

**BEFORE ENVIRONMENT CANTERBURY**

**IN THE MATTER OF**      the Resource Management Act 1991

**AND**

**IN THE MATTER OF**      The Proposed Canterbury Land and  
Water Regional Plan – Group 1  
Hearing

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**STATEMENT OF EVIDENCE BY LORNA LOUISE THURSTON**

**4 February 2013**

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## **1. INTRODUCTION**

### **Qualifications and Experience**

- 1.1 My name is Lorna Louise Thurston. I hold an honours degree in Physical Geography from the University of Otago, obtained in 2009. I am a resource management consultant with the firm Mitchell Partnerships, which practices as a planning and environmental consultancy throughout New Zealand. I am a member of the Resource Management Law Association and New Zealand Coastal Society.
- 1.2 I have been engaged in the field of town and country planning and environmental management for over three years. I have focused on providing consultancy advice with respect to regional and district plans, resource consents and assessments of environmental effects.
- 1.3 My experience has been focused in the South Island. In the Canterbury Region, some of the projects I have been involved in include the Todd Property Pegasus Town Limited and Ravenswood Developments Ltd residential development projects in the Waimakariri District and Kennaway Park Joint Venture Partnership's industrial and business development project in Woolston, Christchurch City.
- 1.4 My firm has been engaged by Kennaway Park Joint Venture Partnership (comprising Arcus Property Investments Limited & KP Custodians Limited as subsidiaries, and abbreviated throughout this evidence to "Kennaway Park") to provide advice in relation to the Proposed Canterbury Land and Water Regional Plan. I was involved in the preparation of Kennaway Park's submission on the Proposed Plan.
- 1.5 Whilst I appreciate that this is not an Environment Court hearing, I confirm that I have read the Environment Court's Code of Conduct (2011) for expert witnesses and this evidence has been prepared in accordance with that code. I agree to comply with the code's terms. In that regard, I confirm that the statements made in this evidence are within my area of expertise (unless I state otherwise) and I also confirm that I have not omitted to consider material facts which might alter the opinions stated in this evidence.

## **Kennaway Park Joint Venture Partnership**

- 1.6 Kennaway Park Joint Venture Partnership (“Kennaway Park”) is currently developing Portlink Industrial Park for industrial and business purposes. Portlink Industrial Park is an approximately 30ha parcel of land, adjacent to the Lower Heathcote River and bounded by Tunnel Road to the east, in Woolston, Christchurch.
- 1.7 The site has been rezoned from Special Purpose (Ferrymead) Zone Area A to Business 4 (Suburban Industrial) via Plan Change 28 to the Christchurch City Plan (“City Plan”)<sup>1</sup>. The Business 4 Zone in the City Plan includes a number of light industrial and servicing areas in the city generally located within or adjoining suburban living areas. The Zone’s purpose is to provide for light industry, warehousing, and service industries as well as commercial activities, including offices. Some retail activity is also permitted in the Business 4 Zone.
- 1.8 In addition to the Plan Change, Kennaway Park has obtained various resource consents, including for the following activities on the Portlink Industrial Park site:

### ***From Environment Canterbury to:***

- Discharge contaminants to land and surface water associated with the filling and construction activities on the site<sup>2</sup>;
- Discharge contaminants to air associated with the filling and construction activities on the site<sup>3</sup>;
- Discharge stormwater to the Heathcote River following treatment<sup>4</sup>; and
- Discharge shallow subsurface land drainage water associated with Avoca Stream floods<sup>5</sup>.

### ***From Christchurch City Council:***

- To fill the site and crush materials onsite<sup>6</sup>;
- To construct, operate and maintain a distribution centre<sup>7</sup>;

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<sup>1</sup> Plan Change adopted in August 2009

<sup>2</sup> Environment Canterbury CRC064360

<sup>3</sup> Environment Canterbury CRC093540

<sup>4</sup> Environment Canterbury CRC110467

<sup>5</sup> Environment Canterbury CRC111944

<sup>6</sup> Christchurch City Council RMA20021062

<sup>7</sup> Christchurch City Council RMA92018156

- For a boundary adjustment<sup>8</sup>; and
- For Stage 2 of the subdivision, comprising 89,763m<sup>3</sup> of land<sup>9</sup>.

1.9 Resource consents are likely to be required in the future to continue subdividing the site into approximately 30 industrial/commercial lots, and to establish industrial and commercial activities on the site.

1.10 Kennaway Park's submission was principally concerned with how the Proposed Plan may affect the development of Portlink Industrial Park, in particular the ability to obtain resource consents from Environment Canterbury in the future for industrial and commercial activities (e.g. stormwater discharges, hazardous activities, construction and maintenance activities).

### **Scope of Evidence**

1.11 Kennaway Park lodged a number of submissions in relation to the Proposed Canterbury Land and Water Regional Plan ("Proposed Plan").

1.12 I have focused my evidence towards addressing those matters of key concern to Kennaway Park, which are:

- General support for the Officers' recommendations prepared under Section 42A of the Resource Management Act 1991;
- Support for the Officers' recommended activity statuses for stormwater discharges; and
- Opposition to Policy 4.6 relating to water quality.

1.13 I have also provided a table outlining Kennaway Park's submissions, and my comments on the Officers' recommendations in light of Kennaway Park's submissions, at **Appendix A**.

1.14 Whilst I have reviewed the Proposed Plan, for the most part I have focused my evidence on the recommendations made in the Section 42A Officers' Report.

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<sup>8</sup> Christchurch City Council RMA92018393

<sup>9</sup> Christchurch City Council RMA92021198

## 2. SUPPORT FOR OFFICERS' RECOMMENDATIONS

2.1 I have reviewed the Officers' recommendations in light of Kennaway Park's submissions, and I agree that many of the submissions have been resolved by the Officers' recommended amendments. In particular, I note that the submissions listed in **Table 1** below have been resolved.

**Table 1: Kennaway Park's Submissions Resolved by the Officers' Recommendations.**

Provision	Resolution as Recommended
Proposed Objectives 3.10, 3.11 and 3.18 (now Objectives 3.13, 3.4 and 3.20 following the Officers' amendments)	The wording has been improved to resolve Kennaway Park's submissions on these objectives.
Policy 4.1	Timeframes have been added.
Policy 4.3	The wording has been amended to be consistent with the RMA.
Rule 5.69.4(f)	The wording has been amended to be clear.
Rule 5.73	Amended to discretionary activity status (from non-complying).
Rule 5.117	Amended to allow minor discharges to surface water during the use and maintenance of lawfully established structures.
Rule 5.118	Point 1 of Rule 5.118, restricting permitted diversions to not more than one third the width of the water body, has been removed, and the permitted activity status for temporary structures and diversions has been retained.
Rule 5.119 - temporary discharges to water or to land.	Amended to permit the discharge of organic material originating from the bed of the lake or river.

Rule 5.158 (now Rule 5.156)	The activity status for excavation in or above the Coastal Confined Gravel Aquifer that does not meet the permitted activity conditions has been amended to restricted discretionary status (from discretionary).
Rule 5.162	A definition of “portable container” has been added, so that minor hazardous substance storage (for example of cleaning products) are not captured by the rule.

2.2 Several other rules and activity statuses that Kennway Park supported in its submissions have also been retained. These include Rule 5.19, Rule 5.70, Rules 5.89 and 5.91, Rule 5.148, Rule 5.163, and Rule 5.166, as well as the permitted activity statuses in Rules 5.72 (now Rule 5.72A & 5.72B following the Officers’ amendments) and 5.114, and the discretionary activity status in Rule 5.121.

2.3 I agree with the Officers’ recommendations listed above that have resolved or are consistent with Kennaway Park’s submissions. My comments on the individual provisions are provided in the table attached at **Appendix A**.

**3. STORMWATER DISCHARGE ACTIVITY STATUS**

3.1 The Officers’ Report recommends amending the activity status in Stormwater Rule 5.73, from non-complying to discretionary, which resolves Kennaway Park’s submission on this Rule. Kennaway Park submitted that discretionary activity status would be more appropriate for discharges that cannot meet the conditions in Rule 5.72 than non-complying activity status, and the Officers’ have taken heed of this submission.

3.2 Kennaway Park’s submission on Rule 5.73 was based on the following main points:

- Whilst the stormwater rules have been simplified from the existing Natural Resources Regional Plan (“NRRP”) (which is supported), the activity status has also become more stringent. The activity status proposed for stormwater discharges under the Proposed Plan is permitted or non-complying, with no intermediary activity statuses. In comparison, the

activity status under the NRRP is permitted or discretionary, and would only be non-complying if a permitted activity condition relating to Community Drinking Water Supply Protection Zones is triggered.

- Non-complying activity status should be reserved for activities which have the potential to generate significant adverse effects. Non-complying activity status should not apply to minor treated stormwater discharges.
- When the water quality focussed objectives and policies in particular are considered alongside the more stringent activity status set by Rule 5.73, the Proposed Plan could present a significant hurdle to obtaining resource consent for stormwater discharges that may be minor in terms of effects. Kennaway Park submitted that the Proposed Plan should be more flexible towards minor activities that cannot comply with all of the permitted activity conditions, so that social and economic benefits to be gained from the use of land and water resources are not unreasonably impeded.

3.3 I agree with Kennaway Park's submissions that relate to Rule 5.73. In particular, I agree that the Proposed Plan presents a significant hurdle to obtaining resource consent for stormwater discharges that do not achieve all of the permitted activity conditions. The discretionary activity status recommended by the Officers', as opposed to the proposed non-complying status, in Rule 5.73 resolves a more sustainable set of stormwater discharge provisions in my view.

3.4 Should the discretionary activity status be adopted, the actual and potential adverse effects, and the objectives and policies of the Canterbury Land and Water Regional Plan, will form relevant considerations in assessing the merits of a discretionary stormwater discharge permit application (as required by Section 104(1) (a) and (b) of the RMA). However, the amended activity status means that the more rigorous Section 104D test<sup>10</sup>, which is reserved for non-complying activities in the RMA, will not be required to be assessed.

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<sup>10</sup> [104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of [[section 95A(2)(a) in relation to adverse effects]], a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which [[section 104(3)(a)(ii)]] applies) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of—
  - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
  - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
  - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

- 3.5 As indicated in Kennaway Park's submission, the Section 104D test should be reserved for activities which have the potential to generate significant adverse effects. In my view, a treated stormwater discharge from an industrial or commercial site is not an exceptional circumstance, and with appropriate treatment, whilst potentially exceeding the permitted activity conditions, would not generally result in significant adverse effects.
- 3.6 Ultimately, the discretionary activity status (resolved by the Officers' for stormwater discharges that do not meet the permitted activity conditions) ensures that the relevant legislation and full range of effects emanating from a discharge are assessed in making a decision on a stormwater discharge permit, without presenting an unreasonable consenting hurdle for treated discharges which may have minor or less adverse effects.

#### 4. POLICY 4.6

##### Consequence of Policy 4.6 for Portlink Industrial Park

- 4.1 Kennaway Park submitted in opposition to proposed Policy 4.6, which with the Officers' recommended amendments underlined, reads as follows:

*"4.6 Where a water quality or allocation limit is set in Sections 6-15, resource consents will generally not be granted if the granting would cause the limit to be breached or further over allocation to occur. New consents replacing expiring consents may be granted, but will likely be subject to additional restrictions."*

- 4.2 Kennaway Park submitted that Portlink Industrial Park is within an area identified as "water quality outcomes not being met". As such, under Policy 4.6, I would interpret that a new consent to discharge to surface water will generally not be granted in the vicinity of the site. Kennaway Park submitted that this has the potential to impede development and have adverse social and economic effects. I agree with this submission.

- 4.3 Treated stormwater discharges are an anticipated, necessary part of the Christchurch urban environment. Such discharges are relied upon for development, for example at Portlink Industrial Park. As stated in the

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(2) *To avoid doubt, section [104\(2\)](#) applies to the determination of an application for a non-complying activity.]*



introduction to my evidence, Portlink Industrial Park has been zoned for industrial and commercial activities via a Plan Change, and a large part of the site has already been subdivided for this use. Kennaway Park has resource consent to discharge stormwater into the Heathcote River from Portlink Industrial Park via a treated system; however, land use activities currently establishing on the site may require site specific consents.

- 4.4 I consider that “generally” disallowing discharges at Portlink Industrial Park that do not comply with all of the permitted activity conditions is likely to present a significant consenting hurdle for this development, and may potentially impede certain industrial and commercial land uses from establishing on the site. In my view, Policy 4.6 introduces a predetermination that stormwater discharge permits at or in the vicinity of the Portlink Industrial Park site will not be granted, or in the case of consent renewals that additional restrictions will apply, without considering the breadth of effects of the proposal or the degree of effect on the water body.

#### **Ambiguity in Policy 4.6**

- 4.5 The word “generally” in Policy 4.6 is ambiguous and for this reason it would be exceedingly difficult to apply Policy 4.6 in assessing a resource consent application where the water quality outcomes set in the Proposed Plan, for example, are exceeded. The Policy provides no guidance to decision makers as to when an exception to the “general” norm would be appropriate, and a new resource consent may be granted. For example, it is uncertain whether a resource consent for a treated stormwater discharge associated with a new land use activity at Portlink Industrial Park would be an exception, given that the site has been zoned for industrial and commercial activities via a Plan Change, and a large part of the site has already been subdivided for this use. In this case, stormwater discharges via a treated system would not result in further deterioration of the waterway.

#### **Terminology**

- 4.6 Kennaway Park submitted that the reference to “limits” in Policy 4.6 is uncertain, and that the terminology used through the Proposed Plan should be clear and consistent.

- 4.7 I concur with Kennaway Park that the reference to “limits” in this Policy is uncertain and inconsistent with other terminology used throughout the Plan. This has not been addressed by the Officers’ in the Section 42A Report.
- 4.8 I note that a definition of “limit” is provided in the Proposed Plan, which reads as follows:
- “Limit includes any environmental flow and allocation regime in Sections 6-15 of this Plan and the groundwater allocations in Sections 6-15 of this Plan.”*
- 4.9 Sections 6-15 of the Proposed Plan set fresh water outcomes, environmental flow and allocation limits. The reference to “water quality limit” in Policy 4.6 is, therefore, inconsistent with the terminology used in Sections 6-15 and the definition of “limit”, and should be clarified.
- 4.10 In preparing my evidence, I have assumed that the intention is for Policy 4.6 to refer to the fresh water outcomes, environmental flow and allocation limits set in Sections 6-15.

#### **Legislative Framework**

- 4.11 The RMA already provides guidance for decision makers in assessing resource consent applications, as stated in Kennaway Park’s submission. Section 104 applies to all decisions, Section 105 sets out matters to have regard to in relation to discharges, and Section 107 sets additional restrictions in relation to discharges.
- 4.12 In addition to the RMA framework, Policy A2 of the National Policy Statement for Freshwater Management (“NPSFM”) and Policy 7.3.6(2) of the operative Canterbury Regional Policy Statement (“RPS”) are relevant considerations in relation to Policy 4.6 of the Proposed Plan (refer to **Appendix B**). It appears to me that Policy 4.6 has been introduced in an attempt to give effect to Policy 7.3.6(2) of the RPS in particular.
- 4.13 In my view proposed Policy 4.6 does not add value to the suite of regional water quality policies, because Policy 7.3.6(2) of the RPS is essentially achieving the same outcome with considerably more certainty. Policy 7.3.6(2) of the RPS guides the decision maker to make a judgement in terms of the adverse effects on the subject water body when deciding whether to grant a resource consent

application where a cumulative water quality standard is not met. Policy 4.6 of the Proposed Plan does not guide such a judgment of adverse effects, and instead places the decision maker in the difficult position of interpreting the term “generally” in making a decision.

4.14 Considering the legislative framework, the guidance provided to decision makers by the RMA and Policy 7.3.6(2) of the RPS is not improved or extended by Policy 4.6 of the Proposed Plan in my view.

4.15 Notwithstanding the above, Environment Canterbury is required to give effect to the RPS, and therefore a Policy following on from Policy 7.3.6(2) of the RPS would be appropriate. I have established in my preceding evidence that proposed Policy 4.6 has the potential to have adverse social and economic effects, is ambiguous and does not add value to the legislative framework. Therefore, it is my view that Policy 4.6 should be amended to better give effect to Policy 7.3.6(2) of the RPS.

#### **Replacement Policy**

4.16 I consider that Policy 4.6 should be amended. The following alternative policy wording is suggested in that it provides decision makers more clarity around inappropriate discharges:

4.6 *Where a water quality **outcome** or allocation limit is set in Sections 6-15, **discharges shall be avoided if the discharge would cause the outcome set in Sections 6-15 to be breached or further exceeded (if already breached), or for water takes for further over allocation to occur. New consents replacing expiring consents may be granted, but will likely be subject to additional restrictions.***

### **5. CONCLUSION**

5.1 The Officers’ recommendations resolve many of the submissions made by Kennaway Park. In particular, in my opinion the Officers’ proposed amendment to the activity status in proposed Rule 5.73, from non-complying to discretionary, is wholly appropriate. The Officers’ recommendations in relation to Rule 5.73, and the other provisions listed in paragraphs 2.1 and 2.2 of this evidence, should be adopted in my view.

5.2 There are only a few of Kennaway Park's submissions that remain unresolved by the Officers' recommendations, one of these being Kennaway Park's submission on Policy 4.6. I consider that proposed Policy 4.6 has the potential to result in adverse social and economic effects, and is ambiguous as to how it would apply to reasonable discharges into waterways which already exceed water quality outcomes. On this basis, I consider that Policy 4.6 should be amended.

**L L THURSTON**

**25 February 2013**

# **APPENDIX A**

Table of Submissions, Officers' Recommendations and Expert  
Comments

Provision Section 3 - Objectives	Position	Reasons	Decision Sought	Officers' Recommendations	Comments on Officers' Recommendations
				<p><i>The Objectives of this Plan must be read in their entirety and considered together. No single Objective has more importance than any other, <u>but in any particular case some Objectives may be more relevant than others.</u></i><sup>78</sup></p>	<p>Provides clarity that the Objectives are to be read and considered collectively.</p>
<p>3.10 <i>The significant indigenous biodiversity values, mahinga kai values, and natural processes of rivers are protected</i>".</p>	<p>Oppose in Part</p>	<p>Kennaway Park acknowledges that it is appropriate to protect significant indigenous biodiversity values in accordance with Section 6(c) of the RMA.</p> <p>Kennaway Park submits that Objective 3.10 should specify that it is concerned with the protection of flows, freshes and flow variability required to maintain life-supporting capacity and ecosystem processes. This approach would provide greater continuity with Policy 7.3.4 of the Proposed RPS and provide clarity as to what natural processes are intended to be protected and for what purpose.</p> <p>Kennaway Park submits that the management of mahinga kai values is already captured by Objectives 3.3 and Objective 3.8 of the Proposed Plan, which relate to the traditional relationship of Ngai Tahu with water resource and the maintenance of healthy ecosystems in lakes, rivers, hapua and wetlands.</p>	<p>Amend the Objective as follows:</p> <p>3.10 <i>The significant indigenous biodiversity values, <del>mahinga kai values</del> and flows, freshes and flow variability required to maintain life-supporting capacity and ecosystem processes <del>natural processes</del> of rivers are protected.</i></p>	<p>3.13 <i>The significant indigenous biodiversity values of rivers, natural wetlands and hāpua are protected and wetlands that contribute to cultural and community values, biodiversity, water quality, mahinga kai, water cleansing and flood retention properties are maintained.</i></p>	<p>Support. The Objective has been amended to be explicit in terms of the values being protected.</p>
<p>3.11 <i>Water is available for sustainable abstraction or use to support a variety of economic and social activities and maximum social and economic benefits are obtained from the efficient storage, distribution and use of the water which is available for abstraction.</i></p>	<p>Support in Part</p>	<p>Kennaway Park generally supports Proposed Objective 3.11 as it provides for the abstraction and use of water for social and economic wellbeing. However, Kennaway Park considers that this Objective is essentially seeking two outcomes, and it would be more user-friendly to split the Objective into two. This would ensure that the first part of the Objective is considered in its own right.</p> <p>In relation to the second part of the Objective, Kennaway Park is concerned that the reference to "maximum" benefits could be utilised by opponents to a project</p>	<p>Amend the Objective as follows:</p> <p>3.11a <i>Water is available for sustainable abstraction or use to support a variety of economic and social activities, <del>and</del></i></p> <p>3.11b <i>maximum <del>s</del>Social and economic benefits are obtained from the efficient storage, distribution and use of the water which is available for abstraction.</i></p>	<p>3.4 <i>Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the efficient storage, distribution and use of the water made available within the allocation limits or management regimes which are set in this Plan.</i></p>	<p>Support. The wording has been improved from the original Objective to alleviate Kennaway Park's concerns.</p>

		to challenge is appropriateness on the basis that an alternative (but possibly fanciful) proposal may generate the most benefits. Kennaway Park therefore seeks that the word “maximum” is removed.			
3.18 <i>The risk of flooding or erosion of land or damage to structures is not exacerbated by the diversion of water, erection, placement or failure of structures, the removal of gravel or other alteration of the bed of a lake or river, removal of vegetation, or the re-contouring of adjacent land.</i>	Support in Part	Kennaway Park considers it is appropriate that the risk of flooding or erosion of land and the risk of damage to structures is not exacerbated. Kennaway Park submits that it should be explicit that it is “the risk of” damage to structures that should be managed by this Objective. At present, the Objective may be interpreted to mean that damage to structures (rather than the risk) is not exacerbated, and this is clearly not the intention.	Amend the Objective as follows: <i>3.18 The risk of flooding or erosion of land <del>or</del> and the risk of damage to structures is not exacerbated by the diversion of water, erection, placement or failure of structures, the removal of gravel or other alteration of the bed of a lake or river, removal of vegetation, or the re-contouring of adjacent land.</i>	3.20 <i>The diversion of water, erection, placement or failure of structures, the removal of gravel or other alteration of the bed of a lake or river or the removal of vegetation or natural defences against water does not exacerbate the risk of flooding or erosion of land or damage to structures.</i>	Support. The wording has been improved from the original Objective to alleviate Kennaway Park’s concerns.
3.20 <i>Extraction of gravel from riverbeds maintains flood carrying capacity, protects infrastructure and provides a resource to enable development.</i>	Support	Kennaway Park supports this Objective because the extraction of the gravel resource is fundamental for development purposes, and for achieving positive social and economic outcomes.	Retain the Objective.	3.22 <i>Gravel in riverbeds is extracted to maintain floodway capacity and to provide resources for building and construction, while maintaining the natural character of braided rivers and not adversely affecting water quality, ecosystems or their habitats, access to or the quality of mahinga kai or causing or exacerbating erosion.</i>	Support. The wording of the first part of this Objective has been clarified. Additional text has been added to the second part of the Objective to balance the recognised need for gravel extraction against the potential adverse effects.
3.21 <i>Land uses continue to develop and change in response to socio-economic and community demand while remaining consistent with the CWMS targets.</i>	Support in Part	Kennaway Park supports this Objective as it is appropriate to provide for development and change. However, Kennaway Park submits that the relevant CWMS targets should be listed in the Objective, or the reference to them removed. This would allow for consideration of the targets against the sustainable management regime established under Section 5(2)(c) of the RMA and the Proposed RPS. It would also ensure that the objectives of the Proposed Plan are certain, for example if the CWMS strategy were changed.	The relevant CWMS targets are listed or the reference to them is removed, and the objective is retained.	3.5 <i>Land uses continue to develop and change in response to socio-economic and community demand while remaining consistent with the CWMS targets.</i>	Support in Part. The relevant CWMS targets have not been listed.
3.22 <i>Community outcomes for water quality and quantity are met through managing limits.</i>	Support in Part	Kennaway Park generally supports community outcomes for water quality and quantity being met. However, Kennaway Park is concerned about how the limits have been and will be set, as it is important	Amend the Objective as follows: <i>3.22 Community outcomes for water quality and quantity are met through managing <u>water quality outcomes and allocation limits, and limits are</u></i>	3.15 <i>Community outcomes for water quality and quantity are met through setting, and managing within, limits.</i>	Support in Part. The amendments proposed by Kennaway Park have not been adopted by the Officers. Kennaway Park’s amendments improve the terminology of the

		that they are sustainable – providing for a balance in values, and practical to implement. Kennaway Park therefore seeks that additional direction is provided in this Objective, specifying that the limits will be based on science and collaboration.	<u>determined by science and collaboration.</u>		Objective and provide guidance as to how limits will be determined.
		Kennaway Park also submits that the terminology used in this Policy should be consistent with that throughout the Proposed Plan, therefore should refer to water quality outcomes and allocation limits.			
Section 4 – Policies	Position	Reasons	Decision Sought	Officers' Recommendations	Comments on Officers' Recommendations
4.1 <i>Lakes, rivers, wetlands and aquifers will meet the freshwater outcomes set in Sections 6-15. If outcomes have not been established for a catchment, then each type of lake, river or aquifer will meet the outcomes set out in Table 1.</i>	Oppose in Part	Section 9 – Christchurch–West Melton applies to the land on which Portlink Industrial Park is located. This Section refers to Table 1 in Policy 4.1 in terms of fresh water outcomes. We understand that Table 1 provides transitional outcomes until outcomes are established for the Christchurch–West Melton and other catchments. At present, the spring-fed plains urban and all river management units standards in Table 1a, and the coastal confined gravel aquifer system standards in Table 1c, apply.  Kennaway Park seeks that timeframes for meeting the relevant outcomes are included.	Amend the Policy as follows:  4.1 <i>Lakes, rivers, wetlands and aquifers will meet the freshwater outcomes set in Sections 6-15 by the date specified and thereafter. If outcomes have not been established for a catchment, then each type of lake, river or aquifer will meet the outcomes set out in Table 1- by the date specified and thereafter.</i>	4.1 <i>Lakes, rivers, wetlands and aquifers will meet the fresh water outcomes set in Sections 6-15 within the specified timeframes.<sup>77</sup> If outcomes have not been established for a catchment, then each type of lake, river or aquifer will meet the outcomes set out in Table 1 by 2023.<sup>78</sup></i>	Support. Timeframes have been included which provides clarity.
4.2 <i>The management of lakes, rivers, wetlands and aquifers will take account of the cumulative effects of land uses, discharges and abstractions in order to meet the fresh water outcomes in accordance with Policy 4.1.</i>	Neutral	The freshwater outcomes referred to in Policy 4.1 are cumulative. However, it is uncertain how cumulative effects will be managed in practice, especially for catchments which do not currently achieve the freshwater outcomes. Kennaway Park submits that this Policy should provide guidance on how cumulative effects will be taken into account in practice.	Further guidance is provided with regards to how cumulative effects will be managed in practice.	That Policy 4.2 be retained without amendment.	Support in Part. No further guidance on cumulative effects has been provided.
4.3 <i>The discharge of contaminants to water or the damming, diversion or abstraction of any water or disturbance to the bed of a fresh water body shall not diminish any values of cultural</i>	Oppose	Section 6, Part 2 of the RMA seeks that the relationship of Maori with their culture and traditions is recognised and provided for in the management of uses, development and the protection of resources. This Policy elevates the accommodation of Ngai Tahu's	Amend the Policy as follows:  4.3 <i>Values of cultural significance to Ngai Tahu shall be recognised and provided for when managing the discharge of contaminants to water or the damming,</i>	4.3 <i>The cultural values of each catchment shall be identified and provided for in the sub-regional sections of the plan. The discharge of contaminants to water or the damming, diversion or abstraction of any water or disturbance to the bed</i>	Support. The wording of this Policy has been improved to be consistent with the RMA.



<i>significance to Ngai Tahu.</i>		values to a higher level of protection. Kennaway Park seeks that the wording of this Policy is amended to be consistent with the RMA.	<i>diversion or abstraction of any water or disturbance to the bed of a fresh water body shall not diminish any values of cultural significance to Ngai Tahu.</i>	<i>of a fresh water body shall not diminish any values of cultural significance to Ngai Tahu.</i>  <i>Note: See Statutory Acknowledgements and other relevant information in Schedules 18 to 23 of this Plan, the Ngai Tahu Freshwater Policy and Iwi Management Plans.</i> <sup>79</sup>	
4.6 <i>Where a water quality or quantity limit is set in Sections 6-15, resource consents will generally not be granted if the granting would cause the limit to be breached or further over-allocation to occur.</i>	Oppose in Part	<p>Kennaway Park submits that it is unclear whether the “limits” referred to in this Objective are the water quality outcomes relevant to the policies, or the water quality standards relevant to the rules. Kennaway Park presumes that this Policy refers to the water quality outcomes and submits that the terminology used throughout the Proposed Plan should be clear and consistent.</p> <p>Kennaway Park is concerned that the discharge rules, together with the objectives and policies, in particular Policy 4.6 which stipulates that if any of the water quality limits are breached resource consent will generally not be granted, set a very tough test to achieve.</p> <p>The water quality outcomes essentially establish a threshold limit for cumulative water quality, and once this is reached additional discharge consents are unlikely to be granted according to this Policy. Kennaway Park is particularly concerned with this Policy given that the Portlink Industrial Park site is within an area identified as “water quality outcomes not being met”. According to Policy 4.6, this indicates that new consents for discharges to surface water will generally not be granted within the vicinity of the site. Should Policy 4.6 be adopted, it therefore has the potential to impede development and to adversely affect social and economic wellbeing.</p> <p>In areas where water quality outcomes are</p>	<p>Delete the Policy as follows:</p> <p><del>4.6 <i>Where a water quality or allocation limit is set in Sections 6-15, resource consents will generally not be granted if the granting would cause the limit to be breached or further over-allocation to occur.</i></del></p>	4.6 <i>Where a water quality or quantity limit is set in Sections 6-15, resource consents, will generally not be granted if the granting would cause the limit to be breached or further over-allocation to occur. <u>New consents replacing expiring consents may be granted, but will likely be subject to additional restrictions.</u></i>	Oppose for the reasons set out in my covering evidence.

		<p>not being met it is likely that there are established rural, commercial and/or industrial activities that are dependent on being able to discharge to surface water, such as Portlink Industrial Park. As proposed, the provisions may result in activities needing to discharge to surface water locating in, or relocating to, areas that achieve the water quality outcomes, and this may not result in a sustainable outcome. In the submitter's view it would be more appropriate to encourage rural, commercial, industrial and other activities requiring potentially contaminating discharges to concentrate in areas where water already has low values, rather than relocating to areas with improved water quality values, because the cumulative water quality outcomes can be achieved.</p> <p>Kennaway Park submits that this Policy extends beyond the requirements of the National Policy Statement for Freshwater Management ("NPSFM") and the Proposed Regional Policy Statement ("RPS"). The Resource Management Act 1991 ("RMA") provides direction for making decisions on resource consent applications, and applications should be assessed against the RMA framework on a case by case basis. Kennaway Park submits that it is inappropriate for this Policy to predetermine decisions on resource consent applications. The rest of the Policy framework already ensures that the freshwater outcomes will be met.</p>			
Activity and Resource Policies	Position	Reasons	Decision Sought	Officers' Recommendations	Comments on Officers' Recommendations
<p><i>Discharge of Contaminants to Land or to Water</i></p> <p>4.9 <i>There are no direct discharges to surface waterbodies or groundwater of:</i></p> <p>(a) <i>untreated sewage, wastewater or bio-solids;</i></p> <p>(b) <i>solid or hazardous</i></p>	Support	<p>Kennaway Park supports this Policy because it agrees that discharges of contaminants should be treated to an appropriate level before being discharged to surface water or groundwater.</p>	Retain the Policy as worded.	<p>4.9 <i>There are no direct discharges to surface waterbodies or groundwater of:</i></p> <p>(a) <i>untreated sewage, wastewater or bio-solids;</i></p> <p>(b) <i>solid or hazardous waste or solid animal waste;</i></p> <p>(c) <i>animal effluent from an effluent storage facility or a stock holding area;</i></p>	<p>Support in Part. I support the retention of this Policy.</p> <p>"Hazardous substances" has been added to this Policy. I consider that minor construction discharges (such as petrol drips) should be allowed. Given that the opening statement of this Policy refers to "direct</p>

<p>waste or solid animal waste;</p> <p>(c) animal effluent from an effluent storage facility or a stock holding area;</p> <p>(d) organic waste or leachate from storage of organic material; and</p> <p>(e) untreated industrial or trade waste.</p>				<p>(d) organic waste or leachate from storage of organic material; <del>and</del></p> <p>(e) untreated industrial or trade waste; <u>and</u></p> <p>(f) <u>hazardous substances</u> <sup>129</sup></p>	<p>discharges”, minor discharges (such as petrol drips) that are captured by a stormwater treatment system should not be inhibited by this Policy in my view. However, clarification of this by way of explanation would assist with interpretation.</p>
<p>4.10 For other discharges of contaminants to surface waterbodies or groundwater, the effects of any discharge are minimised by the use of measures that:</p> <p>a) first, avoids the production of the contaminant;</p> <p>b) secondly, reuses, recovers or recycles the contaminant;</p> <p>c) thirdly, reduce the volume or amount of the discharge; or</p> <p>d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and</p> <p>e) meets the receiving water standards in Schedule 5.</p>	<p>Oppose in Part</p>	<p>Kennaway Park seeks clarification as to specifically what “other discharges” this Policy applies to. For example, does it apply to other discharges as in all discharges of contaminants not listed in Policy 4.9, and/or does it apply to stormwater and community wastewater discharges which are managed through a separate set of policies?</p> <p>Kennaway Park submits that the receiving water standards in Schedule 5 should only be required to be met after reasonable mixing.</p>	<p>Clarify what is meant by “other discharges” and amend the Policy as follows:</p> <p>4.10 For other discharges of contaminants to surface waterbodies or groundwater, the effects of any discharge are minimised by the use of measures that:</p> <p>a) first, avoids the production of the contaminant;</p> <p>b) secondly, reuses, recovers or recycles the contaminant;</p> <p>c) thirdly, reduce the volume or amount of the discharge; or</p> <p>d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and</p> <p>e) meets the receiving water standards in Schedule 5 <u>after reasonable mixing</u>.</p>	<p>4.10 For other discharges of contaminants to surface waterbodies or groundwater, the effects of any discharge are minimised by the use of measures that:</p> <p>(a) first, avoids the production of the contaminant;</p> <p>(b) secondly, reuses, recovers or recycles the contaminant;</p> <p>(c) thirdly, <del>reduce</del> <u>minimise</u><sup>130</sup> the volume or amount of the discharge; or</p> <p>(d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and</p> <p>(e) <u>in the case of surface water</u><sup>131</sup> <u>result in a discharge that</u><sup>132</sup> <u>meets the receiving water standards in Schedule 5</u><sup>133</sup>.</p>	<p>I agree with Kennaway Park’s submission that it is unclear whether Policies 4.9-4.11 apply to stormwater discharges, for which Polices 4.12-4.14 apply. This should be clarified in the Proposed Plan.</p>
<p>4.11 Any discharge of a contaminant into or onto land where it may enter groundwater shall:</p> <p>(a) not exceed the natural capacity of the soil to treat or remove the contaminant; and</p> <p>(b) not exceed available</p>	<p>Support in Part</p>	<p>Kennaway Park generally agrees that discharges should not contaminate groundwater or flood land. Kennaway Park submits that the intention of (c) appears to be that it applies only if (a) and (b) are not able to be met; however the word “and” implies that (c) is required to be met in addition to (a) and (b). Kennaway Park therefore submits that the word “and”</p>	<p>Amend the Policy as follows:</p> <p>4.11 Any discharge of a contaminant into or onto land where it may enter groundwater shall:</p> <p>(a) not exceed the natural capacity of the soil to treat or remove the contaminant; and</p> <p>(b) not exceed available water storage capacity of the soil;</p>	<p>4.11 Any discharge of a contaminant into or onto land where it may enter groundwater <del>shall</del>:</p> <p>(a) <u>will</u> not exceed the natural capacity of the soil to treat or remove the contaminant; and</p> <p>(b) <u>will</u> not exceed available water storage capacity of the soil; and</p> <p>(c) <u>will not result in the accumulation</u></p>	<p>Support in Part. Clarity of this Policy has been improved by the Officers’ recommendations. I agree with Kennaway Park’s submission that the term “avoid or mitigate” would be more appropriate and consistent with the RMA if used in (c)(v) (now d(vi)).</p>

<p>water storage capacity of the soil; and</p> <p>(c) where this is not practicable:</p> <p>(i) meet any nutrient allowance in Sections 6-15 of this Plan;</p> <p>(ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable, and there is sufficient distance between the point of discharge, any other discharge and drinking water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume;</p> <p>(iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;</p> <p>(iv) not raise groundwater</p>	<p>between points (b) and (c) should be substituted with "or".</p> <p>Kennaway Park submits that the wording in (c)(v) requiring the discharge to "not have any adverse effects on the drinking water quality", may render (c) unable to be achieved at all. That said, Kennaway Park agrees that risking public health is not acceptable. Kennaway Park submits that the wording of (c)(v) should be amended so that it allows for adverse effects to be avoided or mitigated consistent with Section 5(2)(c) of the RMA.</p>	<p><del>and/or</del></p> <p>(c) where this is not practicable:</p> <p>(i) meet any nutrient allowance in Sections 6-15 of this Plan;</p> <p>(ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable, and there is sufficient distance between the point of discharge, any other discharge and drinking water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume;</p> <p>(iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;</p> <p>(iv) not raise groundwater levels so that land drainage is impeded; and</p> <p>(v) <del>not have any</del>avoid or <u>mitigate</u> adverse effects on the drinking water quality of the groundwater, including any risk to public health.</p>	<p><u>of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;</u><sup>136</sup></p> <p>(d) <u>where meeting (a), (b) and (c)</u><sup>137</sup> <del>this is not practicable the discharge will:</del></p> <p>(i) meet any nutrient allowance in Sections 6-15 of this Plan;</p> <p>(ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable, and</p> <p>(iii) <u>ensure</u><sup>139</sup> there is sufficient distance between the point of discharge, any other discharge and drinking water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume;</p> <p>(iv) <del>not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;</del><sup>140</sup></p> <p>(v) not raise groundwater levels so that land drainage is impeded; and</p> <p>(vi) not have any adverse effects on the drinking water quality of the groundwater, including any risk to public health.</p>	
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<p>levels so that land drainage is impeded; and</p> <p>(v) not have any adverse effects on the drinking water quality of the groundwater, including any risk to public health.</p>					
<p><i>Stormwater and Community Wastewater Systems</i></p> <p>4.12 <i>In urban areas, the adverse effects on water quality, aquatic ecosystems, existing uses and values of water and public health from the cumulative effects of sewage, wastewater, industrial or trade waste or stormwater discharges are avoided by:</i></p> <p>(a) <i>all sewage, industrial or trade waste being discharged into a reticulated system, where available;</i></p> <p>(b) <i>the implementation of contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and</i></p> <p>(c) <i>any reticulated stormwater or wastewater reticulation system installed after 11 August 2012 is designed and managed to avoid sewage discharge into surface water.</i></p>	<p>Support in Part</p>	<p>Kennaway Park supports the management of cumulative adverse effects as outlined in (a) through (c) of this Policy. However, Kennaway Park submits that (a) through (c) are drawing on measures to “avoid, remedy or mitigate” adverse effects, rather than only “avoiding” adverse effects as indicated in the introductory paragraph. Kennaway Park submits that the wording in the introductory paragraph should be amended to be consistent with the intent of (a) through (c) and Section 5(2)(c) of the RMA.</p>	<p>Amend the Policy as follows:</p> <p>4.12 <i>In urban areas, the adverse effects on water quality, aquatic ecosystems, existing uses and values of water and public health from the cumulative effects of sewage, wastewater, industrial or trade waste or stormwater discharges are avoided, remedied or mitigated by:</i></p> <p>(a) <i>all sewage, industrial or trade waste being discharged into a reticulated system, where available;</i></p> <p>(b) <i>the implementation of contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and</i></p> <p>(c) <i>any reticulated stormwater or wastewater reticulation system installed after 11 August 2012 is designed and managed to avoid sewage discharge into surface water.</i></p>	<p>4.12 <i>In urban areas, the adverse effects on water quality, aquatic ecosystems, existing uses and values of water and public health from the cumulative effects of sewage, wastewater, industrial or trade waste or stormwater discharges are avoided by:</i></p> <p>(a) <i>all sewage, industrial or trade waste being discharged into a reticulated system, where available;</i></p> <p>(b) <i>the implementation of contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and</i></p> <p>(c) <i>any reticulated stormwater or wastewater <del>reticulation</del><sup>141</sup> system installed after 11 August 2012 is designed and managed to avoid sewage discharge into surface water.</i></p>	<p>Support in Part. I agree with Kennaway Park’s submission that the use of the term “avoid, remedy, or mitigate” in the opening paragraph would better reflect what (a) through (c) are requiring.</p>

<p>4.14 Stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream.</p>	Support	<p>Kennaway Park agrees it is appropriate to manage stormwater run-off and peak flows.</p>	Retain the Policy as proposed.	<p>4.14 Stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream <u>or risks to human safety</u><sup>148</sup>.</p>	Support.
<p><i>Earthworks, Land Excavation and Deposition of Material into Land over Aquifers</i></p> <p>4.15 The discharge of sediment and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction, is avoided, and if this is not achievable, the best practicable option is used to minimise the discharge to water.</p>	Oppose	<p>Kennaway Park submits that discharges of sediment and other contaminants to surface water are often unavoidable and it is unreasonable to seek to avoid such discharges altogether. Kennaway Park submits that this Policy should be amended so that it applies to the adverse effects of discharges, rather than to discharges themselves. Kennaway Park also submits that the Policy should be amended to allow such discharges to be avoided, remedied or mitigated. This approach is consistent with Section 5(2)(c) of the RMA and better aligned with the proposed RPS.</p>	<p>Amend the Policy as follows:</p> <p>4.15 <i>The <u>adverse effects of discharges of sediment and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction are avoided, remedied or mitigated</u>, <del>is avoided</del>, and if this is not achievable, the best practicable option is used to minimise the discharge to water.</i></p>	That Policy 4.15 be retained without amendment.	Oppose in Part. I agree with Kennaway Park's submission, in particular that it should be the adverse effects of the discharge being controlled by this Policy, not the discharge itself.
<p>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:</p> <p>(a) activities are sited, designed and managed to avoid the contamination of groundwater;</p> <p>(b) existing or closed landfills and contaminated sites are managed and monitored to minimise any contamination of groundwater; and</p> <p>(c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of</p>	Oppose in Part	<p>Kennaway Park submits that the terminology used in this Policy should be amended so that it is consistent with the RMA and the RPS. Section 5(2)(c) of the RMA and Policy 7.3.7 of the RPS provide that adverse effects are avoided, remedied, or mitigated. Kennaway Park submits that it would be appropriate to seek to avoid or mitigate groundwater contamination.</p> <p>In relation to (a), siting, design and management in particular may be considered forms of mitigation, rather than avoidance.</p> <p>In relation to (b), Kennway Park submits that it would not be appropriate to require monitoring of all contaminated sites. Monitoring may not be appropriate where a contaminated site has been remediated, or where the risk of groundwater contamination is mitigated by the design, use and operations at the site. Monitoring such sites would be inefficient and put</p>	<p>Amend the Policy as follows:</p> <p>4.16 <i>The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated sites is avoided or <u>mitigated</u> <del>minimised</del> by ensuring that:</i></p> <p>(a) <i>activities are sited, designed and managed to avoid <u>or mitigate</u> the contamination of groundwater;</i></p> <p>(b) <i>existing or closed landfills and contaminated sites are managed and monitored <u>where appropriate</u> to minimise any contamination of groundwater; and</i></p> <p>(c) <i>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.</i></p>	<p>4.16 <i>The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated sites is avoided or minimised by ensuring that:</i></p> <p>(a) <i>activities are sited, designed and managed to avoid the contamination of groundwater;</i></p> <p>(b) <i>existing or closed landfills and contaminated sites are managed and monitored <u>where appropriate</u><sup>497</sup> to minimise any contamination of groundwater; and</i></p> <p>(c) <i>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 <u>or an upward hydraulic gradient is present which would prevent aquifer contamination</u>.</i><sup>498</sup></p>	<p>Support in Part. I support the addition of "where appropriate" in (b) for the reasons set out in Kennaway Park's submission.</p> <p>I agree with Kennaway Park's submission in terms of the terminology in the opening statement and (a). I note that "avoid" is a very restrictive term to use, and may inhibit any works that are below the water table. "Avoid" is generally reserved for specific circumstances (such as an area where no groundwater contamination is critical owing to a specific value), rather than being used in a general sense.</p>

contaminants into the aquifer.		unnecessary strain on resources.				
Section 5 – Regional Wide Rules		Position	Reasons	Decisions Sought	Officers' Recommendations	Comments on Officers' Recommendations
<p><i>Dust Suppressants</i></p> <p><b>5.19 The discharge of oil as a dust suppressant onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:</b></p> <p>1. The discharge is only of vegetable oil, or of new light fuel or lubricating oil and is:</p> <p>(a) applied in a manner that does not result in pooling or runoff, with a maximum application rate not exceeding 2 litres/m<sup>2</sup> per day and 4 litres/m<sup>2</sup> per annum; and</p> <p>(b) not within 20 m of a surface water body, the Coastal Marine Area, a bore or soak-hole.</p> <p><b>5.20 The discharge of oil as a dust suppressant onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.19 is a restricted discretionary activity.</b></p> <p><b>The CRC will restrict discretion to the following matter:</b></p> <p>1. The effect of not meeting the condition or conditions of Rule 5.19.</p>		Support	Kennaway Park supports permitted activity status for the discharge of dust suppressants, and restricted discretionary activity status where standards are breached.	Retain the rules as currently worded.	Retain Rule 5.19 without amendment, Retain Rule 5.20 without amendment,	Support.

<p><i>Industrial and Trade Wastes</i></p> <p><b>5.69 The discharge of any liquid or sludge from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. The volume of the discharge does not exceed 10 m<sup>3</sup> per day;</li> <li>2. The discharge is at a rate not exceeding 5 mm per day;</li> <li>3. The discharge does not: <ol style="list-style-type: none"> <li>(a) contain any hazardous substance or hazardous waste; or</li> <li>(b) originate on potentially contaminated land; and</li> </ol> </li> <li>4. The discharge is not: <ol style="list-style-type: none"> <li>(a) directly to a surface water body, or within 50 m of a surface water body, a bore used for water abstraction, a dwelling house or the Coastal Marine Area;</li> <li>(b) within a group or community drinking water supply protection area as set out in Schedule 1;</li> <li>(c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;</li> <li>(d) onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil;</li> <li>(e) within any area or zone</li> </ol> </li> </ol>	<p>Support in Part</p>	<p>Kennaway Park supports permitted and, where standards are not met, discretionary activity status for discharges of liquid or sludge from an industrial or trade processes. However Kennaway Park seeks clarification with regards to point 4(f) in Rule 5.69.</p> <p>The submitter assumes that Rule 5.69 4(f) is referring to areas identified as at risk of soil erosion on the planning maps; however this is not explicit. There are also orange and red colourings which relate to nutrient allocation zones and lakes on the planning maps. Kennaway Park submits that Rule 5.69 4(f) should be amended to refer to areas of high soil erosion risk identified on the planning maps.</p>	<p>Amend Rule 5.69 as follows:</p> <p><b>5.69 The discharge of any liquid or sludge from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. The volume of the discharge does not exceed 10 m<sup>3</sup> per day;</li> <li>2. The discharge is at a rate not exceeding 5 mm per day;</li> <li>3. The discharge does not: <ol style="list-style-type: none"> <li>(a) contain any hazardous substance or hazardous waste; or</li> <li>(b) originate on potentially contaminated land; and</li> </ol> </li> <li>4. The discharge is not: <ol style="list-style-type: none"> <li>(a) directly to a surface water body, or within 50 m of a surface water body, a bore used for water abstraction, a dwelling house or the Coastal Marine Area;</li> <li>(b) within a group or community drinking water supply protection area as set out in Schedule 1;</li> <li>(c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;</li> <li>(d) onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil;</li> <li>(e) within any area or zone identified in a proposed or operative district plan for residential or commercial purposes;</li> <li>(f) within an area <del>coloured orange or red</del> identified as 'high soil erosion risk' on the Planning Maps, unless the discharge contains no nitrogen.</li> </ol> </li> </ol>	<p>5.69 <i>The discharge of any liquid <del>waste</del><sup>184</sup> or sludge waste from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:</i></p> <ol style="list-style-type: none"> <li>1. <i>The volume of the discharge does not exceed 10m<sup>3</sup> per day;</i></li> <li>2. <i>The discharge is at a rate not exceeding 5mm per day;</i></li> <li>3. <i>The discharge does not:</i> <ol style="list-style-type: none"> <li><del>(a) contain any hazardous substance or hazardous waste; or</del></li> <li><del>(b) originate on potentially contaminated land;</del> <sup>186</sup><i>and</i></li> </ol> </li> <li>4. <i>The discharge is not:</i> <ol style="list-style-type: none"> <li>(a) <i>directly to a surface water body, or within 50 m of a surface water body, a bore used for water abstraction, a dwelling house, school, community facility<sup>187</sup> or the Coastal Marine Area;</i></li> <li>(b) <i>within a group or community drinking water supply protection area as set out in Schedule 1;</i></li> <li>(c) <i>within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;</i></li> <li>(d) <i>onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil;</i></li> <li>(e) <i>within any area or zone identified in a proposed or operative district plan for residential or commercial purposes;</i></li> <li>(f) <i>within a Nutrient Allocation Zone identified as "At Risk" (Orange) or "Water Outcomes Not Met" (Red) <del>an area coloured orange or red</del><sup>188</sup> on the Planning Maps, unless the discharge contains no nitrogen.</i></li> </ol> </li> </ol>	<p>Support. Point (f) has been clarified as requested in Kennaway Park's submission.</p>
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<p>identified in a proposed or operative district plan for residential or commercial purposes;</p> <p>(f) within an area coloured orange or red on the Planning Maps, unless the discharge contains no nitrogen.</p> <p><b>5.70 The discharge of any liquid or sludge from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.69 is a discretionary activity.</b></p>			<p>Retain Rule 5.70 as discretionary activity status.</p>	<p><u>(g) onto or into potentially contaminated land.</u></p> <p>5.70 The discharge of any liquid <u>waste</u><sup>190</sup> or sludge <u>waste</u><sup>191</sup> from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the condition in Rule 5.69 is a discretionary activity.<sup>9</sup></p>	
<p><b>Stormwater</b></p> <p><b>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:</b></p> <ol style="list-style-type: none"> <li>1. The discharge is into a community or network utility operator stormwater system; or</li> <li>2. The discharge is not from or onto potentially contaminated land;</li> <li>3. The discharge is not into: <ul style="list-style-type: none"> <li>(a) a water race, as defined in Section 5 of the Local Government Act 2002;</li> <li>(b) a wetland, unless the wetland is part of a lawfully established</li> </ul> </li> </ol>	<p>Oppose in Part</p>	<p>Kennaway Park submits that discretionary activity status would be more appropriate for discharges that cannot meet the conditions in Rule 5.72 than noncomplying activity status. Kennaway Park notes that the stormwater rules for discharges to land or water have been combined, and the activity status simplified to permitted or non-complying from the existing NRRP. In comparison, the activity status under the NRRP is permitted or discretionary, and would only be non-complying if a condition relating to Community Drinking Water Supply Protection Zones is triggered. Kennaway Park submits that non-complying activity status should be reserved for activities which have significant adverse effects and may only be granted in exceptional cases, and should not apply to minor treated stormwater discharges.</p>	<p>Retain the permitted activity status in Rule 5.72, and amend Proposed Rule 5.73 as follows:</p> <p><b>5.73 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 that does not meet the conditions of Rule 5.72 is a <del>noncomplying</del>discretionary activity.</b></p>	<p>5.72A The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter a <u>river, lake or artificial watercourse</u> <del>water</del> is a permitted activity provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The discharge is into a community or <del>network utility operator</del><sup>198</sup> stormwater system or</li> <li>2. <u>The discharge is not into a community stormwater system, and</u><sup>199</sup> <ol style="list-style-type: none"> <li><del>2(a)</del> The discharge is not from, <u>into</u> or onto potentially contaminated land;</li> <li><del>3(b)</del> The discharge is not into: <ul style="list-style-type: none"> <li><del>(a)(i)</del> a water race, <del>as defined in Section 5 of the Local Government Act 2002</del>;<sup>200</sup></li> <li><del>(b)(ii)</del> a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or</li> </ul> </li> </ol> </li> </ol>	<p>Support. Refer to part 3 of my covering evidence.</p>

<p>stormwater or wastewater treatment system;</p> <p>or</p> <p>(c) a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013;</p> <p>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);</p> <p>5. For a discharge of stormwater onto or into land:</p> <p>(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;</p> <p>(b) the discharge does not result in the ponding of stormwater on the ground for more than 48 hours;</p> <p>(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;</p> <p>(d) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and</p> <p>(e) for a discharge from a roof, the discharge</p>			<p><del>(e)(iii)</del> a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013;</p> <p>4(c) 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);</p> <p><del>5(d)</del> For a discharge of stormwater onto or into land:</p> <p><del>(a)(i)</del> the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property;</p> <p><del>(b)(ii)</del> the discharge does not result in the ponding of stormwater on the ground for more than 48 hours, unless part of the stormwater treatment system;<sup>201</sup></p> <p><del>(c)(iii)</del> 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;</p> <p><del>(d)(iv)</del> there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and</p> <p><del>(e)(v)</del> for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants. and<sup>202</sup></p> <p>6-(d) For a discharge of stormwater to surface water:</p> <p><del>(a)(i)</del> The discharge meets the water quality standards in</p>	
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<p>system is sealed to prevent the entry of any other contaminants;</p> <p>and</p> <p>6. For a discharge of stormwater to surface water:</p> <p>(a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;</p> <p>(b) the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(i) 50 g/m<sup>3</sup>, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or</p> <p>(ii) 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse; and</p> <p>(c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.</p> <p><b>5.73 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 that does not meet the conditions of Rule 5.72 is a noncomplying activity.</b></p>				<p>Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;</p> <p><del>(b)(ii)</del> the concentration of total suspended solids in the discharge shall not exceed:</p> <ul style="list-style-type: none"> <li>• 50 g/m<sup>3</sup>, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or</li> <li>• 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse; and</li> </ul> <p><del>(e)(iii)</del> the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.</p> <p>5.72B The discharge of stormwater <u>onto or into land where contaminants may enter groundwater</u> is a permitted activity provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The discharge is into a community <del>or network utility operator</del><sup>203</sup> stormwater system or</li> <li>2. <u>The discharge is not into a community stormwater system, and</u><sup>204</sup> <ol style="list-style-type: none"> <li><del>2(a)</del> The discharge is not from, <u>into</u> or onto potentially contaminated land;</li> <li><del>3(b)</del> The discharge is not into:           <ol style="list-style-type: none"> <li><del>(a)(i)</del> a water race, as defined in Section 5 of the Local Government Act 2002;<sup>205</sup></li> <li><del>(b)(ii)</del> a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or</li> <li><del>(c)(iii)</del> a water body that is Natural</li> </ol> </li> </ol> </li> </ol>	
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				<p><i>State, unless the discharge was lawfully established before 1 November 2013;</i></p> <p><del>4(c) 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);</del></p> <p><del>5.(b) For a</del> The discharge of stormwater onto or into land:</p> <p><del>(a)(i) the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property;</del></p> <p><del>(b)(ii) the discharge does not result in the ponding of stormwater on the ground for more than 48 hours, unless part of the stormwater treatment system;<sup>206</sup></del></p> <p><del>(c)(iii) 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;</del></p> <p><del>(d)(iv) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and</del></p> <p><del>(e)(v) for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants. and<sup>207</sup></del></p> <p><del>6.(e) For a discharge of stormwater to surface water:</del></p> <p><del>(a)(i) The discharge meets the water quality standards in Schedule 5 after</del></p>	
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				<p><del>reasonable mixing with the receiving waters, in accordance with Schedule 5;</del></p> <p><del>(b)(ii) the concentration of total suspended solids in the discharge shall not exceed 50 g/m<sup>3</sup>, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse; and</del></p> <p><del>(c)(iii) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.208</del></p> <p>5.73 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 that does not meet the conditions of <u>Rule 5.72A and Rule 5.72B</u><sup>209</sup> is a <del>noncomplying</del> discretionary<sup>210</sup> activity.</p>	
<p><i>Water for Construction and Maintenance</i></p> <p><b>5.89 The taking and using of water from a river, lake or an artificial watercourse for infrastructure construction, maintenance and repair is a permitted activity, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. The take and use does not exceed 15 L/s and 100 m<sup>3</sup> per day;</li> <li>2. The take and use is for no longer than 2 months;</li> <li>3. The take does not at any time exceed 10% of the flow at the point of take;</li> <li>4. Where the take is from a water</li> </ol>	<p>Support</p>	<p>Kennaway Park supports Rule 5.89 as it is appropriate for small takes for infrastructure construction, maintenance and repair activities to be permitted. Kennaway Park also supports discretionary activity status for takes that cannot achieve the standards in Rule 5.89.</p>	<p>Retain the Rules as currently worded.</p>	<p>5.89 The taking and using of water from a river, lake or an artificial watercourse for infrastructure construction, maintenance and repair is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The take and use does not exceed 15 L/s and 100 m<sup>3</sup> per day;</li> <li>2. The take and use is for no longer than 2 months;</li> <li>2. The take does not at any time exceed 10% of the flow at the point of take;</li> <li>3. Where the take is from a water body with a minimum flow set in Sections 6-15, the take or diversion ceases when the flow is at or below the minimum flow, as published on the CRC website;</li> <li>4. The take is not from a natural wetland;</li> <li>5. Fish are prevented from entering the</li> </ol>	<p>Support.</p>

<p>body with a minimum flow set in Sections 6-15, the take or diversion ceases when the flow is at or below the minimum flow, as published on the CRC website;</p> <p>5. The take is not from a natural wetland;</p> <p>6. Fish are prevented from entering the water intake as set out in Schedule 2;</p> <p>7. Where the take is from an irrigation or hydro-electricity canal or storage facility, the abstractor holds a current written agreement with the holder of the resource consents for the taking or diversion of water into the canal or storage facility; and</p> <p>8. The take is not from any river or part of a river that is subject to a Water Conservation Order.</p> <p><b>5.91 The taking and using of water from a river, lake or an artificial watercourse for infrastructure construction, maintenance and repair, other than from any river or part of a river that is subject to a Water Conservation Order, that does not meet one or more of the conditions in Rule 5.89 is a discretionary activity.</b></p>				<p>water intake as set out in Schedule 2;</p> <p>6. Where the take is from <del>a</del> a <u>water race</u><sup>297</sup>, irrigation or hydro-electricity canal or storage facility, the abstractor holds a current written agreement with the holder of the resource consents for the taking or diversion of water into the canal or storage facility; and</p> <p>7. The take is not from any river or part of a river that is subject to a Water Conservation Order.</p> <p>That Rule 5.91 be retained without amendment.</p>	
<p><b>Structures</b></p> <p><b>5.114 The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, maintenance, or removal of pipes, ducts, cables or wires is a permitted activity, provided the following conditions are met:</b></p> <p>1. The activity is not undertaken</p>	<p>Oppose in Part</p>	<p>Kennaway Park supports permitted activity status for the installation, maintenance, or removal of pipes because this is a relatively minor activity and permitted conditions are considered appropriate to manage adverse effects associated with these activities.</p> <p>Kennaway Park is concerned of the implications of point 6 of this Rule. In particular, there is no definition of “flowing</p>	<p>Amend the rule as follows:</p> <p><b>5.114 The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, maintenance, or removal of pipes, ducts, cables or wires is a permitted activity, provided the following conditions are met:</b></p> <p>1. The activity is not undertaken in, on, or under the bed of a lake listed as a high naturalness lake in Sections 6-</p>	<p>5.114 The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, maintenance, or removal of pipes, ducts, cables or wires and associated support structures<sup>359</sup> is a permitted activity, provided the following conditions are met:</p> <p>1. The activity is not undertaken in, on, or under the bed of a lake listed as a high naturalness lake in Sections 6-15 or in an inanga or salmon spawning site</p>	<p>Support in Part. I agree with Kennaway Park’s submission in relation to point 6. The reference to “flowing water” is arbitrary, and the intention of point 6 is uncertain.</p>

<p><i>in, on, or under the bed of a lake listed as a high naturalness lake in Sections 6-15;</i></p> <ol style="list-style-type: none"> <li>2. <i>The activity does not involve the deposition of any substance, other than bed material, on the bed of a lake or river;</i></li> <li>3. <i>The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection works;</i></li> <li>4. <i>Within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour;</i></li> <li>5. <i>Marker posts are erected for the lifetime of the pipes, ducts, cables or wires; and</i></li> <li>6. <i>The works do not occur in flowing water.</i></li> </ol> <p><i>Note: The installation of a bore in the bed of a lake or river is controlled in Rule 5.78.</i></p>		<p>water” provided and the submitter considers that most rivers would be ‘flowing’. Point 6 therefore seems to imply that water would need to be diverted for bed disturbance associated with the maintenance of a pipe, for example, to be permitted. Although we note that a permitted rule is provided for such diversions (5.118), it may not be practical to undertake a diversion for minor maintenance work. Further, given such diversions are permitted, plan users would more than likely implement them where appropriate in any case. Kennaway Park therefore seeks that point 6 is removed.</p>	<ol style="list-style-type: none"> <li>15;</li> <li>2. <i>The activity does not involve the deposition of any substance, other than bed material, on the bed of a lake or river;</i></li> <li>3. <i>The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection works;</i></li> <li>4. <i>Within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour; and</i></li> <li>5. <i>Marker posts are erected for the lifetime of the pipes, ducts, cables or wires; and</i></li> <li><del>6. The works do not occur in flowing water.</del></li> </ol> <p><i>Note: The installation of a bore in the bed of a lake or river is controlled in Rule 5.78.</i></p>	<p><i>listed in Schedule 17<sup>360</sup>;</i></p> <ol style="list-style-type: none"> <li>2. <i>The activity does not involve the deposition of any substance, other than bed material, on the bed of a lake or river;</i></li> <li>3. <i>The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection work or closer where <u>there is evidence that permission has been obtained from the owner of the infrastructure or the works are being carried out by or on behalf of the owner</u><sup>361</sup>;</i></li> <li>4. <i>Within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour;</i></li> <li>5. <i>Marker posts are erected for the lifetime of the pipes, ducts, cables or wires; and</i></li> <li>6. <i>The works do not occur in flowing water.</i></li> </ol>	
<p><b>5.117 For structures, excluding dams, lawfully established prior to the notification of this Plan, the use and maintenance of the structure is a permitted activity provided the following condition is met:</b></p> <ol style="list-style-type: none"> <li>1. <i>Any substance deposited in, on, under or over the bed in order to maintain the structure is of inert materials of colour and material type that blends with the surrounding natural environment, is not contaminated with any hazardous substance and is not deposited into surface</i></li> </ol>	<p>Support in Part</p>	<p>Kennaway Park supports permitted activity status for the use and maintenance of existing structures. However, Kennaway Park is concerned of the implications of the wording “and is not deposited into surface water” at the end of this Rule. It would be exceedingly difficult not to discharge any material into surface water during maintenance work, and given the material is required to be inert anyway, minor discharges to surface water associated with maintenance work could be permitted without generating adverse effects. On this basis, Kennaway Park opposes the wording “and is not deposited into surface water” and seeks that it is removed.</p>	<p>Amend the rule as follows:</p> <p><b>5.117 For structures, excluding dams, lawfully established prior to the notification of this Plan, the use and maintenance of the structure is a permitted activity provided the following condition is met:</b></p> <ol style="list-style-type: none"> <li>1. <i>Any substance deposited in, on, under or over the bed in order to maintain the structure is of inert materials of colour and material type that blends with the surrounding natural environment, <u>and</u> is not contaminated with any hazardous substance <del>and is not deposited into surface water.</del></i></li> </ol>	<p><del>5.117 For structures, excluding dams, lawfully established prior to the notification of this Plan, the use and maintenance of the structure is a permitted activity provided the following condition is met: The use, maintenance, upgrading and minor alteration of structures, excluding dams, on, in or under the bed of a lake or river are permitted activities provided the following condition are met: <sup>376</sup></del></p> <ol style="list-style-type: none"> <li><del>1. The structures are lawfully established prior to notification of this Plan<sup>377</sup></del></li> <li>1. <i>Any <del>substance</del> material<sup>378</sup> deposited in, on, under or over the bed in order to maintain the structure is of inert materials of colour and material type that blends with the surrounding natural environment, is not contaminated with</i></li> </ol>	<p>Support.</p>

<p>water.</p>				<p><i>any hazardous substance. and is not deposited into surface water.</i><sup>379</sup></p> <p><u>2. Any upgrading or minor alteration shall not increase the footprint, height, or external envelope of the structure.</u><sup>380</sup></p>	
<p><b>5.118 Notwithstanding any other rule in this Plan, temporary structures and diversions associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 are permitted activities, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. <i>The diversion does not divert more than third of the width of the naturally flowing or standing water body;</i></li> <li>2. <i>The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and</i></li> <li>3. <i>The diversion is in place for not more than 2 weeks in any 12 month period.</i></li> </ol>	<p>Support in Part</p>	<p>Kennaway Park supports permitted activity status for temporary structures and diversions, as temporary activities are usually associated with relative minor adverse effects and permitted conditions are appropriate to manage the effects of temporary activities.</p> <p>Kennaway Park submits that explanation should be provided as to why only a third of the width of a water body should be diverted, especially given that temporary diversions generally would not generate more than minor adverse.</p>	<p>Retain the permitted activity status and provide explanation as to the purpose of point 1.</p>	<p>5.118 <i>Notwithstanding any other rule in this Plan, temporary structures and diversions associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 or in relation to artificial watercourses</i><sup>381</sup> <i>are permitted activities, provided the following conditions are met:</i></p> <ol style="list-style-type: none"> <li>1. <del><i>The diversion does not divert more than third of the width of the naturally flowing or standing water body</i></del><sup>382</sup>;</li> <li>2. <i>The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and</i></li> <li>3. <i>The temporary structure and</i><sup>383</sup> <i>diversion is in place for not more than 2</i> <sup>4</sup><del>3</del><sup>84</sup> <i>weeks in any 12 month period.</i></li> </ol>	<p>Support. Point 1 of this rule has been removed by the Officers following Kennaway Park's submission.</p>
<p><b>5.119 Temporary discharges to water or to land in circumstances where a contaminant may enter water associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 are permitted activities, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. <i>The discharge is only of sediment and water originating from within the bed of the lake or river;</i></li> <li>2. <i>The discharge is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and</i></li> <li>3. <i>The discharge is not for more than eight hours in any 24-hour period, and not more</i></li> </ol>	<p>Support in Part</p>	<p>Kennaway Park is concerned that the discharge of other contaminants and organic material already present in the water is not strictly permitted by this rule. Restricting the discharge to "only" "sediment and water" is very limiting. Kennaway Park assumes that the intention of this rule is also to provide for other contaminants and material already present in the water, and submits that this should be explicit in the wording of point 1.</p>	<p>Amend the rule as follows:</p> <p><b>5.119 Temporary discharges to water or to land in circumstances where a contaminant may enter water associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 are permitted activities, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. <i>The discharge is only of sediment, <del>and</del> water, other contaminants and organic material</i> originating from within the bed of the lake or river;</li> <li>2. <i>The discharge is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and</i></li> <li>3. <i>The discharge is not for more than eight hours in any 24-hour period, and not more than 40 hours in total in any calendar month.</i></li> </ol>	<p>5.119 <i>Temporary discharges to water or to land in circumstances where a contaminant may enter water associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 or in relation to artificial watercourses</i><sup>385</sup> <i>are permitted activities, provided the following conditions are met:</i></p> <ol style="list-style-type: none"> <li>1. <i>The discharge is only of sediment, organic material</i><sup>386</sup> <i>and water originating from within the bed of the lake or river;</i></li> <li>2. <i>The discharge is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and</i></li> <li>3. <i>The discharge is not for more than eight <del>ten</del> hours in any 24-hour period and not more than</i><del>40</del> <sup>50</sup> <i>hours in total in any calendar month</i><sup>387</sup>.</li> </ol>	<p>Support. Point 1 has been amended to refer to organic material as requested in Kennaway Park's submission.</p>



<p>than 40 hours in total in any calendar month.</p>					
<p><b>5.121 Any structure, excluding dams, diversions and discharges in the bed of a lake or river that does not comply with Rules 5.113 to 5.120 is a discretionary activity.</b></p>	Support	Kennaway Park supports discretionary activity status for structures that cannot comply with the permitted activity standards.	Retain the rule as currently worded.	5.121 Any structure, excluding dams, <u>but including any associated</u> <sup>390</sup> diversions and discharges in the bed of a lake or river that does not comply with Rules 5.113 to 5.120 is a discretionary activity.	Support. This rule has been improved by the Officers to permit diversions and discharges associated with structures.
<p><b>Earthworks and Vegetation Clearance in Riparian Areas</b></p> <p><b>5.148 The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:</b></p> <p>a. 20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or</p> <p>b. 10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;</p> <p>is a permitted activity provided the following conditions are met:</p> <p>1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:</p> <p>(a) an area of 500 m<sup>2</sup>, or 10% of the area, whichever is the lesser; or</p> <p>(b) a volume of 10 m<sup>3</sup> on Hill and High Country land and land zoned LH2 on the Planning Maps;</p> <p>2. Any discharge of sediment associated with the activity into the water in a river, lake, wetland or the Coastal Marine</p>	Support	Portlink Industrial Park is partially zoned LH1 on the proposed Planning Maps and is adjacent to the lower Heathcote River. A very small part of the site is also zoned LH2 (refer to Map B-C13). Kennaway Park supports permitted activity status for earthworks within 10m of the river, and restricted discretionary activity status where the relevant standards cannot be met, as such statuses are appropriate for managing the effects of the earthworks and vegetation clearance adjacent to waterways.	Retain the rules as currently worded.	<p>5.148 The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:</p> <p>a. <u>10m</u> <del>20 m</del><sup>464</sup> of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk <del>zoned LH2</del><sup>465</sup> on the Planning Maps; or</p> <p>b. <u>5 m</u> <del>10 m</del><sup>466</sup> of the bed of a lake or river or a natural wetland boundary in <u>all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country land zoned LH1 on the Planning Maps</u>; <sup>467</sup></p> <p>is a permitted activity provided the following conditions are met:</p> <p>1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:</p> <p>(a) an area of 500 m<sup>2</sup>, or 10% of the area, whichever is the lesser; or</p> <p>(b) a volume of 10 m<sup>3</sup> <del>on Hill and High Country land and land zoned LH2</del><sup>468</sup> shown as High Soil Erosion Risk on the Planning Maps;</p> <p>2. Any discharge of sediment associated with the activity into the water in a river, lake, wetland or the Coastal Marine Area does not exceed 8 hours in any 24 hour period, and does not exceed 24 hours in total in any 6 month period;</p> <p>3. Any cultivation is across the contour of</p>	Support.

<p>Area does not exceed 8 hours in any 24 hour period, and does not exceed 24 hours in total in any 6 month period;</p> <p>3. Any cultivation is across the contour of the land;</p> <p>4. Any trenches excavated for infrastructure are back-filled and compacted within 10 days of being excavated;</p> <p>5. The activity does not occur within a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;</p> <p>6. Any earthworks or cultivation is not within 5 m of any flood control structure; and</p> <p>7. Earthworks associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet Conditions 1 or 2.</p> <p><b>5.149 Vegetation clearance, earthworks or cultivation outside the bed of a river or lake or adjacent to a wetland boundary but within:</b></p> <p>1. 20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or</p> <p>2. 10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;</p> <p>that does not comply with the conditions in Rules 5.147 or 5.148 is a restricted discretionary activity.</p>				<p>the land;</p> <p><del>4. Any trenches excavated for infrastructure are back-filled and compacted within 10 days of being excavated;</del><sup>469</sup></p> <p>5. The activity does not occur <u>adjacent to</u> <del>within</del><sup>470</sup> a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;</p> <p>6. Any earthworks or cultivation is not within 5 m of any flood control structure; and</p> <p>7. Earthworks associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet Conditions 1, <del>or 2</del> or <u>6</u>.<sup>471</sup></p> <p>5.149 Vegetation clearance, earthworks or cultivation outside the bed of a river or lake or adjacent to a wetland boundary but within:</p> <p>(a) <del>10 m</del> <u>20 m</u><sup>472</sup> of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land <u>shown as High Soil Erosion Risk zoned LH2</u><sup>473</sup> on the Planning Maps; or</p> <p>(b) <del>5 m</del> <u>10 m</u><sup>474</sup> of the bed of a lake or river or a natural wetland boundary in <u>all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country land zoned LH1 on the Planning Maps</u><sup>475</sup>;</p> <p>that does not comply with the conditions in Rules 5.147 or 5.148 is a restricted discretionary activity.</p>	
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<p><i>Excavation and Deposition over Aquifers</i></p> <p><b>5.157 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System is a permitted activity, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. <i>There is not less than 1 m of undisturbed material between the base of the excavation and Aquifer 1; and</i></li> <li>2. <i>The excavation does not occur within 50 m of the bed of a permanently or intermittently flowing river, a lake or a wetland boundary.</i></li> </ol>	Support in Part	<p>Kennaway Park supports permitted activity status for excavation above the Coastal Confined Gravel Aquifer System, as permitted standards are considered appropriate to manage the effects of the activity.</p> <p>Kennaway Park submits that explanation should be provided as to how point 2 assists with managing the Coastal Confined Gravel Aquifer System?</p>	Retain the permitted activity status and provide explanation with regards to the purpose of point 2.	<p>That Rules 5.155 to 5.159 be deleted and replaced with the following:</p> <p><u>5.155 The use of land to excavate material is a permitted activity, provided the following conditions are met:</u></p> <ol style="list-style-type: none"> <li>1. <u>Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps:</u> <ol style="list-style-type: none"> <li>(a) <u>there is more than 1 m of undisturbed material between the deepest part of the excavation and Aquifer 1; and</u></li> <li>(b) <u>if more than 100 m<sup>3</sup> of material is excavated, the excavation does not occur within 50m of any surface waterbody;</u></li> </ol> </li> <li>2. <u>Over an unconfined or semi-confined aquifer:</u> <ol style="list-style-type: none"> <li>(a) <u>the volume of material excavated is less than 100 m<sup>3</sup>; or</u></li> <li>(b) <u>the volume of material excavated is more than 100 m<sup>3</sup> and:</u> <ol style="list-style-type: none"> <li>(i) <u>there is more than 1 m of undisturbed material between the deepest part of the excavation and the seasonal high water table level; and</u></li> <li>(ii) <u>the excavation does not occur within 50m of any surface waterbody.</u></li> </ol> </li> </ol> </li> </ol> <p><u>5.156 The use of land to excavate material that does not comply with the conditions of Rule 5.155 is a restricted discretionary activity.</u></p> <p><u>The Canterbury Regional Council will restrict its discretion to the following matters:</u></p> <ol style="list-style-type: none"> <li>1. <u>The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands or the sea and mitigation measures;</u></li> <li>2. <u>The remediation or long-term treatment of the excavation;</u></li> <li>3. <u>The protection of the confining layer and</u></li> </ol>	Support. The activity status for the equivalent of Rule 5.158 has been amended by the Officers to restricted discretionary status as sought in Kennaway Park's submission.
<p><b>5.158 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System that does not comply with condition 2 of Rule 5.157 is a discretionary activity.</b></p>	Oppose in Part	Kennaway Park submits that restricted discretionary activity status would be appropriate for excavations that do not comply with condition 2 of the permitted activity rule.	<p>Amend the Rule as follows:</p> <p><b>5.158 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System that does not comply with condition 2 of Rule 5.157 is a <u>restricted discretionary activity.</u></b></p> <p><u>The CRC will restrict discretion to the effect of the activity on the quality of groundwater.</u></p>	<p><u>5.156 The use of land to excavate material that does not comply with the conditions of Rule 5.155 is a restricted discretionary activity.</u></p> <p><u>The Canterbury Regional Council will restrict its discretion to the following matters:</u></p> <ol style="list-style-type: none"> <li>1. <u>The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands or the sea and mitigation measures;</u></li> <li>2. <u>The remediation or long-term treatment of the excavation;</u></li> <li>3. <u>The protection of the confining layer and</u></li> </ol>	

				<p><u>maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation;</u></p> <p>4. <u>The need for and benefits from the excavation; and</u></p> <p>5. <u>The management of any exposed groundwater.</u></p>	
<p><b>Hazardous Substances</b></p> <p><b>5.162 The use of land for the storage 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:</b></p> <p>1. <i>The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 litres;</i></p> <p>2. <i>The container(s) are located in an area, or a structure, that will contain a leak or spill of the substance and will allow the spilled substance to be collected;</i></p> <p>3. <i>Equipment that is suitable to absorb any leak or spill of the substance (a "spill kit") is located with the container(s) at all times, along with instructions on how to use the spill kit;</i></p> <p>4. <i>The container(s) are not located within</i></p> <p>(a) <i>20 m of a surface water body or a bore;</i></p> <p>(b) <i>a group or community drinking water supply protection area as set out in Schedule 1; and</i></p> <p>5. <i>The container(s) do not remain on a site for more</i></p>	Oppose in Part	<p>Part A of Schedule 4 is consistent with the Hazardous Substances and New Organisms Act 1996 and the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001. Kennaway Park supports this consistency.</p> <p>Kennaway Park supports permitted or where standards are breached restricted discretionary activity status for the storage of hazardous substances in portable containers. However, Kennaway Park is concerned that there are several different legislations managing hazardous substances, including the Christchurch City District Plan, the existing NRRP / Proposed Canterbury Land and Water Regional Plan, and the body of legislation formed under the Hazardous Substances and New Organisms Act 1996, and there appears to be a lack of integration between these. Therefore, it is difficult to see what this rule would achieve over and above the Christchurch City District Plan and the legislation formed under the Hazardous Substances and New Organisms Act 1996. Kennaway Park submits that at the least an explanation should be provided alongside the Hazardous Substances Rules which sets out their purpose and how they work with other relevant legislation.</p> <p>In terms of point 5, it is difficult to see why a portable container remaining on the same site for more than 90 days would generate adverse effects. In fact, keeping portable containers on a single contained site may well be associated with a lower</p>	<p>Amend this Rule as set out below, and provide an explanation as to the purpose of this Rule and how it works alongside the standards in the Christchurch City District Plan and the legislation formed under the Hazardous Substances and New Organisms Act 1996.</p> <p><b>5.162 The use of land for the storage 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:</b></p> <p>1. <i>The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 litres;</i></p> <p>2. <i>The container(s) are stored in an area, or a structure, that will contain a leak or spill of the substance and will allow the spilled substance to be collected;</i></p> <p>3. <i>Equipment that is suitable to absorb any leak or spill of the substance (a "spill kit") is located with the container(s) at all times, along with instructions on how to use the spill kit;</i></p> <p>4. <i>The container(s) are not located within</i></p> <p>(a) <i>20 m of a surface water body or a bore;</i></p> <p>(b) <i>a group or community drinking water supply protection area as set out in Schedule 1; and</i></p> <p><del>5. <i>The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.</i></del></p> <p>Retain Rule 5.163 as restricted discretionary</p>	<p>5.162 <i>The use of land for the storage 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:</i></p> <p>1. <i>The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 5,000 litres;</i></p> <p>2. <i>The container(s) are located in an area, or a structure, that will contain a leak or spill of the substance and will allow the spilled substance to be collected</i></p> <p>3. <i>Equipment that is suitable to absorb any leak or spill of the substance (a "spill kit") is located with the container(s) at all times, along with instructions on how to use the spill kit;</i></p> <p>4. <i>The container(s) are not located within</i></p> <p>(a) <i>20 m of a surface water body or a bore;</i></p> <p>(b) <i>a group or community drinking water supply protection area as set out in Schedule 1; and</i></p> <p>5. <i>The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.</i></p> <p>That as a consequential amendment the following definition of portable container be added into Section 2.10 of the PLWRP :</p> <p><b><u>Portable container</u></b> <i>means one or more containers of petrol, kerosene or diesel used for refuelling and the container(s) is fixed to a vehicle, towed by a vehicle or transported by helicopter, but does not comprise part of the</i></p>	<p>Support. The definition of 'portable container' provides clarity in relation to the application of this rule. The permitted quantity has also been increased by the Officers.</p> <p>In relation to the hazardous substances rules in general, I support the consistency of the hazardous substances rules in the Proposed Plan with the Hazardous Substances and New Organisms Act. However, I agree with Kennaway Park that there are several different legislations that relate to hazardous substances, and the purpose of the regional rules in the context of the wider body of hazardous substances legislation should be explained in the Proposed Plan.</p>

<p>than 90 days in any consecutive 12 month period.</p> <p><b>5.163 The use of land for the storage in a portable container and use of a hazardous substance listed in Part A of Schedule 4 that does not meet one or more of the conditions in Rule 5.162 is a restricted discretionary activity.</b></p>		<p>risk than transporting the portable containers between different sites. Point 5 has the potential to make regular low-risk activities, such as the storage of household products, non-compliant with the permitted standards. This is considered to be inappropriate and Kennaway Park seeks that point 5 is removed.</p>	<p>activity status.</p>	<p><u>inbuilt fuel system required to power a vehicle or machine.</u><sup>519</sup></p> <p>That Rule 5.163 be retained without amendment.</p>	
<p><b>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:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> </ol>	<p>Support in Part</p>	<p>Part A of Schedule 4 is consistent with the Hazardous Substances and New Organisms Act 1996 and the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001. Kennaway Park supports this consistency.</p> <p>Kennaway Park supports permitted or where standards are breached discretionary activity status for the storage of hazardous substances, other than in portable containers. However, Kennaway Park is concerned that there are three different legislations managing hazardous substances, including the Christchurch City District Plan, the existing NRRP / Proposed Canterbury Land and Water Regional Plan, and the body of legislation formed under the Hazardous Substances and New Organisms Act 1996, and there appears to be a lack of integration between these. Therefore, it is difficult to see what this rule would achieve over and above the Christchurch City District Plan and the legislation formed under the Hazardous Substances and New Organisms Act 1996. Kennaway Park submits that at the least an explanation should be provided alongside the Hazardous Substances Rules as to their purpose and how they work with other relevant legislation.</p>	<p>Provide an explanation as to the purpose of this rule and how it works alongside the standards in the Christchurch City District Plan and the legislation formed under the Hazardous Substances and New Organisms Act 1996.</p>	<p><b>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:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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 <u>or annually if the site is remote and unstaffed<sup>620</sup></u>, and repaired or maintained if any defects are found that may compromise the of the hazardous substance;</li> <li>4. For hazardous substances stored or held in a container located in or under land, <del>stock reconciliation is undertaken:</del> <ol style="list-style-type: none"> <li><del>(a) for service stations storing or holding fuel:</del></li> <li><del>— If the stock reconciliation of product volumes stored in each</del></li> </ol> </li> </ol>	<p>Support.</p>

<p>4. For hazardous substances stored or held in a container located in or under land, stock reconciliation is undertaken:</p> <p>(a) for service stations storing or holding fuel: ...</p> <p>(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 (5), in which case notification shall occur within 24 hours; and</p> <p>(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;</p> <p>5. For substances stored within a group or community drinking water supply protection area as set out in Schedule 1:</p> <p>(a) all hazardous substances on a site are</p>				<p><del>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: Site Level check, including review of data and calculations and reconciliation actions;</del></p> <p><del>Where the cause of concern has not been identified by</del></p> <p><del>(i), an Engineering Check of the reconciliation equipment and observation wells; Where the cause of concern has not been identified by</del></p> <p><del>(ii), a Container Test;</del></p> <p><del>A copy of the procedure shall be kept on site at all times;<sup>521</sup></del></p> <p><del>(a) 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 (5), in which case notification shall occur within 24 hours of confirmation of the loss;</del></p> <p><del>(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 (5), in which case notification shall</del></p>	
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<p>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;</p> <p>(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</p> <p>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:</p> <p>(a) 20 m of a surface water body or a bore used for water abstraction;</p> <p>(b) 250 m of a known active fault that has a recurrence period of less than 10,000 years, and the land is:</p> <p>(i) over an unconfined or semi-confined aquifer; or</p> <p>(ii) within 50 m of a permanently or intermittently flowing river or a lake.</p> <p><b>5.165 The use of land for the storage, other than in a portable container, and use of a hazardous substance</b></p>			<p><del>occur within 24 hours; and</del><sup>522</sup></p> <p>(b) records of <del>recent</del><sup>523</sup> stock reconciliations <del>over the past three months</del><sup>524</sup> 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;</p> <p>5. For substances stored within a group or community drinking water supply protection as set out in Schedule 1:</p> <p>(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;</p> <p>(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</p> <p>6. Except where the storage was lawfully established before 4 July 2004 and the maximum quantity stored has not increased since that date, <u>or the storage relates to transformers and other equipment associated with electricity infrastructure</u>,<sup>525</sup> the substances shall not be stored within:</p> <p>(a) 20 m of a surface water body or a bore used for water abstraction;</p> <p>(b) 250 m of a known active fault that has a recurrence period of less than 10,000 years, and the land is:</p> <p>(i) over an unconfined or semi-confined aquifer; or</p> <p>(ii) within 50 m of a permanently or intermittently flowing river or a lake.</p>	
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<p><i>listed in Part A of Schedule 4 that does not meet one or more of the conditions in Rule 5.164 is a discretionary activity.</i></p>				Retain Rule 5.165 without amendment.	
<p><b>5.166 The use of land for the decommissioning of a container located in or under land that is or has been used to store a hazardous substance is a permitted activity provided the following condition is met:</b></p> <p>1. <i>The information listed in Part B of Schedule 4 is provided to the CRC at least one week before the decommissioning is undertaken, except for item 12, which is to be provided within one month of completion of the report or plan for each phase of the investigation or remediation.</i></p> <p><b>5.167 The use of land for the decommissioning of a container located in or under land that is or has been used to store a hazardous substance that does not meet the condition in Rule 5.166 is a discretionary activity.</b></p>	Support	Kennaway Park supports these rules because it is appropriate for decommissioning activities to be permitted in the first instance. Part B of Schedule 4 requires that basic information on the decommissioning is provided to Council, and Kennaway Park considers that this is acceptable.	Retain the rules as currently worded.	<p>5.166 <i>The use of land for the decommissioning of a container located on<sup>526</sup> in or under land is or has been used to store a hazardous substance is a permitted activity provided the following condition is met:</i></p> <p>1. <i>The information listed in Part B of Schedule 4 is provided to the Canterbury Regional Council at least one week before the decommissioning is undertaken, except for item 12, which is to be provided within one month of completion of the report or plan for each phase of the investigation or remediation.</i></p> <p>5.167 <i>The use of land for the decommissioning of a container located on<sup>527</sup> in or under land that is or has been used to store a hazardous substance that does not meet one or more of the conditions in Rule 5.166 is a discretionary activity.</i></p>	Support.
<p><b>5.168 The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:</b></p> <p>1. <i>The site investigation is be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the</i></p>	Support in Part	Kennaway Park supports the wording of these rules because they are consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“the NES”). However, Kennaway Park is uncertain of the value they add given that site investigations are already managed through the NES which is given effect to by territorial authorities. Kennaway Park submits that explanation should be provided as to the reason for these rules and how these rules work alongside other	Provide explanation as to the need for these rules given the NES and District Plans already manage site investigations.	<p>5.168 <i>The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:</i></p> <p>1. <i>The site investigation is be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, February 2004 2011) and reported on in accordance with Section 4 of the Contaminated Land Management Guidelines No. 1: Reporting on</i></p>	Support.



<p><i>Environment, February 2004) and reported on in accordance with Section 4 of the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, November 2003); and</i></p> <p>2. <i>The person or organisation initiating the site investigation provides a copy of report of the site investigation to the CRC within two months of the completion of the investigation.</i></p> <p><b>5.169 The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil that does not meet one or more of the conditions in Rule 5.169 is a restricted discretionary activity.</b></p>		<p>relevant legislation.</p>		<p><i>Contaminated Sites in New Zealand, (Ministry for the Environment, <del>November 2003</del> 2011)<sup>528</sup>; and</i></p> <p>2. <i>The person or organisation initiating the site investigation provides a copy of report of the site investigation to the Canterbury Regional Council within two months of the completion of the investigation.</i></p> <p>5.169 <i>The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil that does not meet one or more of the conditions in Rule 5.169 is a restricted discretionary activity.</i></p> <p><i>The Canterbury Regional Council will restrict discretion to the following matters:</i></p> <ol style="list-style-type: none"> <li>1. <i>Measures to avoid the dispersal of the substances or associated contaminants <u>onto or into land, and</u><sup>529</sup> into groundwater, surface water, supplies of drinking water and aquatic ecosystems;</i></li> <li>2. <i>adverse effect on the current or future use of the land; and</i></li> <li>3. <i>The methodology of the investigation and the associated reporting.</i></li> <li>4. <i>The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, objectives and policies of this Plan.</i></li> </ol>	
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Section 9 – Christchurch -West Melton 9.5 Rules	Position	Reasons	Decisions Sought	Officers' Recommendations	Comments on Officers' Recommendations
<p><b>9.5.1 The taking and use of surface water from, or stream depleting groundwater associated with, the Avon/Ōtākaro or Heathcote rivers is a restricted discretionary activity, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. The take or diversion complies with the minimum flows as set out in Table 9 below; and</li> <li>2. The take or diversion is a renewal of an existing resource consent and the rate or take and volume is to remain unchanged; or</li> <li>3. The water that is taken or diverted will be discharged back into the river near the point of take; or</li> <li>4. The water to be taken is high or moderate stream depleting groundwater, is to be used for group drinking water supply or community drinking water supply and is subject to a Water Supply Strategy.</li> </ol> <p><b>The CRC will restrict discretion to the following matters:</b></p> <ol style="list-style-type: none"> <li>1. Whether the amount of water to be taken and used is reasonable for the intended end use;</li> <li>2. The availability and practicality of using alternative supplies of water;</li> <li>3. The effects the take or diversion has on any other authorised takes or diversions;</li> <li>4. Whether and how fish are prevented from entering the</li> </ol>		<p>The introduction to the Sub-regional Sections states that the policies and rules apply in a location “instead of, or in addition to” the policies and rules in the General Section. Kennaway Park seeks that clarity is provided with regards to which rule(s) would apply to the taking and use of water from a river for infrastructure construction, maintenance and repair. It would be inefficient and uncertain if two permitted activity rules were required to be assessed for the same activity. Should Rules 9.5.1 and 9.5.2 apply to such activities, Kennaway Park makes the following submissions.</p> <p>As these rules are currently worded, any new water take from the Heathcote River that is not to be used for a drinking water supply, or is not discharged back into the river, is a prohibited activity. Therefore, minor takes for construction, maintenance and repair purposes, and other temporary takes, would be prohibited. Kennaway Park submits that resource consent should be able to be sought for construction, maintenance and repair activities and other temporary takes. Prohibited activity status should be used with care and reserved for activities which necessitate prohibited activity status owing to their significant adverse effects that cannot be managed through the resource consent process, and that are incompatible with the objectives and policies of the relevant plan. Kennaway Park submits that minor takes for construction, maintenance and repair activities and other temporary activities can be managed through consent conditions and do not necessitate prohibited activity status.</p> <p>A temporary time period of 2 months has been suggested because this is consistent with Rule 5.89 which relates to water take and use for construction, maintenance and</p>	<p>Amend the rule as follows:</p> <p><b>9.5.1 The taking and use of surface water from, or stream depleting groundwater associated with, the Avon/Ōtākaro or Heathcote rivers is a restricted discretionary activity, provided the following conditions are met:</b></p> <ol style="list-style-type: none"> <li>1. The take or diversion complies with the minimum flows as set out in Table 9 below; and</li> <li>2a. The take or diversion is a renewal of an existing resource consent and the rate or take and volume is to remain unchanged; or</li> <li>2b. <u>The take or diversion is for construction, maintenance or repair purposes and does not exceed 15 L/s and 100 m<sup>3</sup> per day; or</u></li> <li>2c. <u>The take or diversion is temporary (not exceeding 2 months) and does not exceed 15 L/s and 100 m<sup>3</sup> per day; or</u></li> <li>3. The water that is taken or diverted will be discharged back into the river near the point of take; or</li> <li>4. The water to be taken is high or moderate stream depleting groundwater, is to be used for group drinking water supply or community drinking water supply and is subject to a Water Supply Strategy.</li> </ol> <p><b>The CRC will restrict discretion to the following matters:</b></p> <ol style="list-style-type: none"> <li>1. Whether the amount of water to be taken and used is reasonable for the intended end use;</li> <li>2. The availability and practicality of using alternative supplies of water;</li> <li>3. The effects the take or diversion has on any other authorised takes or</li> </ol>		<p>These rules are in Group 3. The Section 42A Report for Group 3 is available on the 26<sup>th</sup> of April 2013 and the hearing commences in June.</p>

<p>water intake;</p> <p>5. The adequacy of any Water Supply Strategy.</p> <p><b>9.5.2 The taking, diverting or use of surface water from the Avon/Ōtākaro or Heathcote River that does not meet the conditions of Rule 9.5.1 is a prohibited activity.</b></p>		<p>repair activities.</p>	<p>diversions;</p> <p>4. Whether and how fish are prevented from entering the water intake;</p> <p>5. The adequacy of any Water Supply Strategy.</p> <p><b>9.5.2 The taking, diverting or use of surface water from the Avon/Ōtākaro or Heathcote River that does not meet the conditions of Rule 9.5.1 is a <del>prohibited</del>non-complying activity.</b></p>		
<p><b>9.5.3 The taking and use of groundwater from the Woolston/ Heathcote Groundwater Zone 1 is a restricted discretionary activity provided the following conditions are met:</b></p> <p>1. For stream depleting groundwater takes, the take, in addition to all existing resource consented surface water takes, complies with Table 10;</p> <p>2. The annual volume of the groundwater take, in addition to all existing resource consented takes, complies with Table 10; and</p> <p>3. The well interference effects as set out in Schedule 12 are “acceptable”.</p> <p><b>The CRC will restrict discretion to the following matters:</b></p> <p>1. Whether the amount of water to be taken and used is reasonable for the intended end use;</p> <p>2. The availability and practicality of using alternative supplies of water;</p> <p>3. The maximum rate of take, including the capacity of the</p>	<p>Oppose</p>	<p>The introduction to the Sub-regional Sections states that the policies and rules apply in a location “instead of, or in addition to” the policies and rules in the General Section. Kennaway Park seeks that clarity is provided with regards to which rule(s) would apply to the taking of water from groundwater for the purpose of dewatering for carrying out excavation, construction and geotechnical testing. It would be inefficient and uncertain if two permitted activity rules were required to be assessed for the same activity. Should Rules 9.5.3-9.5.5 apply to such activities, Kennaway Park makes the following submissions.</p> <p>Table 10 does not permit any new takes, but sets no limit for existing takes. Accordingly, any new groundwater take from the Woolston/Heathcote Groundwater Zone 1 would be a prohibited activity under Rule 9.5.5. Kennaway Park submits that resource consent should be able to be applied for any new dewatering takes for carrying out excavation, construction and geotechnical testing. Prohibited activity status should be used with care and reserved for activities which necessitate prohibited activity status owing to their significant adverse effects that cannot be managed through the resource consent process, and that are incompatible with the objectives and policies of the relevant plan. Kennaway Park submits that dewatering activities do not necessitate prohibited</p>	<p>Clarify whether Rules 9.5.3-9.5.5 apply to dewatering activities or not. Should they apply to dewatering activities, amend Rule 9.5.4 and remove Rule 9.5.5 as follows:</p> <p>Amend Rule 9.5.4 as follows:</p> <p><b>9.5.4 Unless categorised as a prohibited activity in Rule 9.5.5 restricted discretionary activity in Rule 9.5.3 the taking and use of groundwater from the Woolston/Heathcote Groundwater Zone 1 is a non-complying activity.</b></p> <p>Delete Rule 9.5.5:</p> <p><del><b>9.5.5 The taking and use of groundwater from the Woolston/ Heathcote Groundwater Zone 1 that does not meet conditions 1 or 2 in Rule 9.5.3 is a prohibited activity.</b></del></p>		

<p>bore or bore field;</p> <p>4. <i>The effects the take has on any other authorised takes, including interference effects as set out in Schedule 12;</i></p> <p>5. <i>Restrictions in take in accordance with the levels and restrictions in Table 10;</i></p> <p>6. <i>For stream depleting groundwater takes, any reduction in the rate of take in times of low flow and the need for any additional restrictions to prevent the flow from reducing to zero.</i></p> <p><b>9.5.4 Unless categorised as a prohibited activity in Rule 9.5.5 the taking and use of groundwater from the Woolston/Heathcote Groundwater Zone 1 is a non-complying activity.</b></p> <p><b>9.5.5 The taking and use of groundwater from the Woolston/ Heathcote Groundwater Zone 1 that does not meet conditions 1 or 2 in Rule 9.5.3 is a prohibited activity.</b></p>		<p>activity status.</p> <p>Kennaway Park notes that Rule 9.5.4 states that any groundwater take from the Woolston/Heathcote Groundwater Zone 1 not prohibited in Rule 9.5.5 is a non-complying activity. However, given Rule 9.5.3 this appears to be inaccurate. Kennaway Park seeks that the wording is amended so that it is clear that Rule 9.5.4 only applies after Rule 9.5.3.</p>			
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# APPENDIX B

## Policy A2 of the NPSFM and Policy 7.3.6 of the RPS

### National Policy Statement for Freshwater Management

*“Policy A2 Where water bodies do not meet the freshwater objectives made pursuant to [Policy A1](#), every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory) to assist the improvement of water quality in the water bodies, to meet those targets, and within a defined timeframe.”*

### Canterbury Regional Policy Statement

#### *“Policy 7.3.6 – Fresh water quality*

*In relation to water quality:*

- (1) to establish and implement minimum water quality standards for surface water and groundwater resources in the region, which are appropriate for each water body considering:
  - (a) the values associated with maintaining life supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, and natural character of the water body;*
  - (b) any current and reasonably foreseeable requirement to use the water for individual, marae or community drinking water or stockwater supplies, customary uses or contact recreation;*
  - (c) the cultural significance of the fresh water body and any conditions or restrictions on the discharge of contaminants that may be necessary or appropriate to protect those values; and*
  - (d) any other current or reasonably foreseeable values or uses;*and, to manage activities which may affect water quality (including land uses), singularly or cumulatively, to maintain water quality at or above the minimum standard set for that water body. and*
- (2) Where water quality is below the minimum water quality standard set for that water body, to avoid any additional allocation of water for abstraction*

*from that water body and any additional discharge of contaminants to that water body, where any further abstraction or discharges, either singularly or cumulatively, may further adversely affect the water quality in that water body:*

- (a) until the water quality standards for that water body are met; or*
- (b) unless the activities are undertaken as part of an integrated solution to water management in the catchment in accordance with Policy 7.3.9, which provides for the redress of water quality within that water body within a specified timeframe.”*