, commercial and industrial establishments, this could result in waste water treatment systems for toilets at MML’s Norwood site not being permitted.

MML is also concerned that all lawfully established on-site wastewater treatment systems which are on land that is potentially contaminated now require a discharge permit under condition 6(b) of Rule 5.7. This would include any sites which have hazardous substances stored on them (as per the list in Schedule 3). All hazardous substances on MML’s properties are contained with containment bunds, meaning that there should not be contaminants in the soil, however they are caught by the definition of “potentially contaminated”.

MML believe there should be an exception made for situations where it can be demonstrated that hazardous substances have been managed so that they are not able to enter the soil on a site, i.e. where a discharge permit and/or land use consent for storage of hazardous substances exists which demonstrates that hazardous substances are managed and can be contained so that the land will not become contaminated.

**Submission Point 8 – Section 5 – Rules 5.39-46 Farming**

*See Appendix One for these rules.*

The proposed plan introduces a regime of rules for farming. It appears that the rationale for these rules is to monitor and minimise the loss of nitrogen to water from farming activities until good practice industry nitrogen levels are determined in 2017. Ultimately the rules seek to achieve the water quality outcomes in Policy 4.1.

However, there is no definition of “farming” or “farming activity” in the proposed plan. This provides uncertainty as to the extent of activities captured by the new rules, i.e. whether mushroom farming, currently included in the indoor intensive farming\(^1\) definition, is caught by the new farming rules. MML considers that a definition should be included to provide certainty for plan users.

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\(^1\) Indoor Intensive Farming includes any agricultural production which is carried out primarily within buildings, including but not limited to such activities as poultry farming (excluding low density free range poultry or the keeping of fewer than 12 birds), rabbit or fitch farming, pig farming or mushroom production. For the purpose of this Plan ‘Intensive farming’ excludes horticulture.
Submission Point 9 – Section 5 – Rules 5.72 and 5.73 Stormwater

See Appendix One for this rule.

The proposed plan states that any discharge which is not to a community or network utility operator stormwater system or is not from or onto potentially contaminated land, and which fails to comply with the standards in Rule 5.72 is a non-complying activity under Rule 5.73.

The definition of stormwater includes runoff generated by modifying the surface of land which increases or accelerates runoff (including construction activities). Under the proposed rule 5.72, construction phase and post-construction (or even remediation) stormwater on a site which is potentially contaminated, becomes non-complying. The proposed plan states that generally consent would not be granted for non-complying activities except for in exceptional circumstances.

MML considers that the proposed activity status for stormwater which does not comply with permitted activity rules is too onerous, given that stormwater cannot be avoided and there are recognised industry practices to ensure any adverse effects from stormwater are avoided, remedied or mitigated to an acceptable level.

Submission Point 10 – Section 5 – Rule 5.164 Hazardous substances

See Appendix One for this rule.

MML is supportive of the approach taken to the management of hazardous substances in the proposed plan. The rules permit the storage of hazardous substances, provided that other regulations, stock reconciliation and spill management is provided for. MML supports this approach, as it removes the need for multiple approvals under separate pieces of legislation.

D. THE FOLLOWING DECISION IS SOUGHT FROM ENVIRONMENT CANTERBURY:

Submission Point 1 – Contaminated Land Definition:

Remove the definition of contaminated land from Section 2 of the proposed plan; which should be done in conjunction with inserting the word “potentially” before the words “contaminated land” in Policy 4.23 (this amendment is described in further detail in submission point below).

Submission Point 2 – Hazardous Substances Definition:

Remove the hazardous substance definition from Section 2 of the proposed plan, so it is clear to plan users that the Hazardous Substance rules refer to hazardous substances as defined in Schedule 4.

Rules 5.13(1), 5.31(2), 5.33(1), 5.55(2)(b), 5.57(4)(b), 5.69(3)(a), 5.76(5), 5.115(1), 5.117(1), 5.166, 5.167, 5.168, 5.169 (there may be others) contain reference to hazardous substances either as conditions or in the rule heading. These rules should be amended to include the words “as defined in Schedule 4” after reference to hazardous substances. There may also be policies which require this amendment also.
Submission Point 3 – On-Site Wastewater Treatment System Definition:

Amend the definition of on-site waste water treatment system, to make it clear to plan users that the on-site wastewater rules do not apply to systems where there is no discharge occurring, as follows:

“On-Site Wastewater Treatment System - means a system that receives domestic wastewater from a single site and treats and applies the wastewater to a land application system or a holding tank”

Submission Point 4 – Policy 4.16

Amend Policy 4.16 to use terminology consistent with the rules of the proposed plan, as follows:

“4.16 The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and potentially contaminated sites land is avoided or minimised by ensuring that:
(a) Activities are sited, designed and managed to avoid the contamination of groundwater;
(b) Existing or closed landfills and potentially contaminated sites land are managed and monitored to minimise any contamination of groundwater; and
(c) There is sufficient thickness of undisturbed sediment in the confining layer over the coastal Confined Aquifer system to prevent the entry of contaminants into the aquifer.”

Submission Point 5 – Policy 4.23:

Amend Policy 4.23, to be consistent with the rest of the policy framework of the proposed plan which is to avoid adverse effects, as follows:

“4.23 Any discharges of hazardous substances from potentially contaminated land, including existing and closed landfills, shall be managed to ensure there are no adverse effects on people’s health or safety, on human or stock drinking water supplies, or on surface water are avoided.”

Submission Point 6 – Recovery Activities:

Support the inclusion of proposed Rule 5.5, as it provides more certainty about matters which will be considered when applying for a land use consent for works carried out in an regional or national state of emergency situation. No changes to the rule are sought.

Submission Point 7 – On-Site Wastewater System Rule:

Include the following definition of domestic wastewater in the Definitions section of the proposed plan, from AS/NZS 1547:2012:

“Domestic wastewater - Wastewater originating from activities including water closets, urinals, kitchens, bathrooms (including showers, washbasins, baths, spa baths but not spa pools or hot tubs) and laundries. Such domestic wastewater includes that from facilities serving staff/employees/residents in institutional, commercial and industrial establishments”

Amend condition 6(b) of Rule 5.7 as follows:

“(b) that is potentially contaminated, except where a discharge permit and/or land use consent for storage of hazardous substances exists which demonstrates that hazardous substances are managed so that the land will not become contaminated.”
Submission Point 8 – Farming Rules:

Insert new definition of "Farming Activity" which reads "means the use of land for the purposes of agricultural, horticultural, viticulture or pastoral farming, intensive livestock production, boarding or training of animals, but excludes indoor intensive farming and rural-related industry that involves the processing, packaging, direct handling, distribution and/or warehousing of any raw materials or primary products which are derived directly from a farming activity."

However, there may be other ways of achieving the relief sought.

Submission Point 9 – Stormwater Discharge Rule:

Amend Rule 5.73 to make stormwater discharges which do not comply with conditions of 5.72 a restricted discretionary activity, rather than a non-complying activity.

Alternatively, amend Rule 5.73 to state that a discharge from or onto potentially contaminated land is a discretionary activity.

Submission Point 10 – Hazardous Substances Rule:

Support the inclusion of proposed Rule 5.164. No changes are sought to that rule.

General Submission Points:

Notwithstanding the specific relief sought in submissions points 1 – 10 above, MML notes that there may be other ways of achieving the desired relief.

MML also seeks any consequential amendments that may be required as a result of the relief sought.

E. HEARING

MML wishes to be heard in support of its submission. If others make similar submissions, MML may be prepared to consider presenting a joint case with them at any hearing.

SIGNED for and on behalf of
Meadow Mushrooms Ltd

.........................
Sarah Totty
Authorised agent for and on behalf of Meadow Mushrooms Ltd

Dated: 5 October 2012
Address for service of Submitter:

Meadow Mushrooms Ltd
C/- Resource Management Group Limited
PO Box 9053
Tower Junction
Christchurch

Contact person: Sarah Totty

Telephone: (03) 962 1738
Email: sarah@rmgroup.co.nz

Appendices:
Appendix One – Copy of Regional Rules referred to in Submission Points
Appendix One:

Copy of Regional Rules referred to in Submission Points
General Rules:

5.5 - Any recovery activity that would otherwise contravene sections 9(2), 13(1), 14(2), s14(3) or s15(1) of the RMA and is not listed as a permitted activity in this Plan is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:
1. The duration and scale of the activity;
2. The adequacy of the management plan prepared in respect of the activity, and in particular, the identification of the effects and the proposed mitigation; and
3. The extent to which the proposed activity is consistent with the objectives and policies of this Plan.

On-site Wastewater:

5.7 The discharge of wastewater from an existing on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The discharge was lawfully established prior to 1 November 2013;
2. The treatment and disposal system has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance;
3. The volume of the discharge has not been increased as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system;
4. The treatment and disposal system is operated and maintained in accordance with the system’s design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management;
5. The discharge is within the area marked “Septic tank Suitability – Area A” on the Planning Maps; and
6. The discharge is not onto or into land:
   (a) where there is an available sewerage network;
   (b) that is potentially contaminated;
   (c) that is listed as an archaeological site;
   (d) where the discharge would enter any surface water body;
   (e) within 20 m of any surface water body or the Coastal Marine Area;
   (f) within 50 m of a bore used for water abstraction; or
   (g) within a group or community drinking water supply protection area as set out in Schedule 1 of this Plan.

5.8 The discharge of wastewater from an existing on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.7 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:
1. The effect of not meeting the condition or conditions of Rule 5.7.
2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.
5.9 The discharge of wastewater from a new or upgraded on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The discharge volume does not exceed 14 m³ per week;
2. The discharge is within the area marked “Septic tank Suitability – Area A” on the Planning Maps;
3. The discharge is not onto or into land:
   (a) where there is an available sewerage network;
   (b) that is potentially contaminated;
   (c) listed as an archaeological site;
   (d) where the discharge would enter any surface water body;
   (e) within 20 m of any surface water body or the Coastal Marine Area;
   (f) within 50 m of a bore used for water abstraction; or
   (g) within a group or community drinking water supply protection area as set out in Schedule 1.
4. The treatment and disposal system is designed and installed in accordance with Sections 5 and 6 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management; and
5. The treatment and disposal system is operated and maintained in accordance with the system’s design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management.

5.10 The discharge of wastewater from a new or upgraded on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.9 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:
1. The effect of not meeting the condition or conditions of Rule 5.9.
2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

Farming:

Note: All other rules in this Plan that control discharges, including of nutrients, from farming activities to water or onto or into land in circumstances where nutrients may enter water also have to be complied with. Examples of such rules are Rules 5.29 and 5.30 relating to offal pits.

5.39 Prior to 1 July 2017, the use of land for any farming activity existing at 11 August 2012 and outside of the Lake Zone shown on the Planning Maps, is a permitted activity if the following condition is met:

1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model, is kept and is provided to the CRC upon request.
5.40 Prior to 1 July 2017, the use of land for a farming activity existing at 11 August 2012 and within the Lake Zone shown on the Planning Maps, is a permitted activity if the following conditions are met:

1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model;
2. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
3. The Farm Environment Plan is externally audited each year for the first three years by a Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
4. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.

5.41 The use of land for a farming activity that does not comply with one or more of the conditions of Rules 5.39 or 5.40 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:
1. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
2. The potential effects of the land use on surface and groundwater quality, sources of drinking water;
3. The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary where relevant, under section 95B(3) of the RMA.

5.42 Prior to 1 July 2017 the use of land for a change to an existing farming activity is a permitted activity if the following conditions are met:

1. The land holder has been granted a water permit, or holds shares in an irrigation company that has been granted a water permit, that authorises irrigation on the land and the land is subject to conditions that specify the maximum amount of nitrogen that may be leached;
2. The property is outside a Lake Zone as shown on the Planning Maps;
3. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model;
4. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
5. The Farm Environment Plan is externally audited each year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
6. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.
5.43 Prior to 1 July 2017, the use of land for a change to an existing farming activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured pale blue or green on the Planning Maps is a restricted discretionary activity.

The CRC will restrict the exercise of discretion to the following matters:
1. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
2. The potential effects of the land use on surface and groundwater quality, and sources of drinking water;
3. The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

5.44 Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured orange on the Planning Maps is a discretionary activity.

5.45 Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.

Stormwater:

5.72 The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The discharge is into a community or network utility operator stormwater system; or
2. The discharge is not from or onto potentially contaminated land;
3. The discharge is not into:
   (a) a water race, as defined in Section 5 of the Local Government Act 2002;
   (b) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or
   (c) a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013;
4. The discharge does not result in an increase in the flow in the receiving water body at the point of discharge of more than 1% of a flood event with an AEP of 20% (one in five year event);
5. For a discharge of stormwater onto or into land:
   (a) the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property;
   (b) the discharge does not result in the ponding of stormwater on the ground for more than 48 hours;
   (c) the discharge is located at least 1 m above the highest groundwater level that can be reasonably inferred for the site at the time the discharge system is constructed;
   (d) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and
   (e) for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants; and
6. For a discharge of stormwater to surface water:
   (a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
(b) the concentration of total suspended solids in the discharge shall not exceed:
   (i) 50 g/m³, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
   (ii) 100 g/m³ where the discharge is to any other river or to an artificial watercourse; and
(c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.
SUBMISSION ON THE PROPOSED LAND AND WATER REGIONAL PLAN

Under clause 6 of the First Schedule
of the Resource Management Act 1991

TO

Canterbury Regional Council
P O Box 345
CHRISTCHURCH

NAME OF SUBMITTER

Ruby Views Ltd (“RVL”)

A. SUBMISSION BACKGROUND

About RVL

Ruby Views Ltd is a specialist land developer specializing in the field of affordable residential land development.

RVL's key area of concern is the effect of the rule framework in the proposed plan on their existing and future land developments. These concerns mainly relate to the rules on:

• Hazardous Substances; and
• Stormwater discharges to land and water.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE SUBMISSION RELATES TO ARE:

The specific provisions of the proposed plan that RVL's submission relates to are as follows:

• Section 2.10 – Definitions
• Section 4 - Policies
• Section 5 – Region-wide Rules
C. DETAILS OF THE SUBMISSION:

Full details of RVL’s submissions are outlined as follows:

Submission Point 1 – Section 2.10 – Definition of Contaminated Land

Contaminated Land means land that has a hazardous substance in or on it that –
\( a \) has significant adverse effects on the environment; or
\( b \) is reasonably likely to have significant adverse effects on the environment

RVL opposes the inclusion of this definition. Even though this definition is from the Resource Management Act, the use of it in this proposed plan does not clearly explain to plan users what makes a parcel of land contaminated. It could be interpreted to mean any site that has contained hazardous substances on it (such as fuel storage) as if a substance escaped it would be reasonably likely to have significant adverse effects on the environment. Plan users would likely have to refer to other documents outside the proposed plan in order to understand how the definition was to be interpreted. Further, and most importantly, this definition causes confusion because there are no rules which refer to “contaminated land”, only rules which refer to “potentially contaminated land”, which is separately defined.

The definition also does not align with Policy 4.23 which is the only place in the proposed plan which refers to contaminated land. Policy 4.16 also refers to “contaminated sites”, which is different terminology again, and is not separately defined. Policy 4.23 seeks to ensure there are no adverse effects on people’s health and safety, human or stock drinking water, and surface water from contaminated land. The definition only covers land where “significant” adverse effects exist.

RVL considers that the definition is not required, and should be removed.

See submission point 4 in relation to Policy 4.16 and submission point 5 in relation to Policy 4.23.

Submission Point 2 – Section 2.10 – Definition of hazardous substances

Hazardous Substances includes, but is not limited to any substance—
\( a \) with 1 or more of the following intrinsic properties:
(i) explosiveness:
(ii) flammability:
(iii) a capacity to oxidise:
(iv) corrosiveness:
(v) toxicity (including chronic toxicity):
(vi) ecotoxicity, with or without bioaccumulation; or
\( b \) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)

This definition does not match the definition in Schedule 4 of the proposed plan, which states that substances must also be defined in terms of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001. The definition of hazardous substances in Section 2.10 of the proposed plan (see above) comes straight from the Resource Management Act 1991 and would capture a broad range of substances that are not necessarily hazardous. The rules for storage of hazardous substances refer to the definition in Schedule 4. It is considered that other rules which have conditions which trigger consent because of hazardous substances being present on a site (such as Rule 5.31 and 5.33) should also refer to the definition in Schedule 4.
RVL considers that, for consistency, all rules which relate to hazardous substances should refer to the same definition of hazardous substances (contained in Schedule 4). Therefore, the definition of hazardous substances in the definitions section of the proposed plan is not necessary and should be removed.

Submission Point 3 – Section 4 – Policy 4.16

Policy 4.16 - The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated sites is avoided or minimised by ensuring that:
(a) activities are sited, designed and managed to avoid the contamination of groundwater;
(b) existing or closed landfills and contaminated sites are managed and monitored to minimise any contamination of groundwater; and
(c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of contaminants into the aquifer.

RVL oppose the term ‘contaminated sites’ in this policy. The policy seeks to avoid or minimise discharges of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites, and contaminated sites. However, ‘contaminated sites’ is not defined in the proposed plan and there are no rules which specifically use that term. This policy could be made more relevant to the implementation methods by referring to “potentially contaminated land”, rather than contaminated sites.

RVL considers that reference to ‘contaminated sites’ in Policy 4.16 should be replaced with ‘potentially contaminated land’.

Submission Point 4 – Section 4 – Policy 4.23

Policy 4.23 - Any discharges of hazardous substances from contaminated land, including existing and closed landfills, shall be managed to ensure there are no adverse effects on people’s health or safety, on human or stock drinking water supplies, or on surface water.

RVL opposes the wording of this policy. It is inconsistent with the general policy framework. Most policies seek to avoid adverse effects on the environment, rather than ensuring that there are no effects whatsoever. This is a subtle difference, but RVL believe that this policy should be consistent with the rest of the policy framework, and with the rules which relate to these policies.

The policy also refers to managing contaminated land, however there are no rules which specifically refer to contaminated land – rather there are rules which relate to “potentially contaminated land”. This policy could be made more relevant to the implementation methods by referring to “potentially contaminated land”, rather than contaminated land.

RVL considers that this policy could be amended to be more consistent with other policies, and also to make it more relevant to the rules which are proposed to implement the policy.
Submission Point 5 – Section 5 – Rule 5.5 Recovery Activities

See Appendix One for this rule.

RVL generally supports the inclusion of this rule. It complements the emergency works provisions in the Resource Management Act. The emergency works provisions allow land use activities to be carried out without first obtaining a resource consent in certain circumstances, but require a resource consent to be lodged after the works have been completed. In situations where the works have been undertaken when a regional or national state of emergency has been declared, the rule overrides the activity status of the works to make it a restricted discretionary activity.

RVL considers that the approach of making land use activities undertaken in a regional or national state of emergency a restricted discretionary activity is a pragmatic approach, and is supportive of this rule.

Submission Point 6 – Section 5 – Rules 5.72 and 5.73 Stormwater

See Appendix One for this rule.

The proposed plan states that any discharge which is not to a community or network utility operator stormwater system or is not from or onto potentially contaminated land, and which fails to comply with the standards in Rule 5.72 is a non-complying activity under Rule 5.73.

The definition of stormwater includes runoff generated by modifying the surface of land which increases or accelerates runoff (including construction activities). Under the proposed rule 5.72, construction phase and post-construction (or even remediation) stormwater on a site which is potentially contaminated, becomes non-complying. The proposed plan states that generally consent would not be granted for non-complying activities except for in exceptional circumstances.

RVL considers that the proposed activity status for stormwater which does not comply with permitted activity rules is too onerous, given that stormwater cannot be avoided and there are recognised industry practices to ensure any adverse effects from stormwater are avoided, remedied or mitigated to an acceptable level.

Submission Point 7 – Section 5 – Rule 5.79 Bores

RVL supports the inclusion of permitted activity rules for bores. The proposed plan makes geotechnical investigation bores a permitted activity, provided conditions are met. This is a more permissive approach than the Natural Resources Regional Plan, and removes the requirement for additional approvals to better understand ground conditions.

Submission Point 8 – Section 5 – Rule 5.164 Hazardous substances

See Appendix One for this rule.

RVL is supportive of the approach taken to the management of hazardous substances in the proposed plan. The rules permit the storage of hazardous substances, provided that other regulations, stock reconciliation and spill management is provided for. RVL supports this approach, as it removes the need for multiple approvals under separate pieces of legislation.
D. THE FOLLOWING DECISION IS SOUGHT FROM ENVIRONMENT CANTERBURY:

Submission Point 1 – Contaminated Land Definition:

Remove the definition of contaminated land from Section 2 of the proposed plan; which should be done in conjunction with inserting the word “potentially” before the words “contaminated land” in Policy 4.23 (this amendment is described in further detail in submission point below).

Submission Point 2 – Hazardous Substances Definition:

Remove the hazardous substance definition from Section 2 of the proposed plan, so it is clear to plan users that the Hazardous Substance rules refer to hazardous substances as defined in Schedule 4.

Rules 5.13(1), 5.31(2), 5.33(1), 5.55(2)(b), 5.57(4)(b), 5.69(3)(a), 5.76(5), 5.115(1), 5.117(1), 5.166, 5.167, 5.168, 5.169 (there may be others) contain reference to hazardous substances either as conditions or in the rule heading. These rules should be amended to include the words “as defined in Schedule 4” after reference to hazardous substances. There may also be policies which require this amendment also.

Submission Point 3 – Policy 4.16

Amend Policy 4.16 to use terminology consistent with the rules of the proposed plan, as follows:

“4.16 The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and potentially contaminated sites land is avoided or minimised by ensuring that:
(a) Activities are sited, designed and managed to avoid the contamination of groundwater;
(b) Existing or closed landfills and potentially contaminated sites land are managed and monitored to minimise any contamination of groundwater; and
(c) There is sufficient thickness of undisturbed sediment in the confining layer over the coastal Confined Aquifer system to prevent the entry of contaminants into the aquifer.”

Submission Point 4 – Policy 4.23:

Amend Policy 4.23, to be consistent with the rest of the policy framework of the proposed plan which is to avoid adverse effects, as follows:

“4.23 Any discharges of hazardous substances from potentially contaminated land, including existing and closed landfills, shall be managed to ensure there are no adverse effects on people’s health or safety, on human or stock drinking water supplies, or on surface water are avoided.”

Submission Point 5 – Recovery Activities:

Support the inclusion of proposed Rule 5.5, as it provides more certainty about matters which will be considered when applying for a land use consent for works carried out in an regional or national state of emergency situation. No changes to the rule are sought.
Submission Point 6 – Stormwater Discharge Rule:

Amend Rule 5.73 to make stormwater discharges which do not comply with conditions of 5.72 a restricted discretionary activity, rather than a non-complying activity.

Alternatively, amend Rule 5.73 to state that a discharge from or onto potentially contaminated land is a discretionary activity.

Submission Point 7 – Rule 5.79 Bores:

Support the inclusion of proposed Rule 5.79, as it provides for geotechnical investigations as a permitted activity.

Submission Point 8 – Hazardous Substances Rule:

Support the inclusion of proposed Rule 5.164. No changes are sought to that rule.

General Submission Points:

Notwithstanding the specific relief sought in submissions points 1 – 8 above, RVL notes that there may be other ways of achieving the desired relief.

RVL also seeks any consequential amendments that may be required as a result of the relief sought.

E. HEARING

RVL wishes to be heard in support of its submission. If others make similar submissions, RVL may be prepared to consider presenting a joint case with them at any hearing.

SIGNED for and on behalf of
Ruby Views Ltd

...................................
Sarah Totty
Authorised agent for and on behalf of Ruby Views Ltd

Dated: 5 October 2012
Address for service of Submitter:

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C/- Resource Management Group Limited
PO Box 9053
Tower Junction
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Telephone: (03) 962 1738
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Appendices:
Appendix One – Copy of Regional Rules referred to in Submission Points
Appendix One:

Copy of Regional Rules referred to in Submission Points
General Rules:

5.5 - Any recovery activity that would otherwise contravene sections 9(2), 13(1), 14(2), s14(3) or s15(1) of the RMA and is not listed as a permitted activity in this Plan is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:
1. The duration and scale of the activity;
2. The adequacy of the management plan prepared in respect of the activity, and in particular, the identification of the effects and the proposed mitigation; and
3. The extent to which the proposed activity is consistent with the objectives and policies of this Plan.

Stormwater:

5.72 The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The discharge is into a community or network utility operator stormwater system; or
2. The discharge is not from or onto potentially contaminated land;
3. The discharge is not into:
   (a) a water race, as defined in Section 5 of the Local Government Act 2002;
   (b) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or
   (c) a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013;
4. The discharge does not result in an increase in the flow in the receiving water body at the point of discharge of more than 1% of a flood event with an AEP of 20% (one in five year event);
5. For a discharge of stormwater onto or into land:
   (a) the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property;
   (b) the discharge does not result in the ponding of stormwater on the ground for more than 48 hours;
   (c) the discharge is located at least 1 m above the highest groundwater level that can be reasonably inferred for the site at the time the discharge system is constructed;
   (d) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and
   (e) for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants; and
6. For a discharge of stormwater to surface water:
   (a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
   (b) the concentration of total suspended solids in the discharge shall not exceed:
      (i) 50 g/m³, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
      (ii) 100 g/m³ where the discharge is to any other river or to an artificial watercourse; and
   (d) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.
**Hazardous Substances**

5.164 The use of land for the storage, other than in a portable container, and use of a hazardous substance listed in Part A of Schedule 4 is a permitted activity provided the following conditions are met:

1. All hazardous substances on a site are stored and used in accordance with requirements under the Hazardous Substances and New Organisms Act 1996. Evidence of compliance with these requirements shall be made available to the CRC upon request;
2. A current inventory of all hazardous substances on the site is maintained, and a copy of the inventory shall be made available to the CRC or emergency services on request;
3. For hazardous substances stored or held on or over land, all areas or installations used to store or hold hazardous substances are inspected at least once per month and repaired or maintained if any defects are found that may compromise the containment of the hazardous substance;
4. For hazardous substances stored or held in a container located in or under land, stock reconciliation is undertaken:
   (a) for service stations storing or holding fuel:
      If the stock reconciliation of product volumes stored in each container located in or under land at a service station shows a discrepancy of greater than 0.5% over three consecutive days or greater than a 1,000 litre loss in a single day, a Product Loss Investigation Procedure shall be implemented immediately. This procedure shall involve the following key steps:
      (i) Site Level check, including review of data and calculations and reconciliation actions;
      (ii) Where the cause of concern has not been identified by (i), an Engineering Check of the reconciliation equipment and observation wells;
      (iii) Where the cause of concern has not been identified by (ii), a Container Test;
      (iv) A copy of the procedure shall be kept on site at all times;
      (v) If there has been any physical loss of product identified by the above procedure, CRC shall be notified within 2 working days unless the loss occurred from a container in any area listed in condition (S), in which case notification shall occur within 24 hours of confirmation of the loss;
   (b) for all other sites storing any hazardous substances:
      Stock reconciliation is undertaken within 24 hours of a substance being delivered and thereafter on a fortnightly basis. If the stock reconciliation shows a discrepancy for the measurement period of more than 100 litres or 0.5%, whichever is the smaller, the CRC shall be notified within 2 working days unless the loss occurred from a container in any area listed in condition (S), in which case notification shall occur within 24 hours; and
   (c) records of stock reconciliations over the past three months shall be made available to the CRC upon request. If requested, a copy of the stock reconciliation and the most recent certification of the container shall be provided to The CRC within five working days;
5. For substances stored within a group or community drinking water supply protection area as set out in Schedule 1:
   (a) all hazardous substances on a site are stored under cover in a facility which is designed, constructed and managed to contain a leak or spill and allow the leaked or spilled substance to either be collected or lawfully disposed of;
   (b) spill kits to contain or absorb a spilled substance are located with storage facility and use areas at all times and train staff to manage spilled substances; and
6. Except where the storage was lawfully established before 4 July 2004 and the maximum quantity stored has not increased since that date, the substances shall not be stored within:
   (a) 20 m of a surface water body or a bore used for water abstraction;
   (b) 250 m of a known active fault that has a recurrence period of less than 10,000 years, and the land is:
      (i) over an unconfined or semi-confined aquifer; or
      (ii) within 50 m of a permanently or intermittently flowing river or a lake.
FORM 6

FURTHER SUBMISSION IN SUPPORT OF OR OPPOSITION TO A SUBMISSION ON THE
PROPOSED LAND AND WATER REGIONAL PLAN
UNDER CLAUSE 8 OF THE FIRST SCHEDULE
OF THE RESOURCE MANAGEMENT ACT 1991

TO: Canterbury Regional Council
PO Box 345
Christchurch

NAME: Meadow Mushrooms Ltd ("MML")

ADDRESS: Meadow Mushrooms Ltd
PO Box 2241
Christchurch 8140

(Please note the different address for service)

1. MEADOW MUSHROOMS:
   • Both opposes and supports submissions of the parties listed in the attached
     schedule that forms part of this further submission.

2. THE PARTICULAR PARTS OF THE SUBMISSIONS THAT ARE OPPOSED/SUPPORTED ARE:
   • As detailed in the attached schedule that forms part of this further submission.

3. THE REASONS FOR OPPOSING/SUPPORTING THE SUBMISSIONS ARE:
   • As detailed in the attached schedule that forms part of this further submission.

4. MEADOW MUSHROOMS DOES WISH TO BE HEARD IN SUPPORT OF ITS FURTHER
   SUBMISSIONS.

5. IF OTHERS MAKE A SIMILAR SUBMISSION MEADOW MUSHROOMS WOULD BE PREPARED
   TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.
SIGNED for and on behalf of 
Meadow Mushrooms Ltd as duly 
authorised agent

Sarah Totty 
Senior Consultant Planner 
Resource Management Group Ltd 

Dated: 14 November 2012

Address for service of 
person making submission:

Meadow Mushrooms Ltd 
C/- Resource Management Group Limited 
PO Box 9053 
Tower Junction 
Christchurch 

Attention: Sarah Totty 

Telephone: (03) 962 1738 
Email: sarah@rmgroup.co.nz
## Proposed Land and Water Regional Plan

### Further Submissions by Meadow Mushrooms Ltd.

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Plan Provision</th>
<th>Further Submission</th>
<th>Support/Oppose</th>
</tr>
</thead>
<tbody>
<tr>
<td>99 – Oil Companies</td>
<td>New Rules for Contaminated Land</td>
<td>The submitter seeks to address legacy discharges from sites which are known to be contaminated. The Oil Companies are concerned that the general rule 5.6 would mean that all passive discharges from contaminated sites would require a resource consent as they are not otherwise permitted. It seeks to remedy this by introducing a permitted framework for discharges from contaminated sites. There is a possibility that Ecan could technically use Rule 5.6 to tidy up legacy discharges, however this is considered to be unlikely as it would require a significant amount of resources. However, there is merit in this submission. MMML suggests that Ecan carefully consider the content of the proposed rules and whether the standards suggested are appropriate for the nature of the discharge.</td>
<td>Support in Part  Relief Sought – Accept submission point “A-C” in Schedule Five to the extent that it seeks the introduction of a permitted activity framework for legacy discharges on contaminated sites, but request Ecan to consider whether the proposed conditions are the most appropriate way to determine whether a discharge is permitted, or whether there may be other suitable conditions for this proposed new rule.</td>
</tr>
<tr>
<td>167 Canterbury Regional Council</td>
<td>Rule 5.7 Onsite wastewater disposal</td>
<td>This submitter seeks to include additional requirements for septic tanks, including that the discharge shall not include any hazardous waste. Hazardous waste is defined in the PLWRP as waste which includes bacteria and pathogens. The purpose of a septic tank is to treat human effluent, however the...</td>
<td>Oppose in part  Relief Sought – Reject part of the submission on Rule 5.7 which seeks to include reference to hazardous...</td>
</tr>
<tr>
<td>Submitter</td>
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<tr>
<td>Canterbury Regional Council</td>
<td>Rule 5.9 - Onsite wastewater disposal</td>
<td>Discharge from these systems may have residual bacteria, and as such it may not be possible to comply with this requirement, meaning that there is potential for all septic tank discharges to require a consent.</td>
<td>Oppose in part</td>
</tr>
<tr>
<td>Relief Sought – Reject part of the submission on Rule 5.9 which seeks to include reference to hazardous waste.</td>
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<tr>
<td>167 Nga Runanga o Canterbury and Te Runanga o Ngai Tahu</td>
<td>Rule 5.7 - Onsite wastewater disposal</td>
<td>This submission seeks to require all existing septic tank discharges to obtain a discharge consent as a controlled activity. This requirement is considered to be unduly onerous. The environmental effects of septic tanks can be managed through permitted activity standards, including the relevant New Zealand Standard, without the need for a resource consent.</td>
<td>Oppose</td>
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<td>Relief Sought – Reject submission point relating to the activity status of Rule 5.7.</td>
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<tr>
<td>364 Forest and Bird</td>
<td>Various</td>
<td>This submission seeks to introduce the requirement for a global discharge permit to be obtained for all farming activities. This requirement is considered to be unduly onerous and may penalise farms which have only minor discharges and is not an effects-based approach.</td>
<td>Oppose</td>
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<tr>
<td>Relief Sought – Reject submission points relating to the introduction of a global farm discharge consent (in relation to submission on rules 5.33, 5.34 and 5.37).</td>
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