

## **Natural Resources Regional Plan (NRRP) Operative June 2011**

- Operative Planning document
- The Proposed Land and Water Regional Plan is being developed as a replacement to the NRRP. In August 2015 Council resolved to make the Land and Water Regional Plan partially operative. Those parts of the Land and Water Regional Plan that became operative on 1 September 2015 are as follows:
  - All of Section 1 – Introduction, Issues and Major Responses
  - All of Section 2 – How the Plan Works and Definitions
  - All of Section 3 – Objectives
  - All of Section 4 – Policies
  - Section 5 – Region-wide Rules – All rules relating to all topics other than:
    - Take and use of surface water (Rules 5.123 - 5.127)
    - Dams and damming (Rules 5.154 - 5.158)
  - All of Sections 6, 7, 8, 9, 10, 11, 12, 14 and 15
  - Section 13 (except for policies and rules relating to the Ashburton River, being Policies 13.4.1, 13.4.2, 13.4.3, 13.4.7 and 13.4.8 and Rules 13.5.1, 13.5.5 and 13.5.6 (including the Hakatere/Ashburton River catchment environmental flow and allocation limit table))
  - All of Section 16 (comprising Schedules 1 to 23).
- The Proposed Canterbury Air Regional Plan (PCARP) was notified on 28 February 2015 and is progressing through the Plan making process. The rules relevant to air quality in the NRRP (chapter 3) along with the proposed rules of the PCARP have legal effect.
- As such, the remaining sections of the NRRP that require consideration in relation to the proposal are:
  - Chapter 3 – air quality
  - Chapter 5 – water quantity (only the rules relevant to take and water use and dams and damming)

### **Summary – Natural Resources Regional Plan**

**Rule AQL26C** identifies the proposal as a **Restricted Discretionary Activity** given it is unable to comply with the air discharge standards (use of a combustion engine powered generator for in excess of 150 hours per year), identified in **Rule AQL25A**.

**Rule AQL57** identifies the proposal as a **Discretionary Activity** as it is unable to comply with the bulk handling of material limits identified in **Rule AQL42B**.

**Rule WQN7** identifies the proposal as a **Restricted Discretionary Activity** for the taking of water from flood flows of the Rangitata River that do not affect the identified allocation limits.

Chapter 3 – Air Quality		
3.3.2 - Discharge to Air from Large Scale Fuel Burning Devices		
Rule	Compliance	Comment
AQL25A Discharge from Internal combustion of Diesel on Rural Production Land – permitted activity	Does Not Comply	<p>Rule AQL25A prescribes the <b>Permitted Activity</b> standards relating to the discharge of contaminants on Rural Production Land from the burning of diesel in any internal combustion equipment having a net energy output capacity of less than or equal to 300 kilowatts.</p> <p>Conditions of activity include separation distance from sensitive activities, time and circumstances limitation and stack and discharge direction requirements.</p>
		<p><b>Comments</b></p> <p>Potential sources of contamination are from the use of diesel generators that will be required for the construction of large concrete structures not within the main Pond site (such as the spillways and gate structures).</p> <p><b>Will Not Comply.</b> A condition of the permitted activity standard is the maximum use for 150 hours per calendar year. Diesel generators will be required for construction activities away from the main depot site, such as concrete construction and dewatering of parts of the canal. The period of time generators will need to be used will exceed the 150 hour restriction. Their use could be up to 500 hours per calendar year per site.</p>
AQL26C Internal combustion of diesel – Restricted Discretionary Activity	<b>Restricted Discretionary Activity</b>	<p>Rule AQL26C identifies that activities unable to comply with the permitted standards of Rule AQL25A shall be considered as a <b>Restricted Discretionary Activity</b>.</p> <p>Is it noted that discretion is restricted to:</p> <ol style="list-style-type: none"> <li>1. Within any Clean Air Zone, the effect of the discharge on existing and predicted PM10 ambient air quality, including the achievement of any relevant national environment standard.</li> <li>2. The PM10 performance of the internal combustion equipment.</li> <li>3. Any measures necessary to avoid, remedy or mitigate localised adverse effects.</li> <li>4. Any measures necessary to ensure the ability of the equipment to disperse contaminants, including chimney height, chimney design and emission velocity.</li> <li>5. Servicing and overall stewardship of the internal combustion equipment.</li> <li>6. Carrying out of measurement, samples, analyses, surveys, investigations, or inspection, including: <ol style="list-style-type: none"> <li>(a) monitoring contaminant concentrations;</li> <li>(b) monitoring the opacity of the discharge;</li> <li>(c) recording of the quantity of fuel used;</li> <li>(d) monitoring the emission rate of contaminants; and</li> </ol> </li> </ol>

		<p>(e) analysing the cumulative effects of the discharge, in combination with discharges from other sources.</p> <p>7. Provisions of information to the consent authority at specified times.</p> <p>8. Compliance with monitoring, sampling and analysis conditions at the consent holder's expense.</p> <p>9. Duration of consent. 10. Review of conditions of consent and the timing and purpose of the review.</p>
		<p><b>Comments</b></p> <p>The Proposal is unable to comply with Rule AQL25A.</p>
<b>3.3.3 – Discharges to Air from Outdoor Burning</b>		
AQL29 - Outdoor burning of vegetation, paper, cardboard and untreated wood – permitted activity.	Complies	<p>Rule AQL29 prescribes a <b>Permitted Activity</b> status to the outdoor burning of vegetation, paper, cardboard and untreated wood subject to compliance with the following conditions:</p> <ol style="list-style-type: none"> <li>1. The discharge shall not occur within 100 metres upwind, or 50 metres in any other direction, from any sensitive activity that is not located on the property where burning occurs.</li> <li>2. The discharge shall not occur within a residential area.</li> <li>3. Burning shall only occur of vegetation, paper, cardboard and untreated wood sourced from no more than 2 adjoining properties where that vegetation, paper, cardboard and untreated wood has been derived or used, and burning shall be undertaken on one of those properties.</li> <li>4. The dispersal or deposition of particles shall not cause an objectionable or offensive effect<sup>1</sup> beyond the boundary of the property where the discharge originates.</li> <li>5. Only small quantities of petroleum products, up to 10 litres per fire, may be used as accelerants.</li> </ol>
		<p><b>Comments</b></p> <p>The early construction activities include the stock piling and burning of vegetation currently existing on the site as outlined in the Smoke Management Plan.</p> <ol style="list-style-type: none"> <li>1. Complies. Two potential burn areas have been identified, each able to meet the setback requirements.</li> <li>2. Complies. The site is zoned rural.</li> <li>3. Complies. The materials will be separated prior to being stock piled into the burn areas to ensure that only permitted materials are burned.</li> <li>4. Complies. The location and management of the stock piles will ensure that no objectionable or offensive effect occurs beyond the boundary.</li> </ol>

<sup>1</sup> This is determined by Appendix AQL3: *Criteria for assessing offensive or objectionable dispersal or deposition of smoke particles* to the NRRP.

		5. Complies. The burning will be managed to ensure compliance with this requirement.
<b>3.3.4 - Discharges to Air from Industrial or Trade Premises and Industrial or Trade processes</b>		
AQL38 - Fugitive dust emissions from unconsolidated surfaces – permitted activity	Complies	<i>Prescribes a <b>Permitted Activity</b> status to the dispersal or deposition of particles shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates.</i>
		<b>Comments</b> Complies. The construction activities are considered an industrial or trade process. As identified in the Construction Methodology Report and the Dust Management Plan, the works will be managed so that dust generated from the activities will not result in objectionable or offensive effects off site.
AQL39 - Petroleum storage and transfer facilities – permitted activity	Complies	<i>Prescribes a <b>Permitted Activity</b> status to the discharge of contaminants into air from the storage or transfer of petroleum products including vapour ventilation and displacement on industrial or trade premises including but not limited to service stations, and/or occurring during industrial or trade processes.</i>
		<b>Comments</b> Complies. It is noted that storage of fuel is proposed within Depots 1 and 2. Management of this storage will ensure compliance with these provisions.

<p>AQL42B - Handling of bulk materials<sup>2</sup> on an industrial or trade premises<sup>3</sup> not part of a quarry or mining activity and not permitted by Rule AQL42 – permitted activity</p>	<p>Does Not Comply</p>	<p>Rule AQL42B prescribes a <b>Permitted Activity</b> status to the discharge of contaminants into air on industrial or trade premises or involving, or as part of, industrial or trade processes from the extraction, handling, processing, conveying, or storage of bulk materials that is not part of a quarrying or mining activity and which is not undertaken within a permanent structure which is fully enclosed, where:</p> <p>(a) the rate of size reduction, screening, processing or pneumatic conveyance, including associated handling of material, does not exceed 100 tonnes per hour; and</p> <p>(b) the quantity of material handled does not exceed 100 tonnes per hour; and</p> <p>(c) the amount of bulk material stored does not exceed at any time 1 000 tonnes when the material is of a particle size of less than 3.5 millimetres.</p> <p>Subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The dispersal or deposition of particles shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates.</li> <li>2. If the rate of size reduction, screening, processing or pneumatic conveyance, including associated handling of material is not located within a permanent structure which is fully enclosed, and exceeds 50 tonnes per hour in any one hour, any discharge of contaminants to air shall not be located within: <ol style="list-style-type: none"> <li>(a) 200 metres of any sensitive activity located on a different property; and</li> <li>(b) if the activity involves blasting, 500 metres of any sensitive activity located on a different property.</li> </ol> </li> </ol> <p><b>Comments</b></p> <p>Does Not Comply. The construction activities are considered an industrial or trade process.</p> <p>(a) <b>Will not comply.</b> It is likely that the handling of material will exceed 100 tonnes per hour.</p> <p>(b) <b>Will not comply.</b> It is likely that the handling of material will exceed 100 tonnes per hour.</p> <p>(c) <b>Will not comply.</b> The material will be moved around the Site in association with the construction</p>
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<sup>2</sup> **Bulk materials** include all materials consisting of fragments or particles that could be discharged as dust or particulate. These materials include, but are not limited to: gravel, quarried rock, fertiliser, coal, cement, flour, rock aggregate, grains and wood chips.

<sup>3</sup> **Industrial or trade premise means—**

(a) Any premises used for any industrial or trade purposes; or

(b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or

(c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process—

but does not include any production land.

		activities. It is likely that more than 1,000 tonnes of material with a particle size less than 3.5 millimetres will be active on the site at any one time.
AQL57 - Industrial or trade premises and processes not complying with Rules AQL38 to AQL56 or not otherwise identified – discretionary activity	<b>Discretionary Activity</b>	<p>The discharge of contaminants into air from:</p> <p>(a) any industrial or trade premises or any industrial or trade process explicitly excluded from Rules AQL38 to AQL56;</p> <p>(b) any industrial or trade premises or industrial or trade process that does not comply in all respects with the conditions specified in Rules AQL38 to AQL56 as applicable for a permitted activity; or</p> <p>(c) any industrial or trade premises that is not otherwise expressly provided for by the rules of the NRRP;</p> <p>is a <b>discretionary activity</b>, provided that nothing in this rule applies to any discharge to air that is prohibited activity under the NRRP.</p> <p><b>Comments</b></p> <p>The construction activities are considered to be an industrial or trade process and the Proposal is unable to comply with the permitted activity conditions of rule AQL42B.</p>
<b>Chapter 4 – Water Quality</b> Note: The Land and Water Regional Plan was made partially operative on 1 September 2015. There are no rules in Chapter 4 that remain operative and as such no further consideration has been given to them as part of this analysis.		
<b>Chapter 5 – Water Quantity</b> Note: The Land and Water Regional Plan was made partially operative on 1 September 2015. Of the rules in Section 5, all are operative with the exception of Rules 5.123-5.127 (take and use of water) and Rules 5.154-5.158 (Dams and Damming). As such the relative provisions of the NRRP relating to these topics remain in effect and are to be considered.		
<b>The taking, diverting and using of water (in small quantities) from a surface water body or an artificial watercourse</b>		
<b>Rule</b>	<b>Compliance</b>	<b>Comment</b>
WQN3 - Taking and/or diverting of water from irrigation canals, hydroelectricity canals and water storage facilities	Complies	<p>Rule WQN3 prescribes a <b>Permitted Activity</b> status for the diverting of water from irrigation canal, hydroelectricity canal or from a water storage facility that is outside the bed of a river or stream subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) There shall be an existing written agreement with the holder of the resource consents for the taking and/or diversion of water into the irrigation canal or hydroelectricity canal or water storage facility for the abstractor to take or divert water.</li> <li>2) Fish shall be prevented from entering the water intake as set out in Schedule WQN12 unless they are already being prevented from entering the canal or water storage facility at the initial point of take.</li> </ol>

		<b>Comments</b> The provision is relevant with regard to the diversion from the existing canal to the Pond. 1. Complies. RDRML is the holder of the existing consents. 2. Complies. The existing canal infrastructure includes a fish screen.
<b>The taking and/or diverting of water (in larger quantities) from a surface water body or an artificial watercourse</b>		
<b>Rule</b>	<b>Compliance</b>	<b>Comment</b>
WQN5 - Taking and/or diverting of water from within an A, B or subsequent allocation block of a surface water body or an artificial watercourse listed in Schedule WQN1 or to which a Water Conservation Order applies.	N/A	<p>Rule WQN5 prescribes a <b>Controlled Activity</b> status for the diverting of water from a surface water body or artificial watercourse that is subject to a Water Conservation Order subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) The take and/or diversion, in combination with all other takes that are to be counted as part of the allocation block, including those takes that have a moderate, high or direct stream depletion effect determined in accordance with Schedule WQN7, is:             <ol style="list-style-type: none"> <li>(i) within the allocation block limit set in Schedule WQN1 or the relevant Water Conservation Order ; or</li> <li>(ii) in excess of the allocation block limit set in Schedule WQN1, but is an existing take that was lawfully established prior to 1 January 2002 that has not expired for more than six months.</li> </ol> </li> <li>2) The take and/or diversion shall not be from a high naturalness water body that is listed in Schedule WQN5.</li> <li>3) Fish shall be prevented from entering the water intake as set out in Schedule WQN12.</li> <li>4) The take and/or diversion shall be reduced in accordance with Schedule WQN1 or the provisions of the relevant Water Conservation Order, as appropriate, during times of water restrictions, and shall cease whenever the flow is at or below the minimum flow set for the A, B or subsequent allocation block, except for that part of a take that is for essential uses as defined in this plan, or as specified in Schedule WQN1. (Refer to Policy WQN18 and Schedule WQN11).</li> <li>5) The take and/or diversion shall not be from any wetland unless authorised under Rule WTL2 as a permitted activity.</li> <li>6) Monitoring of the water taken and/or diverted shall be carried out as set out in Schedule WQN13.</li> </ol> <p><b>Comments</b>          N/A. The take of flood flows and diverting of canal water to the Pond is covered by Rule WQN7.</p>
WQN7 - Taking and/or diverting of water from a	<b>Restricted Discretionary</b>	Rule WQN7 identifies the taking and/or diverting of water from a surface water body or an artificial watercourse for which an A, B or subsequent allocation limit is set in Schedule WQN1 or can be derived from



surface water body or an artificial watercourse not affecting allocation limits	<b>Activity</b>	<p><i>Schedule WQN2, or that is subject to a Water Conservation Order, that:</i></p> <ul style="list-style-type: none"> <li><i>i. Will have no effect on the allocation regime; and</i></li> <li><i>ii. That is not classified by rules WQN1, WQN2, WQN3, WQN4, WQN5, WQN 6 or WTL1.</i></li> </ul> <p><i>The take and/or diversion shall not be from a high naturalness water body that is listed in Schedule WQN5.</i></p> <p><b>Comments</b></p> <p>The diversion of water from the canal into the pond will not result in an additional water take and as such will have no impact on the allocation regime.</p> <p>The proposed flood flow harvest is to be undertaken at times of high flows and as such will not impact on the allocation regime. This part of the Rangitata River is not identified as a high naturalness waterbody in Schedule 5.</p>
<b>The taking and ground water (in larger quantities)</b>		
<b>Rule</b>	<b>Compliance</b>	<b>Comment</b>
WQN9 - Taking and using of water, in small quantities, from groundwater	N/A	<p><i>Rule WQN9 prescribes a <b>Permitted Activity</b> status for the taking of water from groundwater for the purpose of de-watering of sites for carrying out excavation, construction and geotechnical testing, subject to the following conditions:</i></p> <ul style="list-style-type: none"> <li><i>1) The take shall continue only for the time required to carry out the work but not exceeding nine months.</i></li> <li><i>2) The take shall not lower the groundwater level more than eight metres below the ground level of the site.</i></li> <li><i>3) The take shall not, in combination with other takes, cause ground subsidence.</i></li> <li><i>4) The take shall not have a moderate, high or direct hydraulic connection to a surface water body, determined in accordance with Schedule WQN7.</i></li> <li><i>5) The take shall not cause a reduction in the rate and volume of water available from a community or private drinking water supply bore.</i></li> <li><i>6) The take shall not cause a wetland to be de-watered, except where this is authorised under Rule WTL2 as a permitted activity.</i></li> </ul> <p><b>Comments</b></p> <p>N/A. Groundwater is not proposed to be taken as part of the proposal.</p>
<b>The using of water (in larger quantities)</b>		
WQN23 – Damming and/or diverting of water that is not in the bed of a surface water body	Complies	<p><i>Rule WQN23 prescribes a <b>Permitted Activity</b> status provided the activity complies with the following conditions:</i></p> <ul style="list-style-type: none"> <li><i>1. The activity shall not flood land or property owned or occupied by another person without the written</i></li> </ul>

<p><i>or is in an artificial watercourse</i></p>		<p><i>permission of the landowner.</i></p> <ol style="list-style-type: none"> <li><i>2. The activity shall not affect any wetland except, where this is authorised under Rule WTL2 as a permitted activity.</i></li> <li><i>3. Where certification under the Building Act is not required and the volume of water impounded above the pre-dam contour is greater than 5,000 cubic metres, the dam structure shall be designed by, or under the guidance of a chartered professional engineer (civil), and once commissioned, shall be certified by a chartered professional engineer (civil).</i></li> <li><i>4. If in an artificial watercourse, passage for indigenous fish and for other migratory species occurred prior to the damming or diverting of the artificial watercourse that passage shall be maintained.</i></li> <li><i>5. A copy of the certification document shall be sent to Environment Canterbury.</i></li> </ol> <p><b>Comments</b></p> <p>It is not proposed to construct a dam in the bed of a surface water body or in an artificial watercourse. Water will be diverted from the existing canal network to fill the proposed pond.</p> <ol style="list-style-type: none"> <li>1. Complies. The Proposal is located completely on land owned by RDRML.</li> <li>2. Complies. There are no existing wetland in the proposed construction area.</li> <li>3. Complies. Certification under the Building Act is required. The dam structures will be designed by a suitably qualified and experienced chartered professional engineer.</li> <li>4. Complies. The storage pond is not within the artificial watercourse. However, it is noted that the Proposal includes a revised fish screen and fish return bypass in order to ensure fish are returned to the Rangitata River.</li> <li>5. Complies. A copy of the certification documents will be provided to CRC.</li> </ol>
<p><b>Chapter 6 – Beds of Lakes and Rivers</b></p>		
<p>Note: The Land and Water Regional Plan was made partially operative on 1 September 2015. There are no rules in Chapter 6 that remain operative (as they relate to this application) and as such no further consideration has been given to them as part of this analysis.</p>		