



**NRRP Hearing stage 17
OFFICER REPORT No. 17A Chapter 4 WQL3
Supplementary Report
ON**

**PROPOSED VARIATION 1 OF THE
PROPOSED CANTERBURY NATURAL RESOURCES
REGIONAL PLAN:**

**Chapter 4 – Water Quality – Submissions on Rule
WQL40,**

Prepared by Barry Loe, Warwick Pascoe

Supplementary matters to be heard

- Rule WQL40 –Excavation of land over the Coastal Confined Gravel Aquifer System, or over an unconfined or semi-confined aquifer

**Dates of hearing: 11 June 2010
at ECan offices, 58 Kilmore Street in Christchurch**

This Section 42A report has been prepared by Barry Loe and Warwick Pascoe.

Barry Loe

I am a resource management consultant in Christchurch with over 20 years experience in the management of water and soil resources, having held investigation and monitoring positions with catchment authorities and regional councils in Waikato and Canterbury, before becoming a consultant in 1992. My qualifications include the NZ Water and Soil Conservation Certificate, under-graduate qualifications in economics and agriculture, and a post graduate degree in business administration. Since 2000 I have been contracted by Environment Canterbury as a consultant to assist with the development of the Water Quality Chapter of the NRRP. This role has involved the preparation and presentation of Policy Papers to Council to determine the content of the Chapter, a draft Water Quality Chapter, and Chapter 4, as notified.

Warwick Pascoe

I am a director of ADAM Environmental Ltd (a mineral exploration and environmental consultancy), which I formed in July 2005. Prior to launching this company I was employed by Environment Canterbury in the Consents Section from February 1996. I had six years in that Section primarily auditing water permit and land use consent applications, and a further three years as a Team Leader (of the Discharge Team, and then one of the Water Teams).

Since 2006 I have been contracted by Environment Canterbury to assist with the preparation of Officer Reports on Chapters 4 (Water quality), 5 (Water quantity) and 6 (Beds and margins of lakes and rivers).

My qualifications include Bachelor of Science and Honours degrees, both in geology from Victoria University of Wellington. I also have seven years experience as an exploration geologist working internationally.

Introduction

Reason for this Supplementary Report

The Hearing for Officer Report No.17 was held in March 2008. Just prior to that hearing it was decided that submissions on Rule WQL40 should be heard by the Variation 6 hearing committee because the rule placed specific controls on activities in the Christchurch Groundwater Protection Zones. At that time submissions on Rule WQL40 were withdrawn from the Stage 17 hearing. As further explained below (see page iii, Part 1 – Some submissions to be addressed with Variation 6) it has now been decided that submissions on Rule WQL40 should also be heard by the Variation 1 Hearing Committee so that decisions on matters outside the scope of Variation 6 can also be decided upon.

Thus Stage 17 is being reconvened to hear submissions on Rule WQL40 as they pertain to matters outside the Christchurch Groundwater Protection Zones.

Content of this report

This officer report is one of a series considering submissions to Proposed Variation 1 (Chapters 4 to 8) to the Proposed Canterbury Natural Resources Regional Plan (NRRP).

This report is a supplementary report to Officer Report No.17 and does not repeat submissions or provisions already heard at the Stage 17 hearings in March 2008.

Submissions evaluated in this report are those that relate to the matters to be heard as listed on the cover of this report.

Purpose of this officer report

This officer report has been prepared under Section 42A of the Resource Management Act:

1. to assist the Hearing Committee in making its recommendations to Environment Canterbury on the submissions and further submissions to Proposed Variation 1 to the Proposed NRRP;
2. to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.

The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:

1. falls within the functions of Environment Canterbury under the Resource Management Act 1991 (RMA);
2. will enhance the ability of the Proposed NRRP to achieve the purpose of the RMA;
3. will improve an objective so that it is a more appropriate way to achieve the purpose of the RMA;
4. will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;

5. will improve the plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, coherence, integration, etc.

How to read this report

This report is presented in four parts:

Part 1: Briefing for Hearing Committee on the purpose and content of this report, and main areas of changes being recommended

This part provides a very brief overview of the purpose of this report and identifies the main areas of change sought by submitters and the nature of amendments being recommended.

Part 2: Index of submitters and further submitters

The index tells you where to find the evaluation of your submission or further submission. Submissions are usually listed in numerical order, followed by further submissions (which are identified with the letter F before the further submission number). The page numbers next to your submission name indicate the pages in the officer report on which your name is listed under the provisions you have submitted on. The actual evaluation of your submissions is in the text immediately following each table.

Part 3: Officer's evaluation of submissions and recommendations

This is the main part of the report. For each provision submitted on, Part 3 contains the following standard format:

- the name of the provision (shaded), followed by a coding number (see explanation of coding below).
- the summary of decisions requested by submitters on that provision set out in table format.
- **Clarification:** only used where the decision requested needs further elaboration/clarification as to its intent.
- **Evaluation and reasons:** This part discusses the merits of submissions and includes reasons for accepting, accepting in part, or rejecting it.
- **Recommendations:** This will identify for each submission whether it should be accepted, accepted in part, or rejected. Each recommendation heading includes a unique identifying number.
- **Amendment required:** will identify specifically the location and nature of any amendment being recommended in response to submissions on the provision.

All clarifications, evaluations and recommendations are prefaced by the submission number to which they relate.

Amendments recommended to the Proposed NRRP are identified in the following way:

- deletions are shown by the use of strikethrough e.g. ~~strikethrough~~
- additions are shown by underlining e.g. underlining

Part 4: The relevant part of Chapter 4 amended to show the recommendations in the officer report

The amended plan is on coloured paper at the end of the report. It shows all the changes recommended in Part 3 to allow you to see the overall effect of the recommendations. Strikeouts and underlining are used to show the amendments. Footnotes are used to identify which recommendation number each amendment relates to.

Note: Amendments to Rule WQL40 recommended in the Variation 6 Officer Report have been incorporated in amendments recommended in this Officer Report for consistency.

Explanation of numbers in the tables

Each set of submissions evaluated in this report is preceded by the name of the provision submitted on and a coding number. The coding number is a reference to where the provision is located in the Proposed NRRP. The formula for coding is generally as follows:

[Chapter number]-[page number] [line number] on which the provision begins.

For example, Rule WQL40 is coded 4-149-1, which indicates that this provision is located in Chapter 4, beginning on line 1 of page 149.

When a submission was summarised and put onto our submission database, staff gave every decision requested its own number. This is referred to as a submission point. Thus a submission with 55 separate decisions requested would have 55 submission points entered in our database, one for each plan provision submitted on. These submission points are numbered from 1 to 55 and the point number comes after the actual submission number and looks like this: 103.55 where 103 is the submission number. This helps staff keep track of each decision requested and ensure that all submission points have been addressed.

Abbreviations and symbols

BPO	best practicable option
CMA	Coastal Marine Area
CRPMS	Canterbury Regional Pest Management Strategy
CRPS	Canterbury Regional Policy Statement (26 June 1998)
HSNO	Hazardous Substances and New Organisms Act 1996
L&VMRP	Land & Vegetation Management Regional Plan
L/s	litres per second
LTCCP	Long-Term Council Community Plan
MALF	mean annual low flow
$\mu\text{g}/\text{m}^3$	micrograms per cubic metre
mg/kg	milligram per kilogram
mg/m^3	milligrams per cubic metre
m^3/day	cubic metres per day
MHWS	mean high water springs
NMTRP	Nelson-Marlborough Transitional Regional Plan
NRRP	Proposed Canterbury Natural Resources Regional Plan
NTCSA	Ngāi Tahu Claims Settlement Act 1998

ORRP	Opihi River Regional Plan
PCE	Parliamentary Commissioner for the Environment
RCEP	Regional Coastal Environment Plan
RLTS	Regional Land Transport Strategy
RMA	Resource Management Act 1991
WRRP	Waimakariri River Regional Plan
7DMALF	seven-day mean annual low flow
Original submitter/submission	these are submissions made directly on Variation 1, Chapters 4-8, after it was first notified.
Further submitter/submission	these are submission made in support of/opposition to specific original submissions

Withdrawn Submissions and Further Submissions

Legal advice indicates that a further submission to a withdrawn original submission remains “live” and entitles the RMA Schedule 1 process. Therefore an evaluation and recommendation has been provided for these further submissions in the Officer Report.

Officer Reports May Include Technical Reports from Scientists

Some of the matters raised by submitters may have required written technical advice to be obtained from scientists to aid in the evaluation of submissions. Technical reports received may be included within the Officer Report, generally as an appendix, and form part of the Officer Report. Submitters appearing at the hearing can respond to these technical reports as part of their evidence. At the start of a hearing stage, the scientist who wrote one of these reports will be present to give a brief explanation of its contents to the Hearing Committee, and to answer any questions that the Committee may have about the report.

Part 1: Briefing for Hearing Committee on the areas of changes being recommended in this Officers Report

Chapter 4 Officer Report No.17A

(Addressing submissions from Recommendations WQL3.42 to WQL3.46)

This Section 42A Officer Report is supplementary report addressing submissions made on Rule WQL40 and excludes submissions on Condition 1(d) as this provision is part of the Variation 6 hearing process.

Some submissions to be addressed with Variation 6

The Regional Council notified Variation 6 to the NRRP on 28 July 2007 to specifically address the Christchurch Groundwater Protection Zones. Submissions on those Variation 1 provisions to which Variation 6 made a significant change were heard as part of the Variation 6 hearing process. This process was to ensure that submissions on Variation 1 which could be considered to be submissions on Variation 6 were included in the Variation 6 hearing process in accordance with clause 16B, Schedule 1 of the RMA.

In hearing submissions on Rule WQL40 the Variation 6 Hearing Committee (mandated to hear and recommend on submissions on Variation 6 - Christchurch Groundwater Protection Zones) found that there were issues raised in the submissions which did not relate specifically to Variation 6 matters and which need to be addressed by the Variation 1 Hearing Committee.

For administrative purposes and so that each decision requested by submitters on Rule WQL40 can be addressed through both the Variation 1 and Variation 6 processes, these decisions requested have been duplicated. The Variation 1 Hearing Committee will address these decisions requested in relation to matters outside the Christchurch Groundwater Protection Zones, and the Variation 6 Hearing Committee will address the decisions requested in relation to matters within the Christchurch Groundwater Protection Zones. As noted above submissions on Condition 1(d) are relevant only to the Variation 6 hearing process and have not been duplicated.

Please note that this reconvening of Stage 17 is focussed on Rule WQL40 as it relates to matters outside the Christchurch Groundwater Protection Zones. Officer Report No.17A, is supplementary to the original Officer Report No.17 (February 2008) and does not repeat submissions on provisions already heard by the Variation 1 Hearing Committee.

Background

Rule WQL40 addresses the excavation of land over the Coastal Confined Gravel Aquifer System, or over an unconfined or semi-confined aquifer. The purpose of the rule is to protect the Region's aquifers from contamination where excavations may expose groundwater or increase the risk of contaminants entering groundwater.

Recommended Amendments

Outlined below in summary form are the main amendments being recommended in this report.

Requests recommended to be accepted

- (1) Amend the Activity column of Rule WQL40 to delete reference to Rules WQL55 and WQL62 so that the rule is self-contained.
- (2) Amend the Activity description to enhance the certainty of the application of the rule.

Requests recommended to be rejected

Outlined below in summary form are the main requests that are recommended to be rejected:

- (1) Delete Rule WQL40 due to the unfair burden it will create for landowners, the fact that contaminants that pose a risk to groundwater are controlled by other provisions of Chapter 4, that it is unduly restrictive, does not provide for existing quarrying operations, and is in conflict with district plan rules.
- (2) Amend the Rule to exclude network utilities from Rule WQL40 because the rule is too stringent and onerous.
- (3) Amend the rule to classify activities that do not comply with the conditions discretionary rather than restricted discretionary because any further degradation of water quality is significant.
- (4) Amend the reference to Community Drinking Water Supply Zones for wells listed in Schedule WQL2 to also refer to new wells or galleries listed in a register.

Part 2: Index of submitters and further submitters

List of Submission numbers and the pages where they are

Submitter	Sub No	Page Number(s)
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Aggregate and Quarry Assn of NZ	(V1), 1065:	5
AgResearch Ltd	(V1), 1084:	13, 14
Aidanfield Holdings	(V1), 526:	6, 21
Applefields Limited	(V1), 522:	6, 21
Arnaud C McKellar	(V1), 17:	3
Brian Hutchinson	(V1), 606:	6
Brian Wilkinson	(V1), 63:	3
Calder Stewart	(V1), 523:	6, 21
Canterbury Forest Industry Working Group	(V1), 1043:	6, 19
Canterbury Land Trust	(V1), 538:	6, 21
Canterbury Rowing Trust	(V1), 1071:	4
Canterbury-Aoraki Conservation Board	(V1), 432:	13
Christchurch City Council (formerly BPDC)	(V1), 378:	4, 13
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Clearwater Golf Club Limited	(V1), 536:	6, 21
Clearwater Hotel 2004 Limited	(V1), 537:	6, 21
Clearwater Land Holdings Ltd	(V1), 534:	6, 21
Craig D Galloway	(V1), 439:	4
Dairy Holdings Limited	(V1), 521:	6, 21
David A Williams	(V1), 575:	6
David G Lester	(V1), 41:	3
David J Innes	(V1), 34:	3
David J Teece	(V1), 502:	5
Davis Ogilvie & Partners Ltd, Gabara J	(V1), 497:	14
Devondale Nurseries Ltd	(V1), 398:	4
Duncan Armstrong	(V1), 2:	3
E D Marshall	(V1), 12:	3
Edward J C Aitken	(V1), 64:	3
Eminence Investments Ltd	(V1), 527:	6
Eminence Investments Ltd	(V1), 1052:	6, 13, 21
Enterprise Homes Ltd	(V1), 532:	6
Federated Farmers of NZ (Inc)	(V1), 1074:	3
Fonterra Co-Operative Group Ltd (Fonterra)	(V1), 1083:	13, 14
Frank Shaw	(V1), 126:	3
Fulton Hogan	(V1), 1047:	5
Fulton Hogan Ltd	(V1), 551:	6
G J & M E Curry	(V1), 261:	3
Gary W Simes	(V1), 38:	3
Gillman Ltd	(V1), 525:	21
Glendore (New Zealand) Ltd	(V1), 433:	4, 20
Hamish D Vogan	(V1), 33:	3
Hamish R Kay	(V1), 40:	3
Harry Schat	(V1), 136:	3
Humbolt (Timberley) Ltd	(V1), 518:	6, 20
Hurunui Community Water Development Working Group	(V1), 1060:	11, 12, 13, 14, 15
Hurunui District Council	(V1), 564:	6, 15
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John G Wright	(V1), 127:	3
John R Stanbury	(V1), 124:	3
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John Watherston	(V1), 132:	3
Jon Clark	(V1), 39:	3
Kaikoura District Council	(V1), 573:	6, 15
Keith T Vogan	(V1), 7:	3
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Landco Pastoral Holdings Limited	(V1), 395:	11, 13

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Luis Thacker (V1), 10:	3
Mackenzie District Council (V1), 338:	3, 12
MainPower NZ Ltd (V1), 1061:	11, 12, 13, 14, 15
Mark Thomson & Valda McLaren (V1), 129:	3
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New Zealand Transport Agency (formerly Transit New Zealand). (V1), 1035:.....	3
Ngai Tahu Property Group Ltd (V1), 520:	6, 21
Ngai Tahu Property Ltd (V1), 1053:	6, 13
Ontrack (NZ Railways Corporation) (V1), 1059:	11, 12, 13, 14, 15
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P G & W E A Reid (V1), 123:.....	3
Paddy Stronach (V1), 664:.....	6
Pam Richardson (V1), 405:.....	4
Peter B Moore (V1), 32:.....	3
Peter Jebson (V1), 455:.....	4
Peter McPartlin (V1), 24:	3
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Peter Turnbull (V1), 153:.....	3
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Richard Goord (V1), 160:	3
Richard W Craw (V1), 42:.....	3
Road Metals Co Ltd (V1), 459:.....	4
Robert A Steel (V1), 202:	3
Robert W Anderson (V1), 661:	6
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Susan M Turnbull (V1), 158:.....	3
Te Hapu O Ngati Wheke Rapaki Runanga Inc (V1), 563:.....	19
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Water Rights Trust Inc (V1), 582:.....	6
Winstone Aggregates (V1), 513:	5

Part 3: Submission summary, submission clarification, evaluation and recommendation on Chapter 4 WQL3 – Surface Water Quality

Recommendations WQL3.42 to WQL3.46

4-149-1 Rule WQL40 Excavation of land in the Coastal Confined Gravel Aquifer System, or over and unconfined or semi-confined aquifer- restricted discretionary activity

4-149-1	2.46	Duncan Armstrong (V1)	Delete Rule WQL40
	F1039.7	New Zealand Minerals Industry Assn (V1)	<i>Support</i>
4-149-1	3.66	N Smith (V1)	Delete Rule WQL40
	F1074.690	Federated Farmers of NZ (Inc) (V1)	<i>Support</i>
4-149-1	5.46	Southbranch Farm Ltd (V1)	See submission point 3.66
4-149-1	7.46	Keith T Vogan (V1)	See submission point 3.66
4-149-1	8.44	John Smyth (V1)	See submission point 3.66
4-149-1	10.45	Luis Thacker (V1)	See submission point 3.66
4-149-1	12.58	E D Marshall (V1)	See submission point 3.66
4-149-1	17.61	Arnaud C McKellar (V1)	See submission point 3.66
4-149-1	24.61	Peter McPartlin (V1)	See submission point 3.66
4-149-1	30.42	Murray Wood (V1)	See submission point 3.66
4-149-1	31.42	Rowan A Waghorn (V1)	See submission point 3.66
4-149-1	32.42	Peter B Moore (V1)	See submission point 3.66
4-149-1	33.42	Hamish D Vogan (V1)	See submission point 3.66
4-149-1	34.42	David J Innes (V1)	See submission point 3.66
4-149-1	35.42	Neil L Kay (V1)	See submission point 3.66
4-149-1	36.42	Peter S Thelning (V1)	See submission point 3.66
4-149-1	37.42	Timothy L Craw (V1)	See submission point 3.66
4-149-1	38.42	Gary W Simes (V1)	See submission point 3.66
4-149-1	39.42	Jon Clark (V1)	See submission point 3.66
4-149-1	40.42	Hamish R Kay (V1)	See submission point 3.66
4-149-1	41.42	David G Lester (V1)	See submission point 3.66
4-149-1	42.42	Richard W Craw (V1)	See submission point 3.66
4-149-1	63.46	Brian Wilkinson (V1)	See submission point 3.66
4-149-1	64.61	Edward J C Aitken (V1)	See submission point 3.66
4-149-1	119.46	Stephen D Helps (V1)	See submission point 3.66
4-149-1	123.69	P G & W E A Reid (V1)	See submission point 3.66
4-149-1	124.61	John R Stanbury (V1)	See submission point 3.66
4-149-1	126.46	Frank Shaw (V1)	See submission point 3.66
4-149-1	127.41	John G Wright (V1)	See submission point 3.66
4-149-1	129.46	Mark Thomson & Valda McLaren (V1)	See submission point 3.66
4-149-1	132.66	John Watherston (V1)	See submission point 3.66
4-149-1	136.43	Harry Schat (V1)	See submission point 3.66
4-149-1	138.48	Richard A Florence (V1)	See submission point 3.66
4-149-1	153.43	Peter Turnbull (V1)	See submission point 3.66
4-149-1	158.43	Susan M Turnbull (V1)	See submission point 3.66
4-149-1	160.40	Richard Goord (V1)	See submission point 3.66
4-149-1	202.42	Robert A Steel (V1)	See submission point 3.66
4-149-1	261.61	G J & M E Curry (V1)	See submission point 3.66
4-149-1	330.61	Ronald L Inwood (V1)	See submission point 3.66
4-149-1	334.354	Selwyn District Council (V1)	Exclude network utility services, such as roadworks, sewer, water and stormwater pipes from Rule WQL40, or increase the permitted quantities of material (see submission 334.355).
	F1035.117	New Zealand Transport Agency (formerly Transit New Zealand). (V1)	<i>Support</i>
	F1040.402	Christchurch City Council. (V1)	<i>Support</i>
4-149-1	338.314	Mackenzie District Council (V1)	See submission point 334.354.

4-149-1	352.268	Waitaki District Council (V1)	See submission point 334.354.
4-149-1	370.66	James Cleeve (V1)	See submission point 3.66.
4-149-1	378.315	Christchurch City Council (formerly BPDC). (V1)	See submission point 334.354.
4-149-1	393.32	Aggregate & Quarry Association of New Zealand (V1)	Delete rule WQL40
4-149-1	398.8	Devondale Nurseries Ltd (V1)	Delete rule WQL40
4-149-1	401.63	Kintail Downs Ltd (V1)	See submission point 3.66.
4-149-1	405.46	Pam Richardson (V1)	See submission point 3.66.
4-149-1	406.61	Jim Hazlett Hillview Enterprises Ltd (V1)	See submission point 3.66.
4-149-1	413.670	Waimate District Council (V1)	See submission point 334.354.
4-149-1	413.671	Waimate District Council (V1)	Delete Rule WQL40.
	F1071.65	Canterbury Rowing Trust (V1)	<i>Support</i>
4-149-1	429.61	R S & L S Holloway (V1)	See submission point 3.66.
4-149-1	433.360	Glendore (New Zealand) Ltd (V1)	Delete Rule WQL40.
4-149-1	439.64	Craig D Galloway (V1)	See submission point 3.66.
4-149-1	448.213	Waimakariri District Council (V1)	If Chapter 4 is not deleted as requested (see submission point 448.22), as an alternative: Add notes to Rule WQL40 to read: <i>"Note: Rule WQL40 is a land use rule under RMA S.9. Under RMA S.9 activities are permitted unless controlled by a rule in a regional or district plan. Note: This Plan carries further land use rules controlling excavation, and district plans may also contain earthworks rules. Parties contemplating undertaking earthworks should consult the district plan for their area."</i>
4-149-1	449.266	New Zealand Transport Agency (formerly Transit New Zealand) (V1)	In Rule WQL40 retain the exclusion for bores.
4-149-1	452.94	Thomas Ross & Julie Sadler (V1)	See submission point 3.66.
4-149-1	455.61	Peter Jebson (V1)	See submission point 3.66.
4-149-1	459.8	Road Metals Co Ltd (V1)	Amend Rule WQL40 as follows: Amend the title of the Rule WQL40 to read; "... <u>semi-confined aquifer "including Zone 1 of the Christchurch Groundwater Recharge Zone - restricted discretionary activity"</u> Amend the first two lines in the Activity column to read; " <u>The use of land to excavate land:</u> " Delete Condition 1. (d).
	F1057.198	Winstone Aggregates. (V1)	<i>Support</i>
4-149-1	471.354	Selwyn Central Community Board (V1)	See submission point 334.354.
4-149-1	473.73	I Upston (V1)	See submission point 3.66.
4-149-1	476.843	Christchurch City Council (V1)	Amend Rule WQL40 to ensure that all pipeline works do not require a consent.
4-149-1	476.844	Christchurch City Council (V1)	Add a new rule to permit trenching subject to; (1) depth excavation to be "<5 metres (2) within Coastal Confined there shall be no less than 1 metres of undisturbed sediment between the base of the

			excavation and the aquifer. (3) Trenches shall be backfilled with cleanfill only.
4-149-1	502.64	David J Teece (V1)	Amend Rule WQL40 as follows: <ul style="list-style-type: none"> • Either remove or substantially increase the threshold limits, especially the 100 cubic metre and 100 metres distance limits. • Make activities that meet all the conditions "<u>permitted or controlled activities</u>". • Make activities that do not meet all the conditions "<u>restricted discretionary</u>".
4-149-1	504.38	Orion New Zealand Ltd (V1)	Clarify that Rule WQL40 permits not only the excavation of land associated with repair and maintenance of established network utilities and associated access tracks but that it also applies to/provides for the excavation of land associated with network utilities and associated access tracks.
4-149-1	505.38	Telecom New Zealand Ltd (V1)	Clarify that Rule WQL40 permits not only the excavation of land associated with repair and maintenance of established network utilities and associated access tracks but that it also applies to/provides for the excavation of land associated with network utilities and associated access tracks.
4-149-1	513.65	Winstone Aggregates (V1)	New rule before Rule WQL40 to make existing excavation operations a controlled activity in the following areas: <ol style="list-style-type: none"> (a) over an unconfined or semi-confined aquifer where the depth of excavation: <ol style="list-style-type: none"> (i) exceeds five metres; or (ii) is deeper than the highest groundwater level which can reasonably be expected to occur at the site, based upon the relevant and available groundwater data; and (iii) where the volume of material excavated exceeds 100 cubic metres within any consecutive 12 month period; or (b) within the Coastal Confined Gravel Aquifer System, where there is less than one metre of undisturbed sediment between the base of the excavation and Aquifer 1. <p>Include conditions and matters over which Environment Canterbury retains control similar to those in Rule WQL40.</p>
	F1039.8	New Zealand Minerals Industry Assn (V1)	<i>Support</i>
	F1047.37	Fulton Hogan (V1)	<i>Support</i>
	F1065.36	Aggregate and Quarry Assn of NZ (V1)	<i>Support</i>

4-149-1	518.387	Humbolt (Timberley) Ltd (V1)	See submission point 413.671.
4-149-1	519.410	Lochnager Holdings Ltd (V1)	See submission point 413.671.
4-149-1	520.360	Ngai Tahu Property Group Ltd (V1)	See submission point 413.671.
4-149-1	521.351	Dairy Holdings Limited (V1)	See submission point 413.671.
4-149-1	522.313	Applefields Limited (V1)	See submission point 413.671.
	F1052.1619	Eminence Investments Ltd. (V1)	<i>Support</i>
4-149-1	523.313	Calder Stewart (V1)	See submission point 413.671.
4-149-1	524.316	Suburban Estates (V1)	See submission point 413.671.
4-149-1	526.313	Aidanfield Holdings (V1)	See submission point 413.671.
4-149-1	527.18	Eminence Investments Ltd (V1)	Delete Rule WQL40.
	F1053.1730	Ngai Tahu Property Ltd (V1)	<i>Support</i>
4-149-1	532.19	Enterprise Homes Ltd (V1)	Delete Rule WQL40.
4-149-1	534.385	Clearwater Land Holdings Ltd (V1)	See submission point 413.671.
4-149-1	535.399	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust (V1)	See submission point 413.671.
4-149-1	536.393	Clearwater Golf Club Limited (V1)	See submission point 413.671.
4-149-1	537.387	Clearwater Hotel 2004 Limited (V1)	See submission point 413.671.
4-149-1	538.394	Canterbury Land Trust (V1)	See submission point 413.671.
4-149-1	539.394	Timaru District Council (V1)	Delete Rule WQL40 or amend to make consistent with the excavation and setback from wetlands and rivers rules in the Rural 1 Zone of the Proposed Timaru District Plan.
4-149-1	539.395	Timaru District Council (V1)	See submission point 334.354.
4-149-1	551.39	Fulton Hogan Ltd (V1)	Delete Rule WQL40.
4-149-1	562.100	Michael Eder (V1)	See submission point 3.66.
4-149-1	564.296	Hurunui District Council (V1)	See submission point 334.354.
4-149-1	573.275	Kaikoura District Council (V1)	See submission point 334.354.
4-149-1	574.66	Sidney and Jacqueline Hurst (V1)	See submission point 3.66.
4-149-1	575.51	David A Williams (V1)	See submission point 3.66.
4-149-1	576.69	Michael R Hodgen (V1)	See submission point 3.66.
4-149-1	582.296	Water Rights Trust Inc (V1)	Retain Rule WQL40.
	F1043.4397	Canterbury Forest Industry Working Group. (V1)	<i>Oppose</i>
	F1044.4375	Selwyn Plantation Board Limited (V1)	<i>Oppose</i>
4-149-1	606.61	Brian Hutchinson (V1)	See submission point 3.66.
4-149-1	661.43	Robert W Anderson (V1)	See submission point 3.66.
4-149-1	664.43	Paddy Stronach (V1)	See submission point 3.66.

Submission Clarification

Submissions that refer to the Christchurch Groundwater Recharge Zone (renamed the Christchurch Groundwater Protection Zone in Variation 6 to Chapter 4, NRRP), such as 459.8, have been evaluated in the Officer Report on submissions on Variation 6. Where such submissions also make reference to other areas, these aspects of the submissions have been evaluated in this report.

Evaluations and reasons

2.46, F1039.7; 3.66, F1074.690; 5.46, 7.46, 8.44, 10.45, 12.58, 17.61, 24.61, 30.42, 31.42, 32.42, 33.42, 34.42, 35.42, 36.42, 37.42, 38.42, 39.42, 40.42, 41.42, 42.42, 63.46, 64.61, 119.46, 123.69, 124.61, 126.46, 127.41, 129.46, 132.66, 136.43, 138.48, 153.43, 158.43, 160.40, 202.42, 261.61, 330.61, 370.66, 393.32, 398.8, 401.63, 405.46, 406.61, 413.671, F1071.65; 429.61, 433.360, 439.64, 452.94, 455.61, 473.73, 518.387, 519.410, 520.360, 521.351, 522.313, F1052.1619; 523.313, 524.316, 525.362, 529.313, 527.18, F1053.1730; 532.19, 534.385, 535.399, 536.393, 537.387, 538.394, 539.394, 551.39, 562.100, 574.66, 575.51, 576.63, 606.61, 661.43, 664.43: The original submitters and further submitters oppose Rule WQL40 for the following reasons:

2.46, 3.66, 5.46, 7.46, 8.44, 10.45, 12.58, 17.61, 24.61, 30.42, 31.42, 32.42, 33.42, 34.42, 35.42, 36.42, 37.42, 38.42, 39.42, 40.42, 41.42, 42.42, 63.46, 64.61, 119.46, 123.69, 124.61, 126.46, 127.41, 129.46, 132.66, 136.43, 138.48, 153.43, 158.43, 160.40, 202.42, 261.61, 330.61, 370.66, 401.63, 405.46, 406.61, 429.61, 439.64, 452.94, 455.61, 473.73, 562.100, 574.66, 575.51, 576.63, 606.61, 661.43, 664.43: The original submitters consider the plan unfairly burdens landowners adjacent to, or upstream of, a community drinking water supply zone. They consider land use in these areas will be significantly constrained, resulting in additional costs for landowners e.g. resource consents applications, or to cease or alter activities in these areas.

413.671, 433.360, 518.387, 519.410, 520.360, 521.351, 522.313, 523.313, 524.316, 525.362, 529.313, 534.385, 535.399, 536.393, 537.387, 538.394: The submitters consider discharges associated with hazardous substances and stormwater can and are controlled through other rules and methods. They consider the rule is a heavy-handed way of dealing with excavations which have not proved to be a significant source of contamination of groundwater.

Submissions 393.32 and 551.39 consider the regional rule will unduly restrict quarrying operations.

Submissions 398.8, 527.18 and 532.19 consider the controls and the status of related activities are unduly restrictive, particularly for land within the Christchurch Groundwater Protection Zone.

Submission 539.394 consider it is in conflict with rules in the proposed Timaru District Council Plan, which are more restrictive in terms of setbacks from wetlands and rivers, but have no restriction on the depth of excavations. The submitter considers Rule WQL40 could result in additional consents being required for the operation of the Timaru district landfill, which they believe is unnecessary and inappropriate as the activity is already consented.

- F1039.7 supports Submission 2.46 as they consider the rule as notified places unreasonable restrictions on the use of land.
- F1074.690 supports Submission 3.66 for the reasons given by the submitter.
- F1071.65 supports Submission 413.671 as they consider it is appropriate to allow mineral extraction within the Christchurch drinking water zone. Especially as they consider the volume of gravel available in the Waimakariri River is significantly less than is required for ongoing intensification and industrial development.
- F1052.1619 and F1053.1730 support 522.313 and 527.18, respectively, as they consider the restrictions proposed for development within the Christchurch Groundwater Protection Zone cannot be justified; and discharges ought to be provided for in a more flexible way to achieve balance between development and protection of resources.

Evaluation

1. Statutory responsibilities

Environment Canterbury has primary responsibility to manage discharges onto land where they may enter water (s15 RMA), and to control the effects of land use activities on water quality (s30(1)(c) RMA). Rule WQL40 is a land use control to address the potential adverse effects on groundwater and surface water quality from the excavation of land. The rule comprises part of a suite of measures to protect the quality of the region's groundwater resources from the effects of land uses such as excavation. The permeable gravels and thin soils overlying the unconfined and semi-confined aquifers may offer only limited protection to the groundwater from contamination at or beneath the ground surface, but removing this material places the groundwater beneath at greater risk of contamination. The protection provided to confined aquifers by the low permeability material overlying these aquifers can be maintained by ensuring that at least a metre thickness of this material is retained.

Excavation, drilling or pile driving to a depth of more than eight metres below ground level has required authorisation since 1990 by the Underground Water Bylaw, now a rule in the Transitional Regional Plan requiring consent as a discretionary activity. Excavations can provide a direct pathway for contaminants to enter groundwater and removing the overburden increases the risk to groundwater quality from the use of hazardous substances on the land, and discharges of contaminants onto and into the excavated land, e.g. stormwater discharges, fuel spills, and illegal or uncontrolled dumping in excavations.

Therefore Rule WQL40 is appropriate and necessary to protect the region's aquifers from excavation activities that pose a risk.

2. Community drinking water supply protection zones

Where excavation that requires authorisation under Rule WQL40 is proposed within a Community Drinking Water Supply Protection Zone or the Christchurch Groundwater Protection Zones 1 and 2 and

Sub-Zones 1A, 1C and 1D, the activity will be considered as a non-complying activity. This will ensure that either, the activity does not contravene the objectives and policies of the NRRP, or the adverse effects on the environment will be no more than minor. This is appropriate for such activities in these sensitive areas where groundwater is drawn directly for public consumption and may not be treated.

Quarry industry practice is improving in respect of reducing the risk to groundwater quality, however excavations are also carried out by other industries and land owners, not just quarry operators. Operators who are able to ensure that adverse effects on the environment are avoided, remedied or mitigated will be able to undertake their activities. The provisions of Rule WQL40 set a threshold for capturing those excavation activities which may impact on groundwater quality, and provides for the specific adverse effects to be assessed on a case by case basis.

3. Relationship with district plans

District plans and regional plans address different matters under the RMA. The provisions of regional plans and district plans may not be the same, but may apply to the same activity. Each plan must be complied with. Therefore, the more restrictive setbacks from wetlands and rivers set in a district plan for reasons other than water quality, are not inconsistent with Rule WQL40, but the depth of excavations is established for water quality purposes so it is appropriate that this control is in the regional plan only.

When Chapter 4 of the NRRP is operative, a landfill operation that is authorised by current resource consents will only be subject to the rules of NRRP when the current consents expire or if activities are undertaken that, prior to NRRP being notified, did not require consent but now do so under NRRP rules (s20A RMA).

For the reasons set out above, the original submissions and the further submissions are rejected. No amendment is required.

334.354, F1035.117, F1040.402; 338.314, 352.268, 378.315, 413.670, 471.354, 476.843, 476.844, 502.64, 504.38, 505.38, 539.395, 564.296, 573.275: The submitters consider network utility operators should be exempt from the provisions of the rule.

Evaluation

334.354, 338.314, 352.268, 378.315, 413.670, 471.354, 539.395, 564.296, 573.275: The original submitters consider the regional rule has implications for works as part of the provision and maintenance of utility services. The rule is too stringent and onerous in relation to the amount and location of excavation activities, particularly when considering existing settlements. The submitters consider the restriction is not an efficient or effective method.

476.843, 476.844: The submitters consider the rule, as worded, places extreme limits on any excavation for most pipelines and pump station construction throughout Christchurch City.

502.64: The submitter considers the rule contains limits and thresholds that have been arbitrarily set and which allow no flexibility. They consider the limits need to be increased to a realistic level which will not prevent activities of great potential benefit. The submitter does not provide examples of such activities.

504.38, 505.38: The submitters consider an exemption for network utility operators is appropriate due to the minimal degree of land disturbance and excavation associated with these processes that could potentially adversely affect water bodies.

In particular the submitters consider:

- (i) The determination of groundwater level is inappropriate as no groundwater levels are specified in the plan.
 - (ii) The 100 cubic metre threshold is likely to be exceeded during cable laying.
 - (iii) Trenching and thrusting cable laying techniques means that the disruption to the aquifer environment will be minimal.
 - (iv) The application of the conditions is unclear i.e. do they apply to the entire region, the operator or the project?
 - (v) Setback distances and restrictions outlined under conditions are inappropriate and unrealistic for laying underground cabling.
- F1035.117 supports Submission 334.354 as they consider network utilities are physical resources that need to be sustainably managed.
 - F1040.402 supports Submission 334.354 as they consider the requested relief will allow the city council to undertake the provision of utilities practically without having significant potential adverse effects on the environment.

Regional Rule WQL40 comprises part of a suite of measures to protect the region's groundwater resources as the permeable gravels and thin soils overlying the aquifers offer limited but important protection from the effects of land uses, and the material overlying the confined aquifers provides protection for water quality.

The rule applies to network operators if the excavations they undertake are over an unconfined or semi-confined aquifer and exceed a depth of five metres, or excavate deeper than the highest groundwater level, and the excavation in these situations will remove an annual volume in excess of 100 cubic metres. If the excavation is within the Coastal Confined Gravel Aquifer System, the excavation must leave at least one metre of undisturbed sediment over the upper-most aquifer. As a restricted discretionary activity, a resource consent will be required for excavations that will exceed these limits.

The purpose of the rule is to minimise the potential for adverse effects on groundwater quality, by requiring all land users who excavate beyond these limits to develop and implement measures to avoid, remedy or mitigate adverse effects of their activity on water quality.

The submitters raise the issue that the rule does not specify the area over which the volume limit is set, and this will mean any network utility operator or commercial excavator will require consent as the annual volume they excavate deeper than five metres, or below highest groundwater levels, on the Canterbury Plains will exceed 100 cubic metres per year. It is envisaged that under Rule WQL40, the consent application would be made on a project basis, or for their activities throughout the region, under a region- or defined area-wide consent. The consent conditions will set the requirements for the measures to protect groundwater and surface water quality. Therefore, the volume threshold is set at a level to allow only minor scale activities to proceed without resource consent.

However it is accepted that it would be helpful to amend the explanation of the rule to clarify how these limits will be applied.

For the reasons set out above, the original submissions and further submissions are accepted in part, and an amendment is required.

448.213:

The original submitter considers there is a likelihood of confusion about the extent to which the excavation of land is permitted under this plan, and with the earthworks controls in district plans. The requested relief is sought to avoid confusion regarding what is permitted and what other plan rules would have to be complied with.

Evaluation

The first part of the relief sought by the submission explains the position of the rule in relation to the RMA, and land use rules under the RMA. Generally, such information is out of place within a rule although it is useful information for people using a regional plan. Section 4.3.1 describes the statutory basis for planning controls, and the activity description column in Table WQL7 - the Index of Rules describes the rule type as either discharge or land use control.

The second part of the relief refers to the land use rules in the NRRP, and the possible existence of relevant rules in a district plan. Although this information may prove helpful it is not directly relevant to the purpose of this rule i.e. managing the risk to water quality from excavations.

For the reasons set out above, the original submission is rejected, and no amendment is required.

449.266:

The submitter supports the exclusion of bores from Rule WQL40 as it will continue to permit geotechnical testing under Rule WQL35.

Evaluation

Support for the provision is acknowledged.

For the reason given set out above, the submission is accepted and no amendment is required.

459.8, F1057.198; 513.65, F1039.8, F1047.37, F1065.36:

459.8: The original submitter opposes Rule WQL40 as they consider mineral extraction does not have to result in the exposure of the groundwater table or contaminants entering groundwater. They consider that a sufficient buffer between the maximum possible height of the groundwater table and the base of the excavation, e.g. 1.5 metres, should provide adequate protection for the groundwater resource.

Evaluation

513.65: The submitter opposes Rule WQL40 in the absence of more permissive provisions for existing quarrying operations, as the submitter considers they do not provide sufficient certainty for the continued operation of existing, lawfully established operations. The submitter considers the addition of a new rule for existing excavations as a controlled activity is appropriate to ensure risks to groundwater quality are minimised.

- F1057.198 supports Submission 459.8 as they consider the relief sought recognises the contribution that gravel extraction operations within close proximity to Christchurch make the community's ability to provide for its social and economic wellbeing, and is considered more appropriate for achieving sustainable development.
- F1039.8 supports Submission 513.65 as they consider the rule as notified places unreasonable restrictions on the use of land.
- F1047.37 and F1065.36 support the Submission 513.65 as they consider that allowing existing excavation operators to continued as a controlled activity gives the operators of these activities some certainty.

Regional Rule WQL40 comprises part of a suite of measures to protect the region's groundwater resources as the permeable gravels and thin soils overlying the aquifers offer limited but important protection from the effects of land uses, and the material overlying the confined aquifers provides protection for water quality.

Although mineral extraction does not always expose groundwater, retaining a thin buffer e.g. 1.5 metres of undisturbed but permeable gravels over an unconfined aquifer, will not provide adequate protection of groundwater quality, and is a simplistic approach to a potentially serious issue.

There are a range of management practices that need to be used to ensure that excavations do not create a risk to groundwater quality. These practices need to be developed to suit the conditions of each particular site.

A resource consent will set conditions for such practices and enable the monitoring of them. Current resource consents held by excavation operations will allow the activity to continue until the consent expires, unless new activities commence on a site that now require resource consent under operative NRRP rules (s20A RMA).

Applications for resource consents to replace current permits when these expire, and for new activities, will have to meet the requirements of the rule. Creating a separate rule for existing excavation operations as a controlled activity would be inappropriate as a resource consent would have to be granted, and given the potential for an adverse effect on groundwater quality, Environment Canterbury should retain the ability to decline such an application if the adverse effects are likely to be significant.

For the reasons set out above, the original submission and the further submission are rejected. No amendment is required.

582.296, F1043.4397, F1044.4375:

The original submission generally supports the rule. No specific reason is provided.

- F1043.4397 and F1044.4375 oppose Submission 582.296 as any increase in regulatory control of activities related to plantation forests sought by the submitter is unnecessary or inconsistent with the RMA, or is not supported by cogent scientific evidence.

Evaluation

Support for the provision is acknowledged. F1043.4397, F1044.4375: Rule WQL40 applies to excavations of a scale that are very unlikely to occur as part of forest management, therefore there will be no increase in regulatory control on plantation forests from this provision.

For the reasons set out above, the original submission is accepted and further submissions are rejected. No amendment is required.

WQL3.42 Recommendation

449.266, 582.296: Accept.

2.46, 3.66, 5.46, 7.46, 8.44, 10.45, 12.58, 17.61, 24.61, 30.42, 31.42, 32.42, 33.42, 34.42, 35.42, 36.42, 37.42, 38.42, 39.42, 40.42, 41.42, 42.42, 63.46, 64.61, 119.46, 123.69, 124.61, 126.46, 127.41, 129.46,

132.66, 136.43, 138.48, 153.43, 158.43, 160.40, 202.42, 261.61, 330.61, 334.354, 338.314, 352.268, 370.66, 378.315, 393.32, 398.8, 401.63, 405.46, 406.61, 413.670, 413.671, 429.61, 433.360, 439.64, 448.213, 452.94, 455.61, 459.8, 471.354, 473.73, 476.843, 476.844, 502.64, 504.38, 505.38, 513.65, 518.387, 519.410, 520.360, 521.351, 522.313, 523.313, 524.316, 525.362, 529.313, 527.18, 532.19, 534.385, 535.399, 536.393, 537.387, 538.394, 539.394, 539.395, 551.39, 562.100, 564.296, 573.275, 574.66, 575.51, 576.63, 606.61, 661.43, 664.43, F1035.117, F1039.8, F1039.7, F1040.402, F1043.4397, F1044.4375, F1047.37, F1052.1619, F1053.1730, F1057.198, F1065.36, F1071.65, F1074.690: Reject.

Amendment

On page 4-220 of Chapter 4 amend the explanation for Rule WQL40 at line 40 as follows:

“...resource consent is 100 cubic metres per year per project and the depth of excavation...”

4-149-3A1 Activity Rule WQL40

4-149-3A1	395.253	Landco Pastoral Holdings Limited (V1)	Add definition of "excavation" to read: <u>"digging out material from the ground, but does not include normal gardening activities, digging of post holes or trenching for drains or utilities."</u>
4-149-3A1	504.39	Orion New Zealand Ltd (V1)	Create an exemption for Conditions 1(a) - (d) for the excavation of land associated with both the establishment of new and repair/maintenance of established network utilities and associated access tracks. Suggest add the following underlined words at the end of the sentence as follows: <u>"For the purposes of this rule, excavation of land does not include the drilling or disturbance of land to construct or maintain a bore, or where the excavation of land is associated with a network utility including associated access tracks."</u>
	F1059.418	Ontrack (NZ Railways Corporation) (V1)	Support
4-149-3A1	505.39	Telecom New Zealand Ltd (V1)	Under the activity Rule WQL490, create an exemption for Conditions 1(a) - (d) for the excavation of land associated with both the establishment of new and repair/maintenance of established network utilities and associated access tracks. Suggest add the following underlined words at the end of the sentence as follows: <u>"For the purposes of this rule, excavation of land does not include the drilling or disturbance of land to construct or maintain a bore, or where the excavation of land is associated with a network utility including associated access tracks."</u>
	F1059.419	Ontrack (NZ Railways Corporation) (V1)	Support
	F1060.709	Hurunui Community Water Development Working Group. (V1)	Support
	F1061.781	MainPower NZ Ltd (V1)	Support

Evaluations and reasons

395.253:

The submitter seeks to define the term “excavation”, the use of which they have requested in submission 395.253. No specific reasons are provided.

Evaluation

The normal meaning of the word ‘excavation’ applies, which would not include gardening and digging of post holes. The rule specifically excludes the construction or maintenance of a bore. The activity description, however, limits the application of the rule to particular situations, e.g., excavations deeper than five metres over unconfined groundwater. Trenching for drains or utilities may be covered by the rule if they are deeper than five metres, below the highest groundwater levels, or where the volume of material excavated exceeds 100 cubic metres per year per project.

For the reasons set out, the original submission is rejected. No amendment is required.

504.39, F1059.418, 505.39, F1059.419, F1060.709, F1061.781:

The original submitters considers an exemption for network utility operators is appropriate due to the minimal degree of land disturbance and excavation associated with these processes that could potentially adversely effect water bodies. In particular the submitters consider:

- 1) The determination of groundwater level is inappropriate as no groundwater levels are specified in the plan.
- 2) The 100 cubic metre threshold is likely to be exceeded during cable laying.
- 3) Trenching and thrusting cable laying techniques means that the disruption to the aquifer environment will be minimal.
- 4) The application of the conditions is unclear i.e. do they apply to the entire region, the operator or the project?
- 5) Setback distances and restrictions outlined under conditions are inappropriate and unrealistic for laying underground cabling.

The further submitters support the original submissions as they consider the exclusions sought for network utility providers are appropriate.

Evaluation

The points raised by the original submitters are evaluated above at Submission 504.38 and 504.9, location 4-149-1, see Recommendation WQL3.42.

For the reasons set out above, the original submissions and further submissions are rejected. No amendment is required.

WQL3.43 Recommendation

395.253, 504.39, 505.39, F1059.418, F1059.419, F1060.709, F1061.781: Reject.

Amendment

Nil

4-149-3A2	334.355	Selwyn District Council (V1)	If the request in point 334.354 to exclude network utility services is not accepted, then increase "100 cubic metres" in Activity (a)(i)(3) of Rule WQL40 to " <u>1000 cubic metres</u> ".
	F1059.420	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.710	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.782	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	338.315	Mackenzie District Council (V1)	See submission point 334.355.
	F1059.421	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.711	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>

	F1061.783	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	352.269	Waitaki District Council (V1)	See submission point 334.355.
	F1059.422	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.712	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.784	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	378.316	Christchurch City Council (formerly BPDC). (V1)	See submission point 334.355.
	F1059.423	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.713	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.785	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	395.254	Landco Pastoral Holdings Limited (V1)	Amend the activity description under Rule WQL40 by deleting the phrase " <i>the use of land to excavate land</i> " and replacing it with the word " <u>excavation</u> ".
4-149-3A2	395.255	Landco Pastoral Holdings Limited (V1)	Amend the non-complying activity status under Rule WQL40 activity (d) to " <u>discretionary activity</u> ".
	F1057.201	Winstone Aggregates. (V1)	<i>Support</i>
4-149-3A2	413.672	Waimate District Council (V1)	See submission point 334.355.
	F1059.424	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.714	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.786	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	432.284	Canterbury-Aoraki Conservation Board (V1)	Amend the restricted discretionary activity status under Rule WQL40 activity (c) to " <u>discretionary activity</u> ".
	F1040.403	Christchurch City Council. (V1)	<i>Oppose</i>
	F1052.1620	Eminence Investments Ltd. (V1)	<i>Oppose</i>
	F1053.1731	Ngai Tahu Property Ltd (V1)	<i>Oppose</i>
	F1057.200	Winstone Aggregates. (V1)	<i>Oppose</i>
	F1083.331	Fonterra Co-Operative Group Ltd (Fonterra) (V1)	<i>Oppose</i>
	F1084.329	AgResearch Ltd (V1)	<i>Oppose</i>
4-149-3A2	432.285	Canterbury-Aoraki Conservation Board (V1)	Amend the non-complying activity status under Rule WQL40 activity (d) to " <u>prohibited activity</u> ".
	F1040.404	Christchurch City Council. (V1)	<i>Oppose</i>
	F1052.1621	Eminence Investments Ltd. (V1)	<i>Oppose</i>
	F1053.1732	Ngai Tahu Property Ltd (V1)	<i>Oppose</i>
	F1056.45	Telecom NZ Ltd (V1)	<i>Oppose</i>

	F1057.202	Winstone Aggregates. (V1)	<i>Oppose</i>
	F1083.332	Fonterra Co-Operative Group Ltd (Fonterra) (V1)	<i>Oppose</i>
	F1084.330	AgResearch Ltd (V1)	<i>Oppose</i>
	F1091.45	Orion New Zealand Limited (V1)	<i>Oppose</i>
4-149-3A2	448.214	Waimakariri District Council (V1)	If Chapter 4 is not deleted as requested (see submission point 448.22), as an alternative: Amend Activiy Rule WQL40 to read: <i>"Except where the use of land is a prohibited activity under Rule WQL63, the use of land to excavate land:</i> <i>(a) over an unconfined or semi-confined aquifer:</i> <i>(i) where the depth of the excavation;</i> <i>(1) exceeds five metres; <u>and</u></i> <i>(2) is deeper than the highest groundwater level which can reasonably be expected to occur at the site, based upon the relevant and available groundwater data; <u>and</u></i> <i>(3) where the volume of material in any one excavation exceeds 100 cubic metres, within any consecutive 12 month period; or...".</i>
4-149-3A2	448.215	Waimakariri District Council (V1)	If Chapter 4 is not deleted as requested (see submission point 448.22), as an alternative: Provide an exemption in Rule WQL40 for maintenance work being undertaken by a network utility operator, and provide for annual works consents for capital work.
	F1040.405	Christchurch City Council. (V1)	<i>Support</i>
	F1059.430	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.720	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.791	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	471.355	Selwyn Central Community Board (V1)	See submission point 334.355.
	F1059.425	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.715	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.787	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	497.36	Davis Ogilvie & Partners Ltd, Gabara J (V1)	Amend Activity (a)(i)(2) in Rule WQL40 to provide a practical alternative where the depth to groundwater is not publicly available, such as an indication of what other information, if any, could suffice instead.
4-149-3A2	497.37	Davis Ogilvie & Partners Ltd, Gabara J (V1)	Delete Activity (a)(i)(3) in Rule WQL40.
	F1057.199	Winstone Aggregates. (V1)	<i>Oppose.</i>
4-149-	539.396	Timaru District Council	Replace the number "100 "with " <u>1000m</u>

3A2		(V1)	<i>per excavation</i> " in Activity rule (a)(i)(3) and delete the words " <i>within any consecutive 12 month period</i> " as an alternative to a decision requested under 539.160.
	F1059.427	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.716	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.788	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3A2	564.297	Hurunui District Council (V1)	See submission point 334.355.
	F1059.428	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.717	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.789	MainPower NZ Ltd (V1)	<i>Support</i>
4-149-3a2	573.276	Kaikoura District Council (V1)	See submission point 334.355.
	F1059.429	Ontrack (NZ Railways Corporation) (V1)	<i>Support</i>
	F1060.719	Hurunui Community Water Development Working Group. (V1)	<i>Support</i>
	F1061.790	MainPower NZ Ltd (V1)	<i>Support</i>

Evaluations and reasons

395.254:

The original submitter seeks to amend the wording of Rule WQL40 to clarify the activity and simplify the language in applying the rule.

Evaluation

The current phrase is unnecessarily complicated and can be improved by deleting the second use of the word "land". Because of changes made by variation 6 the wording suggested by the submitter is not appropriate.

It is noted that the Officer Report on Variation 6 to Chapter 4 Water Quality, NRRP, has proposed further amendments to the Activity column of Rule WQL40 so that the rule is self-contained (see Amendment WQLV6.3). This is consistent with the rule restructuring recommended throughout Chapter 4 (see Recommendation WQL3.16 in Officer Report 17).

For the reason set out above, the original submission is accepted in part, and an amendment is required.

448.214:

The original submitter considers the rule is unduly restrictive, particularly for the type of work that is undertaken by territorial authorities or their agents. Of particular concern are the volume of material excavated in any consecutive 12 months and the depth of excavation. The submitter seeks to clarify the relationship among Activity (a)(i)(1), (a)(i)(2) and (a)(i)(3).

Evaluation

The restrictions placed on territorial authorities or their agents by the rule are specific to the location/activity stated in a resource consent. An activity that requires authorisation by resource consent under this rule is likely to have a potential adverse effect on groundwater quality. The criteria listed in Activity (a)(i)(1), (a)(i)(2) and (a)(i)(3) determine the circumstances when the rule applies and a resource consent is required. To make the activity description clearer clause (3) can be incorporated into the wording at the beginning of clause (a).

For the reasons set out above, the original submission is accepted in part, and an amendment is required.

497.36, 497.37, F1057.199:

The original submitter raises four points of concern regarding Rule WQL40:

- 1) The determination of groundwater levels if there is no information available for an area where excavation is proposed, or a bore in that area. The submitter questions whether an applicant would require resource consent to construct a bore to establish groundwater levels to establish the activity status of a proposal to excavate.
 - 2) The maximum amount of material that can be excavated within any 12 month period under Rule WQL40 is considered to be very small.
 - 3) The submitter considers district plans contain rules on earthworks and it is appropriate for land use rules to remain in these and not duplicated in the NRRP.
 - 4) Rule WQL40 as proposed would pose a massive cost of compliance to Environment Canterbury given the frequency of non-compliance and requirement for resource consents.
- F1057.199 opposes Submission 497.37 as they consider the requested amendments will make these provisions overly restrictive and disproportionate to the scale and significance of likely effects.

Evaluation

1) A large number of bores have been drilled in the region, and in many areas, the density of bores is sufficient to determine local groundwater levels at a particular site. Groundwater information is also available from Environment Canterbury's Customer Services or online GIS.

It is the responsibility of the applicant for resource consent to determine the local conditions, including groundwater levels, and to assess the potential effects of their activity. In some cases, a bore may be required to establish the depth to groundwater and to monitor the effects of the activity on groundwater quality.

2) It is envisaged that under Rule WQL40 the consent application would be made on a project basis, or for an agency's activities throughout the region, under a region- or defined area-wide consent. The consent conditions will set the requirements for the measures to protect groundwater and surface water quality. Therefore the volume threshold is set at a level to allow only minor scale activities to proceed without resource consent.

3) District plans and regional plans address different matters under the RMA. The provisions of regional plans and district plans may not be the same, but they may apply to the same activity. In either case the provisions of both plans must be complied with.

4) While Regional Rule WQL40 may increase the number of resource consents issued in the region, Environment Canterbury's statutory responsibility to maintain and enhance water quality means that activities which threaten the quality of groundwater must be managed in such a way as to ensure this responsibility is met. The resource consent and compliance monitoring of conditions are tools available under the RMA to achieve this.

F1057.199: the relief sought by the original submitter is aimed at reducing the requirements of the rule on an applicant. The relief will not make the provisions overly restrictive or disproportionate to the scale and significance of the activity

For the reasons set out above, the original submissions and the further submission are rejected. No amendment is required.

334.355, F1059.420, F1060.710, F1061.782, 338.315, F1059.421, F1060.711, F1061.783, 352.269, F1059.422, F1060.712, F1061.784, 378.316, F1059.423, F1060.713, F1061.785, 413.672, F1059.424, F1060.714, F1061.786, 471.355, F1059.425, F1060.715, F1061.787, 539.396, F1059.427, F1060.716, F1061.788, 564.297, F1059.428, F1060.717, F1061.789, 573.276, F1059.429, F1060.719, F1061.790: The original submitters consider the regional rule has implications for works as part of the provision of and maintenance of utility services. The rule is too stringent and onerous in relation to the amount and location of excavation activities, particularly when considering existing settlements. The submitters consider the restriction is not an efficient or effective method.

Submission 539.396 seeks to amend the volume limit, replacing the annual limit to a "per excavation" limit.

- F1059.420, F1059.421, F1059.422, F1059.423, F1059.424, F1059.425, F1059.427, F1059.428, F1059.429 and F1061.782, F1061.783, F1061.784, F1061.785, F1061.786, F1061.787, F1061.788, F1061.789, F1061.790 support submissions 334.355, 338.315, 352.269, 378.316, 413.672, 471.355,

539.396, 564.297, 573.276, respectively, as they consider the relief is necessary to reasonably provide for the provision and maintenance of utility services.

- F1060.710, F1060.711, F1060.712, F1060.713, F1060.714, F1060.715, F1060.716, F1060.717, F1060.719 support submissions 334.355, 338.315, 352.269, 378.316, 413.672, 471.355, 539.396, 564.297, 573.276 as they consider the present rule is too stringent.

Regional Rule WQL40 comprises part of a suite of measures to protect the region's groundwater resources as the permeable gravels and thin soils overlying the aquifers offer limited protection from the effects of land uses.

Under the rule, a resource consent application would be made on a project basis, or for an agency's activities throughout the region, under a region- or defined area-wide consent. The consent conditions will set the requirements for the measures to protect groundwater and surface water quality. Therefore the volume threshold is set at a level to allow only minor scale activities to proceed without resource consent.

The further submitters support the original submissions as they consider the exclusions sought for network utility providers are appropriate.

For the reasons set out above, the original submissions and further submissions are rejected, and no amendment is required.

432.284, F1040.403, F1052.1620, F1053.1731, F1057.200, F1083.331, F1084.329; 432.285, F1040.404, F1052.1621, F1053.1732, F1056.45, F1057.202, F1083.332, F1084.330, F1091.45:

Original submissions 432.284 and 432.284 consider that any further degradation of water quality is significant. Therefore, they seek to strengthen the activity status of the rule.

- F1040.403 and F1040.404 oppose Submission 432.284 and 432.285, respectively, as they consider the relief sought is excessive.
- F1052.1620, F1053.1731 and F1052.1621, F1053.1732 oppose Submission 432.284 and 432.285, respectively, because the relief is onerous, does not achieve the purpose of the RMA, or strike a balance between environmental and social/economic matters, or provide for applicants to manage adverse effects and will increase compliance costs.
- F1056.45 opposes the requested relief as they consider a stricter activity status for disturbance or deposition of soil within riparian zones for repair and maintenance of utilities will be an onerous requirement given that operational practices are in place to control effects.
- F1057.200 and F1057.202 oppose Submission 432.284 and 432.285, respectively, as they consider the changes are overly onerous and do not achieve sustainable management in a way that allows for people and communities to provide for their wellbeing.
- F1083.331, F1084.329 and F1083.332, F1084.330 oppose Submission 432.284 and 432.285, respectively, as they consider it seeks unnecessarily restrictive provisions that are not effects-based and detrimental to the dairy farming industry (e.g. change in rule status).
- F1091.45 opposes Submission 432.285 as they consider any non-compliance with conditions will result in no resource consent being issued for the excavation of land in the Coastal Confined Gravel Aquifer System or over an unconfined or semi-confined aquifer. They consider this is unnecessary given that they as a network utility operator with 'requiring authority' status there are already operational practices in place to control effects.

Evaluation

Regional Rule WQL40 comprises part of a suite of measures to protect the region's groundwater resources as the permeable gravels and thin soils overlying the aquifers offer limited protection from the effects of land uses.

Environment Canterbury has specified the matters for which they have discretion, and any excavation that does not comply with the conditions of the rule is a non-complying activity. No advantage is gained, in terms of protecting water quality, by strengthening the activity status of the rule.

For the reasons set out above, the original submissions are rejected, and the further submissions are accepted. No amendment is required.

395.255, F1057.201:

The submitter opposes the non-complying status of the rule as they consider it is onerous and unnecessary to address the environmental effects of the activity.

- F1057.201 supports Submission 395.255 as they consider without the requested relief the activity status is overly onerous and will not achieve sustainable management in a way that allows or people and communities to provide for their wellbeing.

Evaluation

The conditions of Rule WQL40 identify certain sensitive locations where excavations are likely to have particularly significant adverse effects. In these areas (within 100 metres of a river, lake or wetland, in a Community Drinking Water Supply Protection Zone, and in Christchurch Groundwater Protection Zone), it is appropriate that the person undertaking the activity must demonstrate, the excavation, as a non-complying activity, will not contravene the objectives and policies of the plan or show that the adverse effects on the environment of the activity will be no more than minor.

For the reasons set out above, the original submission and the further submission are rejected. No amendment is required.

448.215, F1040.405, F1059.430, F1060.720, F1061.791:

The original submitter considers the rule is unduly restrictive, particularly for the type of work that is undertaken by territorial authorities or their agents.

- F1040.405 supports the original submission as they consider the requested relief will allow for better function of the city without having significant potential adverse effects on the environment.
- F1059.430, F1060.720 and F1061.791 support Submission 448.215 as they consider the exclusions sought for network utility providers are appropriate.

Evaluation

Environment Canterbury has the statutory responsibility to control the effects of land use activities on water quality (s30(1)(c) RMA). The excavation of land deeper than eight metres and the installation or alteration of bores has been subject for many years to the Underground Water Bylaw in the Transitional Regional Plan.

Regional Rule WQL40 comprises part of a suite of measures to protect the region's groundwater resources as the permeable gravels and thin soils overlying the aquifers offer limited protection from the effects of land uses. The purpose of the rule is to minimise the potential for adverse effects on groundwater quality, by requiring all land users who excavate beyond these limits to develop and implement measures to avoid, remedy or mitigate adverse effects of their activity on water quality.

For the reasons set out above, the original submission and further submissions are rejected and no amendment is required.

WQL3.44 Recommendation

F1040.403, F1040.404, F1052.1620, F1052.1621, F1053.1731, F1053.1732, F1056.45, F1057.200, F1057.202, F1083.331, F1083.332, F1084.329, F1084.330, F1091.45: Accept.

395.254, 448.214: Accept in part

334.355, 338.315, 352.269, 378.316, 395.255, 413.672, 432.284, 432.285, 448.215, 471.355, 497.36, 497.37, 539.396, 564.297, 573.276, F1040.405, F1057.199, F1057.201, F1059.420, F1059.421, F1059.422, F1059.423, F1059.424, F1059.425, F1059.427, F1059.428, F1059.429, F1059.430, F1060.710, F1060.711, F1060.712, F1060.713, F1060.714, F1060.715, F1060.716, F1060.717, F1060.719, F1060.720, F1061.782, F1061.783, F1061.784, F1061.785, F1061.786, F1061.787, F1061.788, F1061.789, F1061.790, F1061.791: Reject.

Amendment

1) On page 4- 149, Chapter 4 Rule WQL40, amend the words in the 'Activity' column as follows:

"The use of land to excavate ~~land~~: ...

"(a) more than 100 cubic metres of material in any 12 month period from land over an unconfined or semi-confined aquifer;

~~(i) and where the depth of excavation;~~

(1) exceeds five metres; or

(2) is deeper than the highest groundwater level which can reasonably be expected to occur at the site, based upon the relevant and available groundwater data; ~~and~~

~~(3) where the volume of material excavated exceeds 100 cubic metres within any consecutive 12 month period; or~~

~~(b) within material from land over the Coastal Confined Gravel Aquifer System, where there is less than one metre of undisturbed sediment material between the...~~

(c)...

~~(d)(e) a non-complying activity if such use does not comply with any one or more of the conditions 1(a), (b), (c) or (e) of this Rule..."~~

4-149-3B1 Conditions Rule WQL40

4-149-3B1	486.343	Te Runanga O Ngai Tahu. (V1)	Add Conditions in Rule WQL40: " <i>The activity is not within, adjacent to or does not impact upon a Ngai Tahu site of significance.</i> " and " <i>The activity shall not occur on an archaeological site, or site registered with the New Zealand Historic Places Trust unless the written approval of the Trust has been obtained.</i> "
	F1043.4398	Canterbury Forest Industry Working Group. (V1)	Oppose
	F1044.4376	Selwyn Plantation Board Limited (V1)	Oppose
4-149-3B1	539.397	Timaru District Council (V1)	Exclude the "Redruth landfill" located on PT Lot 1 DP 26852 and Lot 1 DP 26852 from needing to comply with the conditions in Rule WQL40.
4-149-3B1	563.358	Te Hapu O Ngati Wheke Rapaki Runanga Inc (V1)	Support submission by Te Runanga o Ngai Tahu (refer 486.343).

Evaluations and reasons

486.343, F1043.4398, F1044.4376, 563.358:

The original submitters support the regional rule with amendments. The submitters consider the relief sought will facilitate consistency with existing 'Restriction of discretion' matters.

- F1043.4398 and F1044.4376, oppose Submission 486.343 as any increase in regulatory control of activities related to plantation forests sought by the submitter is unnecessary or inconsistent with the RMA, or is not supported by cogent scientific evidence.

Evaluation

The relief sought by the submitter seeks to control the impact on sites of significance to Ngai Tahu and archaeological or historic places. Rule WQL40 currently refers to these matters in the matters for discretion, and this is consistent with Rule WQL38, which also has a restricted discretionary status. The amendment sought by the submitter does not significantly increase the protection for those sites.

F1043.4398, F1044.4376: The relief sought by the submitter relates to sites of significance to Ngai Tahu and archaeological or historic places. There is no increase in regulatory control on plantation forests.

For the reasons set out above, the original submissions are rejected, and the further submissions accepted in part. No amendment is required.

539.397:

Submission 539.397 opposes Rule WQL40 in part as they consider it is in conflict with rules in the proposed Timaru District Council Plan, which are more restrictive in terms of setbacks from wetlands and rivers, but have no restriction on the depth of excavations. The submitters consider Rule WQL40 could result in additional consents being required for the operation of the Timaru district landfill, which they believe is unnecessary and inappropriate as the activity is already consented.

Evaluation

District plans and regional plans address different matters under the RMA. The provisions of regional plans and district plans may not be the same, but may apply to the same activity. Each plan must be complied with. Therefore, the more restrictive setbacks from wetlands and rivers set in a district plan for reasons other than water quality, are not inconsistent with Rule WQL40, but the depth of excavations is established for water quality purposes so it is appropriate that this control is in the regional plan only.

When Chapter 4 of the NRRP is operative, a landfill operation that is authorised by current resource consents will only be subject to the rules of NRRP when the current consents expire or if activities are undertaken that, prior to NRRP being notified, did not require consent but now do so under NRRP rules (s20A RMA).

For the reasons set out above, the original submission is rejected and no amendment is required.

WQL3.45 Recommendation

F1043.4398, F1044.4376: Accept in part.

486.343, 539.397, 563.358: Reject.

Amendment

Nil

4-149-3B2 Condition 1 Rule WQL40

4-149-3B2	413.673	Waimate District Council (V1)	Amend the reference to Community Drinking Water Supply Zones for wells listed in Schedule WQL 2 to also refer to new wells or galleries included in the register referred to in submission point 413.393, in Condition 1(c), Rule WQL40.
4-149-3B2	433.361	Glendore (New Zealand) Ltd (V1)	Amend the reference to Community Drinking Water Supply Zones in Condition 1(c) Rule WQL40 for wells listed in Schedule WQL2 to also refer to new wells or galleries included in the register, as requested in submission point 433.101.
4-149-3B2	448.216	Waimakariri District Council (V1)	If Chapter 4 is not deleted as requested (see submission point 448.22), as an alternative: Amend Condition 1 (a) of Rule WQL40 to read: <i>"(a) 20 metres of the edge of any permanently or intermittently flowing river, lake or wetland."</i>
4-149-3B2	449.267	New Zealand Transport Agency (formerly Transit New Zealand) (V1)	Delete Condition 1 Rule WQL40.
4-149-3B2	476.845	Christchurch City Council (V1)	Amend condition 1(a) of Rule WQL40 so that not meeting this condition does not require a consent if it meets the conditions in an IMP or Asset Management Plan.
4-149-3B2	476.846	Christchurch City Council (V1)	Amend condition 1(c) of Rule WQL40 and do so that not meeting this condition does not require a consent if it meets the conditions in an IMP or Asset Management Plan.
4-149-3B2	518.388	Humbolt (Timberley) Ltd (V1)	See submission point 413.673.
4-149-	519.411	Lochnager Holdings	See submission point 413.673.

3B2		Ltd (V1)	
4-149-3B2	520.361	Ngai Tahu Property Group Ltd (V1)	See submission point 413.673.
4-149-3B2	521.352	Dairy Holdings Limited (V1)	See submission point 413.673.
4-149-3B2	522.314	Applefields Limited (V1)	See submission point 413.673.
	F1052.1622	Eminence Investments Ltd. (V1)	<i>Support</i>
4-149-3B2	523.314	Calder Stewart (V1)	See submission point 413.673.
4-149-3B2	524.317	Suburban Estates (V1)	See submission point 413.673.
4-149-3B2	525.363	Gillman Ltd (V1)	See submission point 413.673.
4-149-3B2	526.314	Aidanfield Holdings (V1)	See submission point 413.673.
4-149-3B2	534.386	Clearwater Land Holdings Ltd (V1)	See submission point 413.673.
4-149-3B2	535.400	The Isaac Wildlife Trust and The Diana Isaac Wildlife Trust (V1)	See submission point 413.673.
4-149-3B2	536.394	Clearwater Golf Club Limited (V1)	See submission point 413.673.
4-149-3B2	537.388	Clearwater Hotel 2004 Limited (V1)	See submission point 413.673.
4-149-3B2	538.395	Canterbury Land Trust (V1)	See submission point 413.673.

Evaluations and reasons

449.267:

The original submitter supports the intent of the regional rule as it seeks to protect groundwater quality. They consider that given the matters of discretion it is unnecessary to have conditions on a restricted discretionary activity.

Evaluation

The conditions of Rule WQL40 identify certain sensitive locations where excavations are likely to have particularly significant adverse effects. In these areas, it is appropriate that the person undertaking the activity must demonstrate that the excavation, as a non-complying activity, will not contravene the objectives and policies of the plan, or show that the adverse effects on the environment of the activity will be no more than minor. The deletion of the conditions would reduce the protection to these areas afforded by the proposed rule.

For the reasons set out above, the original submission is rejected and no amendment is required.

448.216:

Submitter 448.216 considers the regional rule is unduly restrictive. Particularly for the type of work that is undertaken by territorial authorities or their agents. The requirements for setbacks is considered excessive, however, the requested relief is accepted as this rule relates to a restricted discretionary activity.

Evaluation

Setback distances only apply if the activity exceeds the limits in the Activity description and a resource consent is required. If the activity does not trigger Rule WQL40 then the activity is not limited to the setback distances specified in Rule WQL40.

Where an activity requires a resource consent and will occur in close proximity to a water body, the potential adverse effects on water quality are likely to be significant, therefore the rule, by making such activities non-complying an applicant will need to demonstrate that the adverse effects will be minor, or will not contravene the objectives and policies of the plan.

For the reasons set out above, the original submission is rejected and no amendment is required.

476.845, 476.846:

The submitter considers the regional rule, as worded, places extreme limits on any excavation for most pipelines and pump station construction throughout Christchurch City.

Evaluation

The provisions of Rule WQL40 are statutory requirements, whereas an Asset Management Plan is document for managing local authority infrastructure and is not a regulatory instrument under the RMA not binding. The conditions of the rule provide certainty for the protection of groundwater by regulating the excavation activities.

For the reasons set out above, the original submissions are rejected and no amendment is required.

413.673, 433.361, 518.388, 519.411, 520.361, 521.352, 522.314, F1052.1622, 523.314, 524.317, 525.363, 526.314, 534.386, 535.400, 536.394, 537.388, 538.395:

The original submitters consider the proposed relief is a more flexible approach than a variation and would enable new water supplies to have instant recognition and protection.

- F1052.1622 support Submission 522.314 as they consider the restrictions proposed for development within the Christchurch Groundwater Recharge Zone cannot be justified; and discharges ought to be provided for in a more flexible way to achieve balance between development and protection of resources.

Evaluation

The relief sought provides no certainty to land users in areas where future community drinking water supply zones are situated. This approach would be untenable. To provide certainty, wells need to be specified in Schedule WQL2 (Table 20). The wells database is constantly updated and Schedule WQL2 will be revised by way of a plan change when this is needed.

For the reasons set out above, the original and further submissions are rejected and no amendment is required.

WQL3.46 Recommendation

413.673, 433.361, 448.216, 449.267, 476.845, 476.846, 476.199, 518.388, 519.411, 520.361, 521.352, 522.314, 523.314, 524.317, 525.363, 526.314, 534.386, 535.400, 536.394, 537.388, 538.395, F1052.1622: Reject

Amendment

Nil

Part 4: Summary of changes recommended by staff to Chapter 4 Water Quality

This summary includes all parts of Chapter 4 covered by Officer Report No.17A Chapter 4 WQL3.42 to WQL3.46 – Surface Water Quality, as listed under “Matters to be heard” plus other pages throughout NRRP Chapters 4-8 where consequential amendments have been recommended in Officer Report No.17A WQL3.42 to WQL3.46.

Note: because of the additional text arising from recommendations, page numbers may no longer match the notified versions of NRRP Chapters 4-8.

Parts of chapter showing changes	Page number in Notified version	Page number in this summary document
Regional Rule WQL40	4-149 to 4-150	4-254 to 4-255
4.8 Explanation and principal reasons for methods Rule WQL40	4-220	4-375

Rule WQL40 Excavation of land in the Coastal Confined Gravel Aquifer System, or over an unconfined or semi-confined aquifer – ~~restricted discretionary activity~~¹¹⁴⁸

Activity	Conditions	Restriction of Discretion	Cross reference
<p>Except where the use of land is a prohibited activity under Rule WQL63, the¹¹⁴⁹ use of land to excavate land:</p> <p>(a) <u>more than 100 cubic metres of material in any 12 month period from land</u> over an unconfined or semi-confined aquifer:</p> <p>(i) where and the depth of excavation;</p> <p>(1) exceeds five metres; or</p> <p>(2) is deeper than the highest groundwater level which can reasonably be expected to occur at the site, based upon the relevant and available groundwater data; and</p> <p>(3) where the volume of material excavated exceeds 400 cubic metres within any consecutive 12 month period; or</p> <p>(b) within material from land over the Coastal Confined Gravel Aquifer System; where there is less than one metre of undisturbed sediment material¹¹⁵⁰ between the base of the excavation and Aquifer 1;</p> <p>is –</p> <p>(c) a restricted discretionary activity if such use complies with all of the conditions of this Rule;</p> <p>(d) a discretionary activity if such use complies with <u>conditions 1(a), (b), (c), but does not comply with condition 1(d) in which case a resource consent under Rule WQL55 is required.</u>¹¹⁵¹</p>	<p>1. The use of land shall not occur within:</p> <p>(a) 100 metres of the edge of any permanently or intermittently flowing river, lake; or</p> <p>(b) 100 metres of the boundary of a wetland:</p> <p>(i) listed in <i>Schedule WTL1: Moderate and higher significance wetlands</i>; or</p> <p>(ii) any other wetland unless the taking, use, damming or diversion of water is permitted under Rule WTL2 or Rule WTL3^{1155, 1156}; or</p> <p>(c) a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2, or</p> <p>(d) the Christchurch Groundwater Recharge Zone, excluding the land in Zone 1C, as shown on the Map Volume Part 1- Planning Maps.</p> <p>(d) <u>Christchurch Groundwater Protection Sub-Zone 1B or Zone 2, as shown on the Map Volume Part 1- Planning Maps.</u></p> <p>(e) <u>Christchurch Groundwater Protection Zone 1, Sub-Zone 1A,</u></p>	<p>Environment Canterbury has restricted its discretion to the following matters:</p> <ol style="list-style-type: none"> The location, extent, and depth of the excavation. Measures to avoid, remedy or mitigate any adverse effects of the activity on: <ol style="list-style-type: none"> water quality; other users of the water resource; a site of significance to Ngāi Tahu; an archaeological site or a site registered with the New Zealand Historic Places Trust. Measures to avoid, remedy or mitigate any adverse effects of the excavation on adjacent landowners. Measures to prevent contaminants entering groundwater via the excavation of the land, including: <ol style="list-style-type: none"> restrictions on the storage and use of hazardous substances, the management of stormwater; preventing leakage into groundwater; decommissioning of bores; or monitoring. Measures needed to rehabilitate the site following the completion of the excavation. The requirement for financial contributions, or bonds. The duration of the land use consent. 	<p>Policies</p> <p>WQL10</p> <p>WQL12¹¹⁵⁸</p> <p>WQL13</p> <p>WQL14</p> <p>WQL18¹¹⁵⁹</p>

¹¹⁴⁸ WQL3.16

¹¹⁴⁹ Text inserted and deleted as per Variation 6

¹¹⁵⁰ WQL3.44

¹¹⁵¹ Text inserted as per Variation 6

<p>(d)(e) a non-complying activity if, <u>with the exception of condition 1(d),</u>¹¹⁵² such use does not comply with any one or more of the conditions <u>1(a), (b), (c) or (e)</u>¹¹⁵³ of this Rule, in which case a resource consent under Rule WQL 62 is required.¹¹⁵⁴</p> <p>For the purposes of this rule, excavation of land does not include the drilling or disturbance of land to construct or maintain a bore.</p>	<p>1C or 1D as shown on the Map Volume Part 1- Planning Maps.¹¹⁵⁷</p>	<p>8. Review of consent conditions.</p>	
<p>Where rule applies</p> <p>This rule applies everywhere in the Canterbury region, excluding the Coastal marine area</p>		<p>Notification and service</p> <p>In accordance with section 94D(2) RMA 1991, an application for resource consent required by this rule does not need to be notified, and in accordance with Section 94(3) RMA 1991, notice of such an application does not need to be served on those persons identified under Section 94(1) of that Act.</p>	
<p>Information to be provided</p> <p>An application for a resource consent under this rule must meet the information requirements set out in Section 1.3.4 and Section 4.7.</p>			
<p>Cross reference: This rule contributes to the implementation of Policies WQL10 and WQL12.¹¹⁶⁰</p>			

¹¹⁵² Text inserted as per Variation 6

¹¹⁵³ WQL3.44

¹¹⁵⁴ WQL3.16

¹¹⁵⁵ WTL2.2

¹¹⁵⁶ WQL12.2

¹¹⁵⁷ Text inserted and deleted as per Variation 6

¹¹⁵⁸ WQL3.16

¹¹⁵⁹ Text inserted as per Variation 6

¹¹⁶⁰ WQL3.16

bore; construction, use and decommissioning, needs to be assessed for each proposed bore or well.

Rule WQL40 Excavation of land in the Coastal Confined Gravel Aquifer System or over an unconfined or semi-confined aquifer

The unconfined or semi-confined aquifers which make up the large portion of the region's high quality groundwater resources are overlain by thin soils and highly permeable gravels. Removal of this overlying material places the groundwater beneath at greater risk of contamination. The risk to groundwater quality will be highest when the excavation exposes the groundwater. The rule does not require a resource consent for excavation in the Coastal Confined Gravel Aquifer System between the Ashley and Rakaia Rivers unless there is less than one metre of undisturbed confining layer overlying Aquifer 1, beneath the excavation. Over a unconfined or semi-confined aquifer, the threshold for the scale of activity requiring resource consent is 100 cubic metres per year per project¹⁵⁸⁵ and the depth of excavation exceeds five metres, or it is below the highest groundwater level at the site. This is to prevent large-scale uncontrolled excavations that may expose groundwater or remove the overlying material. The activity is classified as a restricted discretionary activity unless it is located near a river, lake or wetland of significance, where dewatering as a result of the excavation may affect a surface water body, a community drinking water supply protection zone for groundwater, or land in the [Christchurch Groundwater Recharge Zone-Christchurch Groundwater Protection Zones 1 and 2 and Sub-Zones 1A, 1C and 1D](#)¹⁵⁸⁶, except for land that is already zoned in the Christchurch City Plan for quarrying or gravel excavation (Condition 1).

When considering an application under this rule Environment Canterbury has restricted its consideration to matters such as the scale of the activity, measures to avoid adverse effects on water quality, including measures to prevent contaminants entering groundwater.

Rule WQL41 Deposition of more than twenty cubic metres of material into excavated land over an unconfined or semi-confined aquifer

The existence of excavations over an unconfined or semi-confined aquifer is a threat to groundwater quality, either by the site becoming a de facto disposal site, or the removal of protective overburden. The purpose of the rule is to encourage backfilling of excavated land while retaining control over the type of material used for backfilling.

Filling of excavated land is a common method of disposing of surplus materials from excavation or building demolition. Depending on the type of material used, this activity could either help protect the quality of groundwater, or threaten its quality. Once the excavation is back-filled it would be extremely difficult and costly to remediate if the material was subsequently found to be contaminated. Therefore, control of the type of material used in the back-filling, and the management of the site to ensure that no contaminated material is deposited or enters groundwater, is necessary if the backfilling is to achieve its purpose (Conditions 1 and 3). It is impracticable to remove all the vegetative matter that may be mixed with material, and small quantities of vegetative material are unlikely to impose a risk to groundwater quality (Condition 2). Cured asphalt is not likely to affect groundwater quality provided it is not immersed in groundwater (Condition 4)

The purpose of Condition 5 is to ensure that the deposition of material into excavated land is in accordance with national guidelines.

An application for consent for a controlled activity cannot be refused, and Environment Canterbury can impose conditions relating to matters such as the material deposited, management of the site, effects on groundwater quality and site restoration, on any consent.

¹⁵⁸⁵ **WQL3.42**

¹⁵⁸⁶ **Text added and deleted per Variation 6**