

Minor change required to Opihi River Regional Plan to correct errors.

The following minor change is to be made to the Opihi River Regional Plan pursuant to Clause 20(A) of Schedule 1 of the Resource Management Act 1991.

Clause 20(A) states:

“A local authority may amend, without using the process in this Schedule, an operative policy statement or plan to correct any minor errors.”

Issue

The Opihi River Regional Plan does not contain permitted activity rules, relying instead on the Transitional Regional Plan (TRP) to deal with these. The Canterbury Natural Resources Regional Plan (NRRP) became operative on 11 June 2011, and includes rules on the same matters as those in the TRP. The NRRP comes as a result of a review of the TRP and clearly states¹ that a rule in the TRP will continue to have effect until a rule on the same matter in Chapters 4 and 5 becomes operative. Now that the NRRP is operative, the TRP rules have ceased to have effect.

Text in the ORRP also recognises that provisions in the TRP would remain in force “unless superseded by provisions in an operative regional plan.”

The references to the TRP rules in the ORRP are therefore now incorrect.

There is a need to amend the text in the ORRP to remove references to the TRP, and to replace them with references to the relevant operative NRRP permitted activity rules.

Given that there is an extensive list of permitted activity rules in the NRRP that now apply in the area covered by the ORRP, it will be useful to include in an appendix a list of all of those relevant rules. This will assist plan users to identify activities for which a resource consent is needed, as well as activities for which no resource consent is needed.

We have received legal advice that we can remove the TRP references by way of minor change under Clause 20(A) of Schedule 1 of the Resource Management Act 1991.

Note that the inclusion of information relating to the Proposed Land and Vegetation Management Plan relates to Part III of that plan. Part III was withdrawn and so it is incorrect to include reference or information relating to that plan in the ORRP at this time. For this reason, all such references are also recommended to be removed.

There is also a paragraph about the proposed Regional Coastal Environment Plan. That plan is now operative so minor wording changes are needed to reflect this.

Solution

1. Amend the Table of Contents Appendices by adding the following:

“3 Relevant Permitted Activity Rules in the Natural Resource Regional Plan”

2. Amend Section 2.2 (on page 6 and 7) of the ORRP as follows:

“In preparing this Regional Plan, Environment Canterbury must have regard to any Regional Policy Statement. Once a Regional Policy Statement is approved, this Plan cannot be inconsistent with it.

This Plan closely followswithin the catchment.

The Regional Policy Statement provides.....water quality standards.

¹ NRRP Chapter 5 Table WQN3 and Chapter 4 Table WQL4

Under the requirements of the Act this Plan cannot be inconsistent with other Regional Plans. The rules in this Plan operate at the same time as those in the following two operative plans:

- a) The Natural Resource Regional Plan
- b) The Regional Coastal Environment Plan

Groundwater is included in the Opihi Plan only to the extent that it is hydraulically connected with surface water bodies and where it has a measurable drawdown effect on surface water.

Natural Resources Regional Plan

The Natural Resources Regional Plan (NRRP) which became operative on 11 June 2011 has effect in the area covered by this Plan. The NRRP includes a wide range of permitted activity rules relating to the damming, diverting, taking and using of water, and to the discharge of water or contaminants to water, or onto land where it may get into water.

A list of the relevant rules in the NRRP permitting the above activities is included in Appendix 3.

NRRP also has land use control rules that apply in the Opihi catchment, however these land use control rules are outside the scope of the Opihi River Regional Plan, and so are not listed in Appendix 3.

The Regional Coastal Environment Plan

A Regional Coastal Environment Plan has been prepared....

.....Minister of Conservation before that regional coastal plan part becomes operative.

The Regional Coastal Environment Plan has identified the Opihi River Mouth...by the Minister of Conservation."

3. Amend **5.3.6.1 Abstraction Provisions in other Regional Plans** (pg 32) as follows:

"Provisions in other Regional Plans

The Natural Resources Regional Plan allows for the abstraction of both surface and groundwater, subject to meeting specific conditions. A list of the relevant permitted activity rules in the NRRP is included in Appendix 3."

4. Amend **5.3.6.2 Augmentation Exemptions from Rule 2** (pg 41) as follows:

"Exemptions from Rule 2

Rule 2 does not apply to damming, uses, discharges, or diversions which are specified as permitted activities by any other regional plan.

The Natural Resources Regional Plan allows for damming, uses, discharges, or diversions, subject to meeting specific conditions. A list of the relevant permitted activity rules in the NRRP is included in Appendix 3."

5. Add the following as a new Appendix 3 (pg 73)

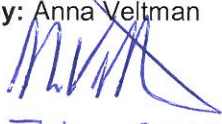
"Appendix 3 Relevant Permitted Activity Rules in the Natural Resource Regional Plan

Chapter 4	Water Quality
WQL1	Discharge of water or a contaminant into a river, lake or artificial watercourse, or onto land which may result in water or a contaminant entering a river, lake or artificial watercourse
WQL2	Discharge of land drainage, site dewatering, aquifer test or bore development water into a river, lake or artificial watercourse, or onto land which may result in water or a contaminant entering a river, lake or artificial watercourse
WQL3	Discharge of a contaminant onto or into land where the contaminant may enter groundwater
WQL4	Discharge of pool water or filter backwash water containing contaminants into a river or artificial watercourse, or pool water containing contaminants onto or into land
WQL6	Discharge of stormwater onto or into land where it may enter groundwater
WQL7	Discharge of stormwater into a river, lake or artificial watercourse

WQL9	Discharge of contaminants into land from an on-site wastewater system
WQL10	Discharge of greywater from a dwelling house into land
WQL11	Discharge of pit toilet effluent into land
WQL13	Discharge of aerobically composted domestic sewage onto or into land
WQL17	Discharge of an agrichemical or agrichemical equipment or container washwater into surface water or onto land where it may enter water
WQL18	Discharge of a vertebrate toxic agent onto land where it may enter water, or onto land in the bed of a river or a lake
WQL19	Discharge of fertiliser to land where it may enter water
WQL21	Discharge of a contaminant into water in a river, lake or wetland from livestock in, or near water, or disturbance of a wetland or the bed of a river or lake by livestock
WQL22	Discharge of dead animals or animal parts or refuse into production land
WQL23	Discharge of solid animal waste, vegetative material containing animal effluent, or vegetative material from a farming activity or an industrial or trade process onto production land
WQL25	Discharge of animal effluent or water containing animal effluent and other contaminants onto land
WQL28	Discharge of a liquid containing contaminants onto or into land from an industrial or trade process, excluding a sewage treatment process
WQL42	Discharge of a dust suppressant onto land
WQL44	Discharge of a contaminant from a closed landfill
Chapter 5	Water Quantity
WQN1	Taking and/or diverting and using of water, in small quantities, from a surface water body or an artificial watercourse
WQN3	Taking and/or diverting of water from irrigation canals, hydroelectricity canals and water storage facilities
WQN4	Taking and/or diverting and using of water from a surface water body or an artificial watercourse for road construction and road maintenance use
WQN9	Taking and using of water, in small quantities, from groundwater
WQN11	Taking of water from groundwater for bore development and pumping tests
WQN12	Taking of water from groundwater for site de-watering
WQN17	Using of water for hydroelectricity generation
WQN20	Temporary diverting of surface water for work on existing structures
WQN21	Diverting of water via land drainage
WQN22	Damming and/or diverting of waters by existing flood control structures
WQN23	Damming and/or diverting of water that is not in the bed of a surface water body or is in an artificial watercourse
WQN24	Diverting of floodwater
WQN25	Damming of water in the bed of a surface water body
WQN26	Existing activities - damming or diverting of water in a surface water body or artificial watercourse not otherwise permitted

These amendments are considered to be minor changes under Clause 20A, and have been approved by Environment Canterbury. These changes should be considered as having been made to the Opihi River Regional Plan as of the date below.

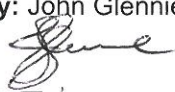
Prepared by: Anna Veltman

Signature: 

Date:

13 July 2011

Checked by: John Glennie

Signature: 

Date:

18 July 2011

Delegated Authority: Don Rule, Director Resource Planning & Consents

Signature: 

Date:

19/7/11

