BEFORE THE CANTERBURY REGIONAL COUNCIL HEARING PANEL

UNDER the Resource Management Act 1991

AND

IN THE MATTER of hearing submissions from the Waimakariri District Council regarding the Proposed Canterbury Land and Water Plan

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STATEMENT ON BEHALF OF THE WAIMAKARIRI DISTRICT COUNCIL UNDER THE RESOURCE MANAGEMENT ACT 1991

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My name is **Kevin Felstead**:

I am deputy Mayor of the Waimakariri District, and have been a Waimakariri District Councillor since 2001. I am currently the District Council’s representative on the Waimakariri Canterbury Water Management Strategy Zone Committee. In addition, I am the principal of Resource Consent Services, a resource management planning consultancy.

My full name is **Gerard Cleary**

I am the Manager: Utilities and Roading at the Waimakariri District Council.

1. **Qualifications**
   My relevant qualifications are BE (Civil), BSc, I am a Chartered Professional Engineer and a Member of IPENZ.

2. **Experience**
   
   I have 17 years’ experience in civil engineering, eleven years of which is with the Waimakariri District Council. I commenced my current role as Manager, Utilities and Roading in October 2008. For 4 years prior to that I was the Manager of the Council’s Technical Services Unit which is Council’s in house engineering consultancy providing engineering design for capital works and engineering advice and approvals for subdivisions. Prior to this my experience was in design and administration construction of civil works and leading design and development engineering teams.

My full name is **GEOFFREY PAUL MEADOWS**

1. I am the Policy Manager for the Waimakariri District Council, a position I have held since December 2010.

2. Prior to this position, I was employed by the Queensland Environmental Protection Agency between 1995 and 2010 in a variety of managerial positions including Manager Strategy and Policy, and Manager Parks Services for the Queensland Parks and Wildlife Service, and Manager Environmental Planning for the Northern Region.

3. I am a Certified Environmental Practitioner (CEnvP) and I hold tertiary qualifications in Sociology, Political Science and Public Sector Management. I am a member of the Environment Institute of Australia and New Zealand, the professional association for environmental practitioners. I was a member of the Planning Institute of Australia between 1998 and 2002.
My full name is Helen Mary Sparrow

1 I am the Waimakariri District Council's Principal Policy Analyst. I commenced work for the Council in 2001 as a Policy Planner working in the Forward Planning Unit which was responsible for the District Plan. In 2009 I was a member of the Officials Group for the Canterbury Water Management Strategy (CWMS), and since its formation officer supporting the Waimakariri CWMS Zone Committee.

2 Prior to that I worked as an independent researcher and undertook a wide range of work including work relating to Resource Management Act plans, including the Waimakariri River Regional Plan. I hold tertiary qualifications in Political Science with emphasis on public policy. I have also farmed land in the Waimakariri District using an irrigation based pasture system, and remain an irrigation consent holder.

The matters which the Council will address will relate to:

- Its further submission in support of the submission from the Environmental Defence Society (EDS) requesting that the Land and Water Plan (LWRP) take precedence over the Waimakariri River Regional Plan

- On-site sewage and waste-water disposal systems

- The requirement for all farming activities to undertake OVERSEERMT assessments

- Issues relating to stormwater and wastewater management
The future of the Waimakariri River Regional Plan

1.1 The Waimakariri District Council concurs with the views of the EDS that the WRRP is an "old" plan and that it does not provide an adequate resource management framework for the management of water quality, in particular, in the Waimakariri River catchment. In fact, since the notification of Variation 1 to the Natural Resources Regional Plan (NRRP) the Waimakariri District Council has formally asked Environment Canterbury on a number of occasions about the future of the WRRP, because of the problems that the Council was facing with two plans covering different areas within its District.

1.2 The WRRP was notified in 1995 and became operative in 2004. While the Resource Management Act (the Act) requires the review of measures in plans that have not been amended in the previous 10 years to commence after ten years, the Act does not take into account the delay between notification and plans becoming operative. The time that it took for the WRRP to become operative is something that should be taken into account when determining whether this plan should be retained until at least 2017/8 as is Environment Canterbury’s current intention.

1.3 The major problem that the Council faces with the retention of the WRRP is that it is obliged to work under two plans when developing its storm water management plans for Rangiora and Woodend. This is because the boundary of the Waimakariri River catchment cuts across these two towns, and some of the discharge points are into tributaries of the Waimakariri River, and other discharge points are into the Ashley River or one of its tributaries.

1.4 The discharges to the Ashley River are currently controlled by the Canterbury Natural Resource Regional Plan (NRRP), and presumably then the LWRP when becomes operative, which is understood to be likely before 2016. This presents two sources of difficulty, the first relating to two different standards associated with the two plans, and the second the ultimate outcome of the LWRP hearings with respect to the timing of the completion of storm water management plans, and controls relating to storm discharges.

1.5 The Council’s further submission indicated support “in part” for the submission from the EDS, and it was the issue of the timeline for the preparation of storm water management plans in the notified LWRP that prompted the Council to decline full support for the EDS submission. The Council notes that the officers' recommendation with respect to the timing of the requirement to complete storm water management plans has been extended to match the current requirement in the NRRP, and supports the comments with respect to
this issue by Ms Whyte in her formal planner's evidence on behalf of the combined Canterbury Councils.

1.6 The problems associated with the development of stormwater management plans per se under the WRRP also appears to have been acknowledged by Environment Canterbury and the Canterbury Earthquake Recovery Authority (CERA), with the decision to withdraw the Styx catchment from the WRRP in order to facilitated planning for the management of stormwater from the Prestons development at Marshlands. While the WRRP is retained the Council is faced with the deficiencies of this plan and the problem having to have regard to two plans remains. The Council would prefer to be able to work under one set of controls to develop its storm water management plans and was satisfied with those developed after significant negotiation in the NRRP, and the development of its storm water management are currently scheduled to meet the NRRP timelines.

1.7 While the Council did not have extensive involvement as a submitter to the WRRP, I am given to understand that it did raise issues around the relationship between it and the Transitional Regional Plan (TRP). The fact that the WRRP relied on the TRP for its permitted activity rules, which have now been replaced by the permitted activity rules in the NRRP is also a cause for concern. In its notice advising of the change because of the decision to withdraw the TRP under Clause 20A of the First Schedule of the Act, Environment Canterbury claimed that this move met the requirements of a "minor correction", as the permitted rules introduced from the NRRP paralleled those in the TRP. Be that as it may, the net effect was the introduction of 35 permitted activity rules from the NRRP Chapters 4 and 5. The problem with these rules in the context of the WRRP is that they default to the terms and conditions for activities in the WRRP, not to related discretionary, non-complying and/or prohibited activity rules in the NRRP. The Council's submission with respect to notes in the LWRP relating to the WRRP was designed to draw attention to this issue.

1.8 Of major concern in this context, is the situation with respect to the prohibition on livestock in lowland streams. In the NRRP it is unequivocal, Rule 21 provides the conditions under which discharges of a contaminant into water in a river, lake, or wetland from livestock in or near water, or disturbance of a wetland or the bed of a river or lake by livestock is a permitted activity. This Rule then specifies the circumstances under which contamination from livestock is a restricted discretionary activity and a prohibited activity. The change to the WRRP introduced with the withdrawal of the TRP sees the permitted activity from the NRRP inserted and activities that do not meet the conditions of NRRP Rule 21 default to an extensive set of conditions and terms that do not state that there shall be no livestock in

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lowland streams. (Copies of NRRP Rule 21 and the TRP Standards and Terms for water quality are attached.)

1.9 The Council did consider what options were open to it to address some of the more serious issues that it saw with the retention of the WRRP until about 2018, and had discussions with Environment Canterbury staff. Our approach was well received and an offer of officer time was made to assist us. The initial idea was to submit a set of water quality rules for the Waimakariri sub-chapter, to replace the WRRP plus the permitted activity rules from the NRRP. We had some reservations about doing this as we considered that such a change initiated by a territorial authority by way of submission, should nevertheless have been accompanied by Schedule 1 type consultation, and the time available did not permit this. The other option that we considered was the possibility of the Council requesting a plan change with respect to the water quality rules in the WRRP and at the same time inserting them in the LWRP sub-chapter to tidy up the situation, as we thought then and still think that a delay of five or more years is too long.

1.10 From a water quantity perspective, we are less concerned. The plan change that addressed takes for the main-stem of the Waimakariri River has meant that there has been recent consideration of the situation with respect to the main-stem. In 2009, as the result of the settlement of a reference on the WRRP with the Department of Conservation, Environment Canterbury undertook research designed to assess the appropriateness of the minimum flow regimes in place for the Waimakariri tributaries. It is understood that this work concluded that these streams were in reasonably good heart, and any adjustments to minimum flows in the tributaries could wait until work on the revision of the WRRP commenced as scheduled in 2014. Under these conditions, the Council is satisfied that there is less urgency associated with any review of the minimum flows and controls on takes in the WRRP.

1.11 The other issue that arises because of the proposed delay in addressing the WRRP, is that the Waimakariri catchment has been zoned “red” with respect to nitrate levels and this means that some severe restrictions will be in place on farming practices until the Waimakariri sub-chapter is developed. This is not an issue with which the Council is directly involved but it is mindful that this is another very significant consequence associated with Environment Canterbury’s planning timetable, and that its District would appear to be being relatively severely disadvantaged. We acknowledge that we had not thought of the approach proposed by the EDS, but see it as being a practical interim solution to a difficult set of problems. It will be up to the hearing panel to determine how it deals with the issue of what farmers can do on their land in response to submissions from
members of our farming community, but again we would urge that the full implications of the proposed delay in addressing such matters with respect to our District is taken into account.
2  The consenting of replacement on-site sewerage and wastewater systems

2.1  The Council acknowledges the officer’s undertaking to return to the situation that prevails under the Canterbury Natural Resources Regional Plan with respect to allowing discharges from established on-site system complying with certain conditions as a permitted activity. The Council is concerned, however, that Environment Canterbury intends to maintain a requirement to obtain resource consent for a replacement system in areas deemed to present drainage problems.

2.2  The requirement to obtain a resource consent costing $1380 (non-notified) can be seen as a disincentive to the upgrading of older style septic tanks, and one that is not warranted. Any moves to upgrade these systems should be welcomed, not penalized with a substantial change. Environment Canterbury would seem to consider that its surveillance of the installation of the new systems will in some way ensure a better performance than would be the case if a new system was simply installed to manufacture’s specification and in line with conditions on the installation as a permitted activity.

2.3  In this context, it is useful to distinguish between “non-performance” as the result of poor installation in relation to ground conditions, which is presumably what would be guarded against through the consent process, and poor performance as the result of people not understanding how to manage these systems. In this context it is important to remember that the Building Act 2004 covers the installation of the disposal field, and whenever dual consenting arises we all should be certain that each consent adds an environmental benefit to the proposed activity. It is suggested that the need for a regional consent in this case does not add sufficient environmental benefit to be warranted.

2.4  The areas in which the installation of on-site systems, whether new or replacement, is to be a consented activity are defined on plan maps but there is not a clear statement of the criteria used to establish these zones. This is a significant defect in the LWRP, as there is no basis for testing the accuracy of this zoning. In addition, there are also likely to be quite important differences in the areas zoned across Canterbury and the way in which they should be treated which is likely to include matters other than ground conditions, in particular the density of such systems. The controls on the replacement of older style septic tanks in particular, and the need for consenting for new on-site systems could well be best determined in the sub-chapters of the LWRP to take account of these differences, and Environment Canterbury should probably encourage this at the time that sub-chapters are developed.
2.5 In the Waimakariri District, significant areas around Ohoka are zoned as requiring consents for on-site systems. In this area there has been significant new dwelling construction over the last 10 – 15 years, and many of these new dwellings can be expected to have modern on-site systems rather than older septic tanks. In the Ohoka Residential 4 (rural residential) Zones (Millstream and Wilsons Drive) there was survey evidence as early as 1996 that residents were unhappy with the performance of their septic tanks. (Ref: the Waimakariri District Council’s 1996 Rural Residential Zone Survey).

2.6 The situation at Ohoka, a previously unsewered community, is being remedied by the connection of this area to the District’s eastern districts sewer system and its ocean outfall. When the dwellings at Ohoka are connected to the sewer system in 2013/14, the number of pre-1996 dwellings based on the 2006 Census in the area to the east of McRoberts and Dawsons Road, between Tram Road and the Main Drain to the Kaiapoi/Silverstream River (excluding the area currently being developed as Silverstream Estates) which are likely to be using older style septic tanks will decrease by approximately 84 or about 40 percent.

2.7 An additional consideration, relevant to the Waimakariri District, is that the District plan standard for rural subdivision as a controlled activity and dwelling house construction as a permitted activity is four hectares. This is linked to the decision in Yates v Selwyn District Council in the 1990s that determined that one on-site system per four hectares was an appropriate precautionary approach. With that level of separation across most of the District’s Rural Zone and the extension of the eastern district sewer scheme, the need for consents to upgrade on-site systems should be dismissed as “de minimus”, or not of sufficient moment to warrant control.

2.8 From this Council’s perspective, this is a case where the regional level concerns with respect to the appropriate separation between on-site systems are supported by District Plan controls, and this is a further reason for dropping the requirement for consenting for the replacement of on-site systems in particular, and also for new on-site systems in selected areas.
3 Small rural holdings and the requirement to use "OVERSEERTM"

3.1 The Waimakariri District Council wishes to reiterate its concern about the impact of the requirements of Rule 5.39 (p.5.11 of the Proposed LWRP) on people living on small holdings. The Council's primary submission provides some indication of the extent of the situation with respect to small rural holdings under irrigation as identified in the 2007 Agricultural Census, possibly the best data available for estimating the possible risk posed to groundwater quality by activities on small holdings.

3.2 The following graphs shows the percentages of farms and the total area for farms in each size bracket for areas under irrigation and all farms which provided returns for the 2007 Statistics New Zealand Agricultural Census.

![Graph of Waimakariri District: Farms and total area by farm size under irrigation 2007]

The following graph shows the percentages all farms that the 2007 Agricultural Census.

![Graph of Waimakariri District: Farms and total area by farm size 2007]
3.2 This data provides an indication of the extent of the task that Environment Canterbury is setting itself if it is to attempt to obtain and analyse data from all holdings of 10 hectares or less across the whole of Canterbury. One of the key tenets of the Resource Management Act is the assessment of the cost/effectiveness of measures under Section 32 of the Act, a section that the government has moved to strengthen in its 2012 Resource Management Reform Bill. It is difficult to see how this requirement for all those involved farming activities in existence as at 11 August 2012 should be expected to maintain "[a] record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEER™ nutrient model, is kept and is provided to the CRC upon request," can meet any reasonable Section 32 test. In fact, if Rule 39 is retained without the amendment suggested, Environment Canterbury will be either making a "rod for its own back" by trying to process all the information or making a mockery of its plan by requiring a lot of people to collect information that they will never be called upon to present.

3.3 Unlike many RM Act plans, the Canterbury Land and Water Plan as notified does not identify any non-regulatory measures that will be employed to meet the plan objectives. It is understood that this is because these are to be found in the Canterbury Water Management Strategy (CWMS). As far as engagement with the holders of small rural holdings is concerned, it would be more appropriate to remove any requirement for the use of OVERSEER™, and to launch an educational initiative through CWMS Zone Committees to bring these land owners into the fold as far as the use of land management techniques that will contribute to the improvement of water quality.

3.4 If this approach is adopted, as opposed to a regulatory approach however light handed, it is likely to be easier to achieve positive engagement with small block holders and to show them the things that they can do to improve the situation. Such an approach would undoubtedly include some of the very basic actions being required of all landowners such as the fencing of streams, watercourses and significant drains, but could also include the planting of trees and shrubs with the ability to pull nutrients out of water. A campaign such as this could also make a significant contribution to improved biodiversity and enhance the habitat for indigenous fauna.
4. **Difficulties with complying with stormwater management requirements.**

4.1 This presentation follows on from paragraph 51 of the evidence provided on behalf of Canterbury Councils by Ms Whyte. This is an example of the difficulties that have been faced by the Waimakariri District Council.

4.2 The East Rangiora Stormwater Pond is a stormwater treatment and attenuation facility that serves the eastern side of Rangiora, including some of the existing township and a new Greenfields residential area. The Waimakariri District Council has funded the construction of this project and will recover some of the costs by way of development contributions as the land in the catchment is developed.

4.3 This project has been difficult for the Waimakariri District Council as in order to achieve compliance with the resource consent an expensive and difficult construction technique was used.

4.4 The consent conditions require the pond to be constructed as a dry basin. It also necessitated keeping the spring water from mixing with the stormwater. The pond base extended below the groundwater table and required the use of a geo-synthetic liner to achieve an impermeable barrier to prevent mixing of the spring water and stormwater. This seemed an unreasonable requirement as the spring water mixes with the stormwater at the downstream discharge point anyway. A wet pond that allowed mixing of spring water and stormwater would have been significantly lower cost solution and would have worked better with the existing natural environment.

4.5 The original estimate for the project was $920,000 in 2006. The final cost was $3,420,000. The professional fees alone on this project were $530,000. The development contributions per lot in this area for stormwater are $10,880 per lot. This compares with $2,500 for water and $8,000 for sewer. The wastewater contribution includes for a contribution towards local piping, a new pump station to service the development area along with a contribution toward treatment plants, a pipeline out to the coast and an ocean outfall. It seems completely out of proportion to have such a high development contribution cost for stormwater when compared with water and wastewater.

4.6 I am concerned that in order to obtain the approval of affected parties and comply with regional council consenting requirements is driving the cost of providing stormwater treatment to unacceptable levels.
4.7 When the concept of stormwater treatment was first introduced in New Zealand the ARC publication, TP 10 was used around the country. This was relatively straight forward and based on achieving a reasonable amount of treatment at a reasonable cost. Over recent years the consent conditions have become more and more onerous this and is not resulting in a good outcome for the whole community. The Waimakariri District Council is spending a lot on individual consents to comply with onerous conditions. This money could be better spent in other areas to achieve a greater overall benefit.

4.8 Recent consents for stormwater discharges have been issued with 60 conditions, whereas several years ago a typical consent contained 10 conditions. One of the reasons for the increase is an increase in monitoring requirements. The annual on-going cost of monitoring one pond in Southbook alone is $25,000. This is despite WDC successfully preventing a number of more onerous conditions that the reporting officer requested. Although this did require a very expensive hearing with WDC engaging consultants and lawyers.

4.9 Another project in Rangiora, the Southbrook Pond C is an example of a recent stormwater discharge consent that has not resulted in meaningful improvements to the water quality. Council promoted a stormwater wetland pond solution which, combined with private onsite measures, was considered to be the best practical option. Water quality trigger levels were proposed based on the predicted contaminant concentrations and treatment efficiencies for the proposed system, however the consented trigger levels were set by Environment Canterbury based on 2 times the 90% ANZECC water quality guidelines level. The consented trigger levels are actually lower than the existing pre-development levels from the upstream catchment for some determinants, meaning that it will not be possible to comply with the condition when monitoring is required. I consider it is necessary to have a new policy that requires discharges to be managed in accordance with the best practical option, rather than water quality standard that are not achievable in some areas.

4.10 I consider a lot of these problems described above could be overcome through the catchment wide consenting process. However this will require Environment Canterbury coming on side with territorial authorities and understanding the asset management approach we take to managing public services whereby the best overall outcome can be achieved and a reasonable cost to the community. In order to achieve a good outcome we would support a 5 year deadline for obtaining these consents. The tree year timeframe currently proposed runs the risk of forcing sub optimal outcomes.
**Rule WQL21 Discharge of a contaminant into water in a river, lake, or wetland from livestock in or near water, or disturbance of a wetland or the bed of a river or lake by livestock**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Conditions</th>
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<tr>
<td>The -</td>
<td><strong>Conditions for a river or lake</strong></td>
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<tr>
<td>(a) discharge of a contaminant from livestock into:</td>
<td>1. The discharge or disturbance by livestock shall not, outside the Mixing Zone cause:</td>
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<td>(i) water in a permanently or intermittently flowing river, or a lake,</td>
<td>(a) a conspicuous change in the colour or clarity of the water;</td>
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<td>or onto land in the bed of a permanently or intermittently flowing</td>
<td>(b) the concentration of <em>Escherichia coli</em> to exceed 550 E. coli per 100 millilitres.</td>
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<td>river, or a lake where it may enter water; or</td>
<td>2. The discharge or disturbance shall not result in the following effects being clearly visible in or on the bed, including the banks, of a</td>
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<td>(ii) a wetland; or</td>
<td>(a) abundant livestock faeces;</td>
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<td>(b) disturbance by livestock of:</td>
<td>(b) the accumulation of fine silt;</td>
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<td>(i) the bed of a permanently or intermittently flowing river, or a lake;</td>
<td>(c) pugging or trampling of the soil; or</td>
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<td>or</td>
<td>(d) areas of bare ground.</td>
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<td>(ii) a wetland;</td>
<td>3. Where the discharge or disturbance is to a river that is subject to a water conservation order, the discharge shall comply with any</td>
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<td>is -</td>
<td>relevant water quality provisions of that order.</td>
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<td>1. a permitted activity if the discharge or disturbance complies with all</td>
<td><strong>Conditions for a wetland</strong></td>
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<td>the conditions of this Rule;</td>
<td>4. The discharge or disturbance shall not result in the following effects in any wetland that may contain standing water:</td>
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<td>2. a restricted discretionary activity if the discharge or disturbance</td>
<td>(a) a conspicuous change in the colour or visual clarity of the water;</td>
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<td>does not comply with any one or more of the conditions of this Rule;</td>
<td>(b) any clearly visible pugging or trampling of soil, or abundant livestock faeces.</td>
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<td>3. a prohibited activity 12 months from the date the rule becomes</td>
<td><strong>Conditions for a stock crossing</strong></td>
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<td>operative, if the discharge or disturbance is:</td>
<td>5. The area of a river bed that forms part of a constructed track or raceway used for a stock crossing, shall be minimised to the fullest</td>
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<td>(a) by intensively farmed livestock; or</td>
<td>extent practicable by:</td>
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<td>(b) by cattle, farmed deer, or farmed pigs in the following areas:</td>
<td>(a) establishing the stock crossing perpendicular to the direction of water flow, except where this is impracticable owing to the</td>
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<td>(i) a significant spawning reach for salmon listed in Schedule WQN14;</td>
<td>natural contours of the riverbed or adjoining land; and</td>
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<td>or</td>
<td>(b) limiting the upstream – downstream extent of the stock crossing to 20 metres, and</td>
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<td>(ii) an inanga spawning area listed in Schedule WQN17; or</td>
<td>(c) locating, constructing and maintaining the stock crossing to ensure that a raceway or track approaching that area of the bed of the</td>
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<td>(iii) within one kilometre upstream in the bed of a flowing reach of a</td>
<td>river covered by water under low flow conditions in the river or drain, are underlain by compacted gravel, or some other material with an</td>
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<td>river, or within one kilometre in the bed of a lake, from a freshwater</td>
<td>equivalent or better stability against erosion; and</td>
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<td>bathing site listed in Schedule WQL7; or</td>
<td>(d) constructed so that the crossing shall not obstruct the passage of fish.</td>
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<td>6. The approaches to the crossing shall be constructed and maintained to minimise sediment and animal excrement entering water.</td>
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Rule WQL21 Discharge of a contaminant into water in a river, lake, or wetland from livestock in or near water, or disturbance of a wetland or the bed of a river or lake by livestock

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<td>2. The discharge or disturbance shall not result in the following effects being clearly visible in or on the bed, including the banks, of a river or a lake:</td>
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<td>1. a permitted activity if the discharge or disturbance complies with all the conditions of this Rule;</td>
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<td>(iii) within one kilometre upstream in the bed of a flowing reach of a river, or within one kilometre in the bed of a lake, from a freshwater bathing site listed in Schedule WQL7; or</td>
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<td>5. The area of a river bed that forms part of a constructed track or raceway used for a stock crossing, shall be minimised to the fullest extent practicable by:</td>
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</table>
(iv) the bed of a 'spring-fed plains river' identified on Map Volume Part 1 - Planning Maps; or
(v) within one kilometre upstream in the bed of a flowing reach of a river, or within one kilometre in the bed of a lake, from an intake for a community drinking water supply listed in Schedule WQL2.

Restriction of Discretion

Where the activity is classified as a restricted discretionary activity, Environment Canterbury has restricted its discretion to the following matters:
1. measures to avoid, remedy or mitigate any adverse effects of the activity on water quality, community drinking water sources, recreation, amenity values, Ngāi Tahu cultural values, aquatic ecosystems, including indigenous flora and fauna or habitat of trout or salmon.
2. the relevant water quality standards in Schedule WQL1.
3. the size of any Mixing Zone.
4. the timing, frequency, and intensity of the activity.
5. review of resource consent conditions.
6. financial contributions.
7. consent duration.

For the purpose of this rule:
(a) the Mixing Zone shall extend 20 metres in any direction from the point of disturbance or discharge in a river; or 10 metres in any direction from the point of disturbance or discharge in a lake or wetland.
(b) Intensively farmed livestock means:
(i) any stock grazed on irrigated land in or adjacent to the bed of a river or lake, in a wetland or adjacent to a wetland boundary; or
(ii) dairy cattle; or
(iii) farmed pigs; or
(iv) livestock contained for break-feeding in or adjacent to the bed of a river or lake, in a wetland or adjacent to a wetland boundary.

Where Rule Applies:
This rule applies everywhere in the Canterbury region excluding:
(a) the Coastal marine area; and
(b) where the discharge is to surface water and, or the disturbance of the bed, is controlled by the:
(i) Opihi River Regional Plan; or
(ii) Waimakariri River Regional Plan.
Rule 6.1  Discretionary Activity
The discharge of contaminants into surface water bodies in the Waimakariri River Catchment, or onto or into land within 20 metres of surface water bodies, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering surface water bodies, is a discretionary activity.

This rule does not apply to discharges which are specified as permitted activities in the Transitional Regional Plan.

Standards and Terms
The activity shall comply with the following standards and terms.

The water quality standards set out below shall be observed. The standards listed for each class apply after reasonable mixing of any contaminant with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

The water quality standards shall be the sum total of all substances in the water body, whether they are contaminants from discharges or are existing in the background state.

(i)  Class N S Water (being water managed in its natural state)

The water quality standard applies to surface waters of the Waimakariri River Catchment upstream of the confluence of the Waimakariri River with the Otukaikino Creek as outlined in Figure 6 and defined in Map 2.

Standard
The natural quality of the water shall not be altered.

(ii) Class WAiM Water (being water managed for drinking water for animals, contact recreation, fisheries, fish spawning, aquatic ecosystems, aesthetic, and cultural purposes).

The water quality standards apply to the mainstream of the Waimakariri River between its confluence with the Otukaikino Creek and the Coastal Marine Area as outlined in Figure 6 and defined in Map 2.

Standards
(1) There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
(2) There shall be no conspicuous change in the colour or visual clarity. A conspicuous change in colour shall be defined as a change greater than 10 points on the Munsell scale. A conspicuous change in visual clarity shall be defined as a change greater than 33%, as measured by black disc.
(3) There shall be no emission of objectionable odour.
(4) The maximum cover of stream or river beds by periphyton as filamentous growths or mats greater than 3 millimetres thick, shall not exceed 25%.
(5) Bacterial or fungal slime growths (also known as heterotrophic growths or sewage fungus) shall not be visible to the naked eye as plumose growths or mats.
(6) The BOD$_5$ of GF/C filtered water shall not exceed 2 grams per cubic metre.
(7) The concentration of dissolved oxygen shall exceed 80% of saturation concentration.
(8) Fish and other aquatic organisms shall not be rendered unsuitable for human consumption.
(9) There shall be no statistically measurable impairment of the reproductive ability of fish or of the food of fish. There shall be no toxic effect on fish or on the food of fish. For the purpose of this standard, fish, and the food of fish, do not include any organisms specified as a pest in a pest management strategy under the Biosecurity Act 1993.
Figure 6 Water Quality Standards of Surface Waters in the Waimakariri River Catchment

(Outline only; see Map 2 for detail.)

- Natural State
- Animal Drinking
- Contact Recreation
- Fisheries
- Fish Spawning
- Aquatic Ecosystems
- Aesthetic
- Cultural
- Animal Drinking
- Fisheries
- Fish Spawning
- Aquatic Ecosystems
- Aesthetic
(10) The natural temperature of the water shall not be changed by more than 3° Celsius, and shall not exceed 25° Celsius at any time, and the temperature of the water shall not adversely affect the spawning of trout or salmon during the spawning season.

(11) The median faecal coliform concentration of not less than five samples taken within any consecutive 30 day period, shall not exceed 200 faecal coliforms per 100 millilitres; furthermore, no more than 20% of samples within any consecutive 30 day period shall exceed 800 faecal coliforms per 100 millilitres.

(12) The quality of the water shall not be altered in those characteristics which have a direct bearing upon the objectionable nature to Tangata Whenua of contamination of surface waters by treated or untreated human sewage.

(13) The water shall not be rendered unsuitable for consumption by farm animals.

(iii) Class WAIM-TRIB Water (being water managed for drinking water for animals, fisheries, fish spawning, aquatic ecosystems, and aesthetic purposes)

The water quality standards apply to the tributaries of the Waimakariri River downstream of its confluence with the Otukaikino Creek and including the Otukaikino Creek downstream of the Groynes picnic area as outlined in Figure 6 and defined in Map 2.

Standards

(1) There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

(2) There shall be no conspicuous change in the colour or visual clarity. A conspicuous change in colour shall be defined as a change greater than 5 points on the Munsell scale. A conspicuous change in visual clarity shall be defined as a change greater than 20%, as measured by black disc.

(3) There shall be no emission of objectionable odour.

(4) The maximum cover of stream or river beds by periphyton as filamentous growths or mats greater than 3 millimetres thick, shall not exceed 40%.

(5) Bacterial or fungal slime growth (also known as heterotrophic growths or sewage fungus) shall not be visible to the naked eye as plumose growths or mats.

(6) The BOD₅ of GF/C filtered water shall not exceed 2 grams per cubic metre.

(7) The concentration of dissolved oxygen shall exceed 80% of saturation concentration.

(8) Fish and other aquatic organisms shall not be rendered unsuitable for human consumption.

(9) There shall be no statistically measurable impairment of the reproductive ability of fish or of the food of fish. There shall be no toxic effect on fish or on the food of fish. For the purpose of this standard, fish, and the food of fish, does not include any organism specified as a pest in a pest management strategy under the Biosecurity Act 1993.

(10) The natural temperature of the water shall not be changed by more than 3° Celsius, and shall not exceed 25° Celsius at any time, and the temperature of the water shall not adversely affect the spawning of trout or salmon during the spawning season.

(11) The water shall not be rendered unsuitable for consumption by farm animals.

(iv) Class OTU/GROYNES Water (being water managed for drinking water for animals, fisheries, fish spawning, aquatic ecosystems, public health, and aesthetic purposes)

The water quality standards apply to the Otukaikino Creek and its tributaries at, and upstream of, the Groynes picnic area as outlined in Figure 6 and defined in Map 2.
Standards

(1) There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

(2) There shall be no conspicuous change in the colour or visual clarity. A conspicuous change in colour shall be defined as a change greater than 5 points on the Munsell scale. A conspicuous change in visual clarity shall be defined as a change greater than 20%, as measured by black disc.

(3) There shall be no emission of objectionable odour.

(4) The maximum cover of stream or river beds by periphyton as filamentous growths or mats greater than 3 millimetres thick, shall not exceed 40%.

(5) Bacterial or fungal slime growth (also known as heterotrophic growths or sewage fungus) shall not be visible to the naked eye as plumose growths or mats.

(6) The $\text{BOD}_5$ of GF/C filtered water shall not exceed 2 grams per cubic metre.

(7) The visual clarity of the water shall not be rendered so low as to be unsuitable for bathing. For visual clarity to be suitable for bathing the horizontal sighting range of a 200 millimetre black disc shall exceed 1.6 metres.

(8) The concentration of dissolved oxygen shall exceed 80% of saturation concentration.

(9) Fish and other aquatic organisms shall not be rendered unsuitable for human consumption.

(10) There shall be no statistically measurable impairment of the reproductive ability of fish or of the food of fish. There shall be no toxic effect on fish or on the food of fish. For the purpose of this standard, fish, and the food of fish, does not include any organism specified as a pest in a pest management strategy under the Biosecurity Act 1993.

(11) The natural temperature of the water shall not be changed by more than 3° Celsius, and shall not exceed 25° Celsius at any time, and the temperature of the water shall not adversely affect the spawning of trout or salmon during the spawning season.

(12) The water shall not be rendered unsuitable for consumption by farm animals.

(13) The natural quality of the water with respect to organisms of public health significance shall not be altered.\footnote{Organisms of public health significance means organisms likely to adversely affect human health, or that are indicative of a potential risk to human health. Examples are faecal coliforms, \textit{E. coli}, enterococci, \textit{Salmonella}, \textit{Shigella}, \textit{Campylobacter}, \textit{Cryptosporidium} and \textit{Giardia}.}

Effect of Rule 6.1 on Existing Resource Consents

This rule shall affect, under section 130 of the RM Act, the exercise of existing resource consents for discharges of contaminants. When this rule becomes operative, Environment Canterbury may serve notice, under Section 128 of the RM Act, on the holders of all such resource consents of its intention to review the conditions of their resource consent, where in Environment Canterbury’s opinion, it is appropriate to do so in order to enable the standards and terms set by the rule to be met. The holders of resource consents shall comply with the standards and terms of this rule from the date at which the new conditions on their resource consent commence under Section 116 of the RM Act.

Rule 6.2 Non-Complying Activity

The discharge of contaminants into surface water bodies in the Waimakariri River Catchment, or onto or into land within 20 metres of surface water bodies, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering surface water bodies, that does not comply with the water quality standards and terms set by Rule 6.1, is a Non-Complying activity.

This rule does not apply to discharges which are specified as Permitted Activities in the Transitional Regional Plan.