

**SUBMITTER** Tegel Foods Limited and  
Brinks South Island Limited

**ADDRESS** C/- Harrison Grierson  
Consultants Limited  
P O Box 5670  
Wellesley Street  
Auckland

**SUBMITTER No.** 20, 511, 561 and 116

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

**AND**

**IN THE MATTER OF** Submissions to the  
Environment Canterbury  
Proposed Natural Resources  
Regional Plan (Variations 1  
and 6) July 2004.

## **STATEMENT OF EVIDENCE OF GEMMA CLAIRE MOLETA**

### **INTRODUCTION**

1. My name is Gemma Claire Moleta. I hold a Bachelor of Resource and Environmental Planning (Honours) from Massey University, Palmerston North, New Zealand. I have worked as a Planner for over three years at Harrison Grierson Consultants Limited. I am familiar with rural resource planning issues.
2. I appear in connection with the submissions and further submissions lodged on behalf of Tegel Foods Limited ('Tegel') and Brinks South Island Limited ('Brinks') (the 'submitters') in respect of Proposed Variation 1 and Variation 6 of the Proposed Canterbury Natural Resources Regional Plan – Chapter 4 (Water Quality).
3. The evidence I will present today will address the following points in respect of the submissions prepared by Harrison Grierson on behalf of Tegel and Brinks –
  - Poultry production in New Zealand and the Canterbury region;
  - Objective WQL3.
  - Variation 6 in general;
  - Issue WQL4;

- Objective WQL4;
- Policy WQL13;
- Policy WQL14;
- Policy WQL16;
- Policy WQL17;
- Rule WQL5; and
- Rule WQL26.

## **THE POULTRY INDUSTRY IN NEW ZEALAND**

4. The poultry industry is a dynamic sector of New Zealand's primary production industry, and it includes the production of both poultry meat and eggs. The industry is expanding rapidly, and is the major intensive livestock industry in New Zealand. In the mid-1960s the production of poultry meat using specialist meat breeds was in its infancy in this country, and consumption averaged about 1kg per person per year.
5. By comparison, in the year ending 2006, each New Zealander consumed an average of around 36kg of poultry meat, accounting for 36% of total meat consumed. Cheaper production, lifestyle changes, and consumer perception have seen poultry consumption continue to increase even though total meat consumption has remained relatively static.
6. In terms of egg production, in 2006 there were 900 million eggs produced and 218 eggs consumed per capita. The majority of eggs are sold as table eggs on the retail market, with the remainder to food service and industrial users. Egg production has increased over 20% over the last decade to meet increasing demand.

## **THE SUBMITTER'S OPERATIONS IN THE CANTERBURY REGION**

7. Tegel's and Brinks operations in Canterbury include:
  - 2 processing plants;
  - 3 feedmills;
  - 7 chicken breeding farms (Breeder Farms);

- 34 chicken growing farms (Broiler Farms);
  - 1 chicken hatchery;
  - 2 chicken rearing farms;
  - 3 turkey broiler farms;
  - 1 turkey breeder farm;
  - 1 turkey rearing farm; and
  - 1 turkey hatchery farm.
8. In the Canterbury region, the submitters employ around 600 full time equivalent (FTE) staff.
9. Each function is interdependent on the others, so that regulations affecting the operation of one function will have knock-on effects on the others, including those not directly owned and operated by the submitters.
10. The submitters view the Canterbury region as a strategic growth location and a significant proportion of their national business activity is already located here.
11. The submitters seek a balanced and transparent resource-planning regime for the Canterbury region that acknowledges and provides for their status as an important primary production industry and major local employer, making a significant overall contribution to the social and economic wellbeing of the region and New Zealand as a whole.

### **OBJECTIVE WQL3 WATER QUALITY OF COMMUNITY DRINKING WATER SOURCES**

12. Submission points 511.82 and 561.71 sought Objective WQL3 be amended to recognise that the use of resources is a fundamental requirement of the community and to set more reasonable levels of compliance for discharging activities.
13. The reporting officer has rejected these submission points and states "*the Christchurch community overwhelmingly wishes to retain its drinking water source in its existing high quality state, and not allow any contamination even if it is treatable to drinking water standard.*"

14. The reporting officer's comments are concurred with in relation to Objective WQL3 and no further amendments are recommended.

**GENERAL SUBMISSIONS ON VARIATION 6 ENVIRONMENT CANTERBURY  
PROPOSED NATURAL RESOURCES REGIONAL PLAN**

15. I consider that improvements are needed to a number of issues, objectives, policies, rules and definitions within Variation 6 to ensure they are reasonable, effects-based and justifiable in resource management terms.
16. My qualifications and experience are in resource management planning and so I can only refer to potential resource management problems as I see them.
17. The submitters' submission and further submission points sought to have Variation 6 retained but amended to be consistent with best resource management practice. The submitters have concerns relating to the level of control and regulation found within Variation 6 and supports any amendment to reduce confusion, conflict and repetition within the proposed provisions.
18. In response to the submission and further submission points the reporting officer states *"the overall aim of the variation is to achieve an appropriate outcome that provides for the community's well-being. A significant part of this outcome is to protect the groundwater resource that Christchurch City relies on for all its needs. The categorisation of activities is based on the risk and vulnerability of the groundwater to contamination from overlying land uses and discharges. This categorisation necessarily takes into account the nature of the groundwater system and the long lingering consequences if pollution occurs. The Canterbury Regional Policy Statement has taken an overall approach, and directs local authorities to give effect to its objectives, policies and methods"*.
19. In addition the reporting officer states *"by requiring a high level of management practices, it is accepted that the risk from existing land uses may be reduced but not eliminated. This is a pragmatic response which is not extended to those land areas where the risk is still avoidable through not allowing new land uses to establish where these land uses have the potential to increase the risk. Avoidance is the surest way to achieve the objectives and protect the high quality untreated groundwater resource"*.
20. The purpose of the Resource Management Act 1991 (the "RMA") is to promote sustainable management of natural and physical resources. Under the RMA these

resources should be managed in a way which provides for the social, economic and cultural well being of communities whilst avoiding, remedying and mitigating any adverse effects on the environment. I considered that environmental outcomes dominate Variation 6 of the NRRP and that the proposed plan provisions need to balance the managing of specific resource management issues and the social and economic well being of the greater Canterbury region.

21. There are a range of ways that the Variation 6 provisions can be amended to better balance the maintenance and enhancement of groundwater quality whilst providing for development within the Canterbury Region. The submitters' recommendations are outlined below.

### **MEANING OF 'BEST MANAGEMENT PRACTICE'**

22. The submitters' further submission points supported the inclusion of a definition for 'best management practice', which is a term referred to throughout the Variation 6 policies, and an amendment to any definition or description to remove the requirement to implement mitigation measures irrespective of the impact on the economic viability of the development.
23. The reporting officer has rejected F116.6 stating that "*the explanation to Policy WQL 14 provides some guidance as to the meaning of this term. The words are to be read in their normal meaning to provide flexibility of measures so long as the outcome is achieved*".
24. I consider the proposed re-formatting of the policies section provides an improved location for the description of 'best management practice measures' however the reference to mitigation measures irrespective of financial viability has been retained.
25. Under Variation 6 "best management practice measures" is described as "*those mitigation measures or practices that would be expected to be implemented as part of an environmentally responsible activity in order to avoid the potential for groundwater contamination, irrespective of the implications for the financial viability of the proposed activity*".
26. I consider that the majority of activities that would be likely to locate within the Groundwater Protection Zones will not meet the above description of 'best management practice measures' included in the policies.

27. Furthermore, I consider the phrases used in the description such as "*environmentally responsible activity*" and "*the potential for groundwater contamination*" are unclear and do not provide sufficient guidance as to what is required of new activities within the Canterbury Groundwater Zones.

#### **DEFINITION OF 'CONTAMINATED STORMWATER'**

28. The submitters' submission sought the inclusion of a definition of contaminated stormwater.
29. The reporting officer has rejected submission point 20.13 as "*contaminant is defined in RMA (s2)*".
30. The amendments to Rule WQL5 and the deletion of Rule WQL55 have been reviewed and a definition for 'contaminated stormwater' is no longer considered necessary by the submitters. The issues relating to Rule WQL5 have been dealt with under Variation 1 Hearing Stage 23 and no further discussion is required under Variation 6 in relation to this submission point.

#### **ISSUE WQL4**

31. Issue WQL4 relates to the impacts of a reduction in the high quality of Christchurch groundwater, as a result of contamination from land uses, water use and discharges. Issue WQL4 acknowledges the groundwater as an untreated source of drinking water for Christchurch City.
32. The submitters' submission point sought that Issue WQL4 be replaced with the following:
- "The effects of a reduction in the quality of Christchurch groundwater as a result of contamination by human activities."*
33. The further submission points supported a number of similar amendments to Issue WQL4. The reporting officer has rejected these submission points and states "*the suggested replacement wording makes the issue more general. It is considered better to be as specific as possible and to give a full description of the problem being addressed. This then allows a clear linkage with the objective, policies and methods*".

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34. With regards to Issue WQL4 the reporting officer states that "*the new issue raises the profile of Christchurch's groundwater quality protection in the plan*" and "*the issue provides a description of the problem being addressed*".
35. With regards to the reporting officer's comments I would like to reiterate that the objective of seeking to maintain existing water quality is supported, provided this does not impose unreasonable and unnecessary restrictions on lawfully established activities. In addition, it is noted that Issue WQL2 (Groundwater quality and contaminants in land) of Chapter 4 already identifies the high quality groundwater resource of the Canterbury region and that discharges of contaminants may adversely affect the quality of groundwater.
36. The key differences between Issues WQL2 and WQL4 appear to be the references to land use and water use within Issue WQL4 (rather than discharges only) and the emphasis on the benefits from Christchurch's groundwater as a source of untreated drinking water.
37. I consider that the current wording of Issue WQL4 is highly emotive and that there is an opportunity to retain the Issue to raise awareness of the desire to protect the quality of Christchurch's groundwater without using phrases such as "highly valued" and "present and future benefits".
38. It is recommended that Issue WQL4 be amended as follows:
39. *Reduction ~~and loss of the present and future benefits~~ of the current high quality of Christchurch groundwater, including being an ~~highly valued~~ untreated source of drinking water for Christchurch City, as a result of existing and potential contamination from a variety of sources, including land uses, water use and discharges (both deliberate and accidental).*

#### **OBJECTIVE WQL4 WORDING**

40. The submitters' submission sought Objective WQL4(1)-(2) be replaced with the following:
- "1. The quality of Christchurch groundwater is maintained in the long term"
- "2. The quality of Christchurch groundwater subject to existing localised contamination will be improved."

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41. The submitters consider that Objective WQL4 and its Explanation and principal reasons are unbalanced. This is reflected in Table 16 of the Section 32 report, which analyses the benefits and costs of the control of rural production as a result of Objective WQL4. Objective WQL4 will provide a *'higher level of ground water protection to that which currently exists'*, however the current wording of Objective WQL4 will have significant economic and social effects due to the limitations on intensification of existing activities and development of new activities within the Groundwater Protection Zones.
  42. The reporting officer has rejected submission point 20.2 and 20.3 and states *"the suggested re-wording [of Objective WQL4(1)] does not provide for the overall water quality, i.e. by including this term it is clear that any localised poor quality is not to be "maintained" as well. The suggested wording could be interpreted to include localised poor quality. Objective WQL4(2) makes it clear that localised contamination is to be improved."* With regards to Objective WQL4(2) the reporting officer states *"the suggested wording [for WQL4(2)] is uncertain and does not describe the end state to be achieved"*.
  43. In regards to the reporting officer's comments I would like to state that when the two parts of Objective WQL4 are read together the recommended wording does not provide for existing poor quality to be maintained.
  44. In recognition of the reporting officer's comments it is recommended that Objective WQL4 be amended as follows:
  45. *"(1) The overall quality of Christchurch groundwater is maintained ~~or enhanced in its overall high quality state in the long term~~*  
  
*(2) Christchurch groundwater subject to existing localised contamination will be improved ~~to achieve the maintenance and enhancement of its overall high quality state."~~*
  46. I consider the recommended wording for Objective WQL4 above successfully addresses the comments of the reporting officer in regards to the submission on Issue WQL4. In addition, it is noted that the second paragraph of the Explanation and principal reasons for Objective WQL4 states that *"Objective WQL4 is to prevent any further overall long-term decline in water quality from occurring."* As such, it is considered unnecessary to require the enhancement of groundwater which is already of a high quality under WQL4(1).

#### **OBJECTIVE WQL4 – F116.32**

47. Further submission 116.32 supported in part submission point 36.1 by the Awatea Residents Association Inc which sought amendments to Objective WQL4 to allow Limited Discretionary activities in zone 1 recharge, provided mitigating protective remedies are put in place and regularly monitored to ensure contaminants have not leached into the groundwater which could migrate into the underlying aquifer (I note this point has been withdrawn).
48. The reporting officer has rejected F116.32 stating that *"it is not appropriate for the Objective to set the activity status of an activity. This is a function of the rules. The rules do allow some activities provided that there is mitigation in the form of best management practices. However, it is not a blanket allowance."*
49. The reporting officer's comments are concurred with.

#### **OBJECTIVE WQL4 EXPLANATION AND PRINCIPAL REASONS**

50. The submitters' further submission points sought amendments to the Explanation and principal reasons of Objective WQL4. It was recommended that the explanation be expanded to note that the level of risk posed by any particular activity is dependent on the type of land use, the scale of activity, the nature of the discharge and the mitigation measures able to be implemented.
51. The reporting officer has rejected the further submission points and states *"increasing intensification of land use over unconfined aquifers adversely affects groundwater quality. The level of risk is dependent on scale and mitigation measures, as already stated in the explanation. The key point is whether risk should be accepted or if it is avoidable then appropriately prohibited in circumstances where the consequences are so great that it warrants such a management regime."*
52. In regards to the reporting officer's comments the explanation for Objective WQL4 provides for activities to continue and develop where appropriate mitigation is provided and where the activities proposed are provided for in the Canterbury Policy Statement, City of Christchurch District Plan and Proposed Selwyn Plan. The explanation also notes that *"increases in groundwater levels and the intensification of land uses over this recharge area, pose significant risks to water quality within the Christchurch Groundwater System. These land uses include; the intensification of rural production activities..."*. It is recommended that an

additional sentence be included at the end of paragraph 5 stating "*The level of risk to the Christchurch Groundwater System will depend upon the type of activity proposed, the scale and intensity of the activity, the frequency and volume of any discharge and the mitigation measures proposed*".

53. The above sentence acknowledges that the level of risk to the Christchurch Groundwater System from activities varies and that intensification of land uses and increases in groundwater levels will not always pose a significant risk to groundwater quality. Further, the recommended sentence makes the policy consistent with the rules relating to discharges and takes provided for in Chapter 4 of the NRRP.

#### **OBJECTIVE WQL4 EXPLANATION AND PRINCIPAL REASONS – F116.46**

54. A further submission supported the NZ Pork Industry Board's submission, which sought an amendment of the Explanation and principal reasons to include collaboration with the community, landowners and territorial authorities to support sustainable development within the Christchurch Groundwater Protection Zone.
55. The reporting officer has rejected F116.46 and states "*the suggested wording is too general to give any specification to the Objective. The intent of the submitter's request is part of the "management" of the groundwater and guidance on this is included in the methods.*"
56. The methods have been reviewed and it is noted that Method WQL13(b) provides for collaboration between Environment Canterbury and local authorities, landowners, community groups and industry groups in relation to practicable management measures and best management practice measures to minimise and avoid adverse effects on groundwater.
57. I concur with the officer's report and no further amendments are recommended.

#### **POLICIES WQL13, WQL14, WQL16 AND WQL17**

58. The originally notified policies WQL13, 14, 16 and 17 related to the level of protection of ground water quality, general control of activities, control of rural production and control of the intensity of activities within Christchurch Groundwater Protection Zones 1 and 2 respectively.

59. A number of submission and further submission points opposed the notified versions of Policies WQL13, 14, 16 and 17. The key points included the following:
- that it's inappropriate to seek to manage the risk of groundwater contamination solely by avoiding activities that may result in adverse effects on groundwater quality;
  - a more appropriate approach would be to require these activities to avoid or mitigate any adverse environmental effects, whilst recognising that it may not be appropriate to remediate contaminated groundwater;
  - the blanket approach requiring all practicable management measures are implemented irrespective of the nature of the effects generated by an individual activity;
  - examples of the types of measures required by the policies are not discussed within the explanation and reasons;
  - the opposition to establishment or intensification of activities that increase the potential for adverse effects on groundwater quality;
  - clarification of what activities are to be avoided under the policies and what contaminants are considered to persist in groundwater and have an adverse effect on groundwater quality;
  - Policies WQL14, 16 and 17 are largely repetitive and complicated and should be combined into a single policy;
  - the policy approach imposes an unnecessary level of control over activities and one that seeks to override the jurisdiction of territorial authorities and their district plans, which in the Canterbury Region are generally sympathetic towards the establishment and intensification of rural productive activities.
60. In response to the submission and further submission points the reporting officer has noted that the new policy format will make the policies clearer and all relevant matters for each zone will be under one policy. The key issues identified in the submission and further submissions for Policies WQL13, 14, 16 and 17 will be discussed in further detail in relation to the new policy format.

## **PROPOSED POLICY WQL13-19**

61. Part 6 of the Officer's Report includes the proposed policies (WQL13-19) which have been reformatted from notified Policies WQL13-21. Of particular significance to the submitters are the proposed policies for Groundwater Protection Zones that already contain intensive farming activities. On the basis of the maps provided it appears that a range of existing poultry activities are located within the Christchurch Groundwater Protection Zone 1 and Subzone 1A. The existing poultry activities included within the Groundwater Protection Zones include 1 layer farm, 2 meat chicken grower farms, 1 meat chicken breeder, 1 poultry processing plant and 1 feedmill.

## **POLICIES WQL13 and WQL14**

62. The new Policies WQL13 and WQL14 relate to activities in Christchurch Groundwater Protection Zones 1 and 1A respectively. The policy seeks to avoid activities that may lead to contaminants entering and persisting in groundwater.

63. The submitters have a number of concerns regarding amended Policies WQL13 and WQL14 including:

- that the policies manage activities rather than effects;
- require best management practice measures to be implemented;
- require all practicable management measures to be implemented for lawfully established existing activities;
- restrict development to activities permitted or controlled in the District Plans; and
- the repetition between clauses (2) and (8) of Policy WQL13.

The above clauses will be discussed in more detail below.

64. Tegel and Brinks supported a number of submissions which sought that the notified version of Policy WQL13 be amended to manage the effects of activities rather than the activities themselves.

65. The reporting officer has rejected F116.53-116.59 and states "*the existing wording allows for management of activities and their effects, whereas the suggested wording would restrict management of effects only. The management*

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*approach is to avoid unnecessary risk, which will result in avoiding some activities altogether rather than trying to manage their effects [which] are so great that avoidance is the prudent approach."*

66. With regards to the reporting officer's comments, I note that the only Rule which appears to give effect to this clause was Rule WQL64 which required any new activities to gain land use consent as a Non-Complying activity. It is noted that Rule WQL64 has been deleted according to Part 6 of the Officer's Report. It is considered that given Rule WQL64 has been deleted and no additional rules have been introduced to replace Rule WQL64 in terms of a general activity rule that policies designed to manage general activities are inconsistent with the rules as they stand.
67. The submitters' opposition in relation to the term 'best management practice measures' has already been discussed in the definitions section above, so no further comments will be made.
68. Tegel and Brinks opposed the blanket approach under the notified version of Policy WQL14(a) which required that "*all practicable management measures are implemented*". This was opposed as it was not considered to be effects-based and because it did not reflect the individual environmental effects of different activities. For example, the effects of a particular activity may not justify the implementation of all practicable measures, whatever these may be. Secondly, the Explanation and reasons fail to explain what these measures are and how legally established activities will be required to implement them. The submitter sought the deletion of the notified version of Policy WQL14 and the creation of a new policy to replace Policies WQL14, 16 and 17.
69. With regards to the submission the reporting officer has not commented on the specific clauses that Tegel and Brinks sought to delete. However, the reporting officer has commented on submission point 34.9 by Federated Farmers North Canterbury Province which sought the replacement of the term 'all' with 'appropriate'. The removal of the term 'all' is considered to satisfy the concerns of the submitters.
70. The reporting officer has rejected submission point 34.9 and states "*it is accepted that measures must be appropriate to the circumstances, and "practicable" includes the requirement that the measures are "appropriate". The addition of the word "appropriate" is not necessary.*"

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71. With regards to the reporting officer's comments it is noted that the removal of the word 'all' has not been discussed. The submitters seek consideration be given to the removal of the word 'all' from Policies WQL13(2), WQL14(2) and the other amended policies within Part 6 of the Officer's Report, for the reasons stated above.
  72. The submitters' submission opposed the inclusion of a clause in the notified version of Policy WQL17 which restricted development to intensities provided for as permitted or controlled activities under the City of Christchurch District Plan and the Selwyn Distinct Plan. The submitters consider that this approach is flawed in legal and practical terms. The specific relief sought was the deletion of the notified version of Policy WQL17 and the creation of a new policy to replace Policies WQL14, 16 and 17.
  73. With regards to the submission the reporting officer has not commented on the specific clauses that Tegel and Brinks sought to delete and no other submissions specifically requested the removal of the clause which requires development to *"only occur at intensities provided for as permitted or controlled activities in the City of Christchurch District Plan or Selwyn District Plan"*.
  74. The submitters seek the removal of Policy WQL13(3) as it is considered the clause will not assist in achieving Objective WQL4 as the activity status of developments within the relevant District Plans are not determined by their effects on groundwater quality.
  75. Further submission points sought the removal of repetitive provisions within Variation 6. The submitters note that there is repetition within clauses (2) and (8) of Policy WQL13 and within the subsequent policies. It is recommended that Policy WQL13(2) be deleted as Policy WQL13(8) covers the same requirements with more detail.
  76. Overall, proposed Policies WQL13-14 currently seek to prevent future development within Groundwater Zones 1 and 1A respectively. The use of the words *"increase the potential"* for contaminants to adversely affect groundwater quality in relation to intensification of existing land uses and new rural production would prohibit any activity. In response to the submission and further submission points on notified Policies WQL14 and 16 the reporting officer states *"Any land use intensification will increase the risk of groundwater pollution and have consequences for all Christchurch's untreated drinking water supply. As*

*mitigation and remediation of groundwater pollution is extremely difficult, if not impossible, the preferred policy approach is to avoid unnecessary risk to groundwater quality."*

77. The wording of the proposed policies (in particular Policies WQL13 and WQL14) fail to recognise that enabling the use of resources is a fundamental requirement of the RMA and these policies may leave the Canterbury Regional Council with little scope to approve an application which may otherwise be suitable or acceptable. In this instance the policies are inconsistent with the rules of Chapter 4 which provide for some activities as Discretionary.

#### **RULE WQL5 – ACTIVITY**

78. Rule WQL5 controls the discharge of stormwater containing contaminants onto or into land. Submission 20.12 sought Activity (b) of Rule WQL5 be amended to provide for activities that do not meet the Permitted activity standard as Restricted Discretionary activities.
79. It is considered that a jump from permitted to discretionary status for an infringement of any one of the conditions is unreasonable and unjustifiable. Restricted Discretionary activity status would provide an adequate level of control for the Council combined with a less onerous approach for applicants.
80. The reporting officer has rejected submission point 20.12 and states "*the matters restricting discretion for a restricted discretionary activity are wide and variable between different receiving environments. It is more appropriate to provide for discharges that do not meet the permitted activity conditions as fully discretionary activities*".
81. With regards to the reporting officer's comments I recommend that the matters for restricting discretion could be similar to those included in Rule WQL7 such as: the rate and volume of the discharge; the concentration of contaminants; the capability of the soil and subsoil layers at the site to reduce contaminant concentrations; the infiltration capacity of the soil and subsoil layers; the mitigation measures proposed; the area of land over which the discharge occurs; the monitoring of the activity and its effects; and the duration of the consent granted.

## **RULE WQL5 – CONDITIONS**

82. The submitters sought Condition 2(c) of Rule WQL5 be amended to read:

*"(c) the total impermeable surfaces of the site do not exceed 75% of the gross site area and the building is not located in a stormwater management area".*

83. The reporting officer has rejected submission point 21.10 and states *"this condition is not part of the Variation 6 amendments. It is dealt with under Variation 1."*

84. It is acknowledged that this submission point was addressed under Variation 1, Hearing 22. However, as a decision has not been released in relation to Variation 1 the previous evidence will be available as an appendix to this evidence.

## **RULE WQL26 DISCHARGE OF ANIMAL EFFLUENT OR WATER CONTAINING ANIMAL EFFLUENT OR OTHER CONTAMINANTS ONTO LAND**

85. Submission 20.15 sought clarification as to whether Rule WQL26 applies to dry litter and wash-down water.

86. The reporting officer has accepted in part the submission point and states *"the Rule does not apply to dry litter (this is covered in Rule WQL24). With the re-formatting of the rules to be self-contained as much as possible, this Rule now applies to wash-down water in the highly vulnerable groundwater zones. Small quantities are a permitted activity, whereas large quantities are a discretionary activity in the vulnerable Christchurch groundwater zones."*

87. The Discretionary activity status of the above discharge onto land within the Christchurch Groundwater Zones under Rule WQL57 is considered acceptable on the basis that existing lawfully established activities do not require new consents. In relation to Variation 6 no further amendments are required.

## **RULE WQL26 – CONDITIONS**

88. Submission 20.14 sought the words "or drip irrigation" be added to Condition 1 of Rule WQL26 so that it reads as follows:

*"1) the discharge shall be via a spray distribution or drip irrigation system, and ..."*

89. The reporting officer has accepted in part submission point 20.14 and states *"discharges via drip systems are also acceptable. This amendment has been made under Variation 1 and need not be addressed here"*.
90. It is acknowledged that this submission point was addressed under Variation 1, Hearing 23. However, as Part 6 of the Officer's Report does not include an amendment to Rule WQL26(1) the previous evidence will be available as an appendix to this evidence.

## **CONCLUSIONS**

91. The poultry industry is a key part of New Zealand's primary production industry, and makes a significant contribution to the social and economic wellbeing of the Canterbury region and New Zealand. The Canterbury region offers opportunities for the growth and expansion of the poultry industry, to meet increasing market demands. The industry requires a policy context that makes appropriate provision for its activities, is easy to work with, and gives clear guidance on what is expected of it. It is considered that some of the provisions within Variation 6 do not provide for the above.
92. Issue WQL4 is drafted using highly emotive language and covers the same issue already identified in Issue WQL2. There is an opportunity to retain the Issue to raise awareness of the desire to protect the quality of Christchurch's groundwater without using phrases such as "highly valued" and "present and future benefits". It is recommended that Issue WQL4 be amended.
93. The submitters consider that the current wording of Objective WQL4 and its Explanation and principal reasons is unbalanced. It is considered unnecessary to require the enhancement of groundwater which is already of a high quality as required under Objective WQL4(1). It is recommended that Objective WQL4 be amended to remove the requirement for enhancement of existing high quality groundwater. It is also recommended that an additional sentence be included in the explanation to acknowledge that the level of risk to the Christchurch Groundwater System from activities varies. This would acknowledge that intensification of land uses and increases in groundwater levels will not always pose a significant risk to groundwater quality.
94. The submitters concerns regarding the amended policies within Part 6 of the Officer's Report are the same issues that were submitted on within the notified version of Variation 6. The wording of the proposed policies (in particular Policies

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WQL13 and WQL14) and the focus on activities rather than their effects would seek to prevent any development or intensification within Groundwater Protection Zones. Furthermore, it is considered that the restrictive wording of the policies is not reflected within the rules of Chapter 4 of the NRRP.

95. With regards to Rule WQL5 it is recommended that Council consider Restricted Discretionary activity status for activities unable to meet the permitted activity standards. It is considered that sufficient matters of discretion can be included to avoid, remedy and mitigate the adverse effects on the environment from discharges of stormwater containing contaminants.
96. Tegel and Brinks would like to confirm they have no further issue with Objective WQL3 and Rule WQL26 under Variation 6.
97. I share many of the Council's concerns with water quality and I note that the submitters would be pleased to work with the Council to refine the Proposed Plan along the lines I have suggested.



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Gemma Claire Moleta

*Bachelor of Resource and Environmental Planning (Second Class Honours) from Massey University, Palmerston North, New Zealand. I am a Graduate member of the New Zealand Planning Institute.*

DATE OF HEARING: 12 April 2010

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