

**Planning Evidence and  
Recommendations Report**  
*Horizons Regional Council's Senior Consultant  
Planners Report on Submissions to the  
Proposed One Plan –*

- (a) Chapter 6 - Water*
- (b) Chapter 13 - Discharges to Land and Water;*
- (c) Chapter 15 - Takes, Uses and Diversions of Water and Bores;*
- (d) Chapter 16 - Structures and Activities involving Beds of Rivers and Lakes, and Artificial Water Courses and Damming;  
and*
- (e) Schedules B, C and D.*



**August 2009**

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# INTRODUCTION CHAPTERS 6, 13, 15 AND 16 AND SCHEDULES B, C AND D: WATER

*This report contains the recommendations from Horizons Regional Council's Senior Consultant Planner and Policy Analyst on submissions to the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007, late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from Individuals (314), Organisations/Companies (149), Iwi (18), Territorial Authorities (15), Interest Groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 Report. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Senior Consultant Planner and Policy Analyst to the Hearings Panel having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Senior Consultant Planner and Policy Analyst having regard to:

- The One Plan Philosophy and intent
- Section 32 Report
- Technical evidence
- Resource Management Act responsibilities
- Case Law

Horizons Regional Council Staff have met with some submitters to clarify points raised or negotiate potential outcomes. Ongoing discussion with the parties will continue.

Section 42A technical reports have been prepared dealing with the Water Chapters. A list of all these reports and the matters covered off in each report has been provided to the Hearing Panel.

As noted in the readers guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to (a) consider the merits of the Proposed One Plan in light of submissions received and to (b) assist submitters by setting out responses to the points raised.

Contained within Attachment 1 is the evaluation of submissions along with the technical and planning evidence considered by the Horizons Regional Council Senior Consultant Planner and Policy Analyst in making recommendations to

the Hearing Panel. Tables are presented showing whether a submission point has been accepted, accepted in part or rejected as a consequence of these recommendations. Accept in part means that only part of the decision requested in that submission has been accepted. Unless detailed otherwise where the primary submission has been accepted it follows that the further submissions supporting the primary submission have been accepted, and that the further submissions opposing the primary submitter have been rejected.

I have recorded within Attachment 1 a number of submissions where I intend to return to the matters raised in the submissions within the Supplementary Report.

# PART ONE: READERS GUIDE

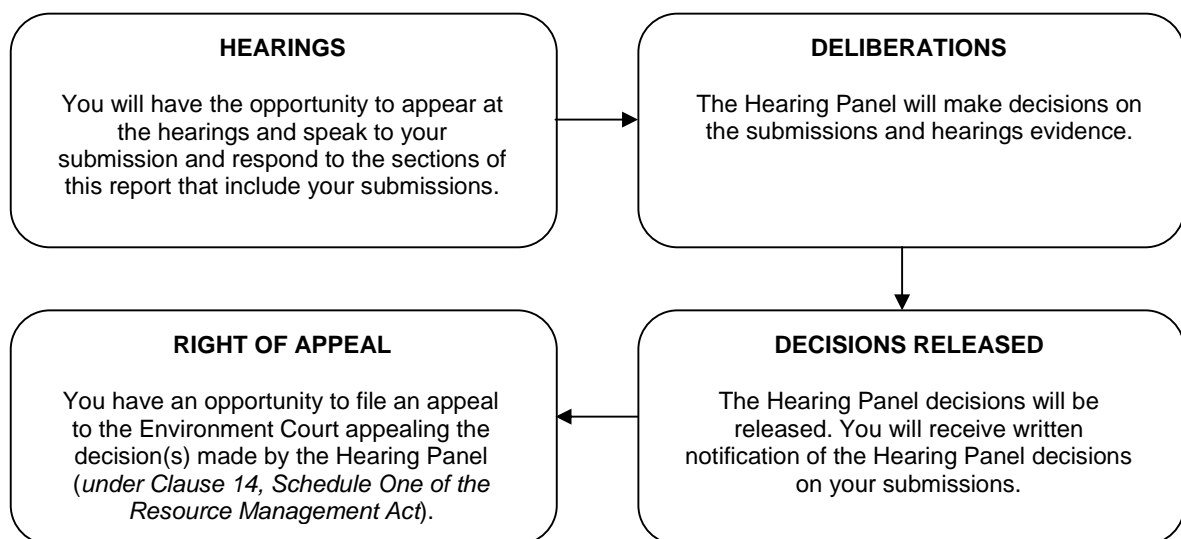
## 1.1 Structure of Report

The Planning Evidence and Recommendations Report on submissions relating to Chapter 6: Water; Chapter 13: Discharges to Land and Water; Chapter 15: Takes, Uses and Diversions of Water and Bores; Chapter 16: Structures and Activities Involving Beds of Rivers and Lakes and Artificial Water Courses and Damming; Schedule B: Surface Water Quantity; Schedule C: Groundwater Management Zones and Schedule D: Surface Water Management Zones and Standards.

- Part 1 Reader's guide
- Part 2 Statement of Qualifications and Experience
- Part 3 Summary of Key Themes and Recommendation
  - Provides a summary of the key submission themes and recommendations relating to Chapters 6, 13, 15 and 16 and Schedules B, C and D.
- Part 4 which is contained within Attachment 1 outlines the recommendations on submissions on the above Chapters and Schedules of the Proposed One Plan. Part 4 includes tables indicating whether a submission point has been accepted, accepted in part or rejected as a consequence of the Horizons Regional Council's Senior Consultant Planner and Policy Analyst's recommendation. The technical and planning assessment is presented along with the Planners evaluation, recommendation and wording changes to implement that recommendation.

## 1.2 Process from Here

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision making process. The process for the decision making is set out below for your information:







## **PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE**

### **2.1 Clare Barton**

My name is Julie Clare Barton and I am a Senior Consultant Planner and Director of the consulting firm Environments by Design Limited (EBD). EBD consults predominantly in Palmerston North, Horowhenua, Taranaki and Wellington in relation to a range of resource management matters. I hold a Bachelor of Regional Planning degree (Honours) from Massey University, Palmerston North.

I have 20 years experience in New Zealand in the profession of planning. I have worked both as employee and consultant to local government authorities, the Ministry for the Environment and private consultancy firms. I worked in the Resource Management Directorate of the Ministry for the Environment from 1991 to 1994 and worked on preparing recommendations to select committees on the first amendment to the Resource Management Act 1991. I have been involved in the development of District Plans and in various Private Plan Change applications. I have assessed and reported on many applications for Resource Consent including matters that have been decided in Hearings and in the Environment Court.

I have been engaged by the Manawatu-Wanganui Regional Council (trading as Horizons Regional Council) to report on the submissions to Chapters 6, 13 and 15 of the Proposed One Plan. I have only been directly involved with the specific development of the Proposed One Plan in preparation for the Hearing on the submissions. I have, however, been working for the Regional Council on a consultancy basis within the Consents Section since December 2006. I am therefore generally familiar with the issues and process involved in the development of the Proposed One Plan and I have a good understanding of the issues that have arisen in the implementation of the provisions of the Proposed One Plan.

I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Notes. I agree that the overriding duty of the Environment Court expressed in paragraph 5.2.1 of that code of conduct will be treated as a duty to the Hearing Panel.

### **2.2 Natasha James**

My full name is Natasha Cacilia James. I have a Bachelor of Resource and Environmental Planning (specialisation in Geographic Information Systems (GIS)) with Honours from Massey University.

I have worked at Horizons Regional Council for the last 5 years in a number of roles. I have held the position of Policy Analyst for the last 2 and half years.

I have been personally involved in notifying the Plan and the consultation with submitters which followed. In relation to the Proposed One Plan, I have worked as the supporting Planner for the Coast and Air chapters.

Prior to my appointment to the position of Policy Analyst I was involved in the development of the draft plan and undertaking community consultation. I am very familiar with the Proposed One Plan and the issues and processes associated with it.

I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and I agree to comply with it.

## **2.3 Barry Gilliland**

My name is Barry William Gilliland. I am employed as a Policy Advisor in the Policy Team at Horizons Regional Council. I carried out the review, evaluation and made recommendations on Chapter 18: Financial Contributions.

I hold the following qualification:

- 1975 Bachelor of Technology (Biotechnology) Hons.

I have 33 years experience working for Horizons Regional Council and its former authorities in the area of resource management.

- 2003 to now – Member of Policy Team contributing to Horizons regional and corporate planning and providing water quality assistance to the Science Team.
- 1990 to 2003 – Manager at Horizons Regional Council overseeing the Laboratory, Consents, Compliance and Science teams at Horizons Regional Council and its former authorities.
- 1975 to 1990 – Experience at Horizons Regional Council and its former authorities as the organisation's lead advisor on water quality matters including: planning, field work, laboratory, data analysis, reporting and consent conditions. Worked as Team Leader of the Compliance Monitoring Team.

I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Notes. I agree that the overriding duty of the Environment Court expressed in paragraph 5.2.1 of that code of conduct will be treated as a duty to the Hearing Panel.

## **2.4 Helen Marr**

My full name is Helen Marie Marr. I have a Bachelor of Resource and Environmental Planning (specialisation in Environmental Science) with Honours from Massey University. I am also a qualified RMA decision maker under the 'Making Good Decisions' programme.

I have worked as a Planner for the last nine years. I have worked for Greater Wellington Regional Council as the Policy Section Leader for the Wairarapa Division. There I led the consultation on and development of a pan council and iwi coastal development strategy. I have also worked for the Ministry for the Environment in the RMA Policy team. There I worked on preparing recommendations to select committee on the 2005 RMA Amendment. I also

worked on the early stages of development of a number of National Policy Statements and National Environmental Standards. I have also worked as a Planner in the United Kingdom.

I began working at Horizons on the One Plan in August 2006, first as Senior Policy Analyst and Project Manager, and now as One Plan Manager. I have led and been personally involved in the final stages of the consultative process prior to notifying the Plan. I have also led the final stages of the development of the policy and rules of the Plan in response to submissions on the Draft One Plan and guiding the work of other Planners and Consultants. I have managed the One Plan through the formal first schedule process.

I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and I agree to comply with it.



## **PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS**

### **Introduction**

The purpose of this summary is to provide an overview of the issues raised in submissions received to Chapters 6, 13, 15, 16 and Schedules B, C and D – WATER of the Proposed One Plan (POP) and the recommendations to the Hearing Panel. Due to the significant number of submissions received and the complexity of the issues raised, the Planning Evidence and Recommendations Report is a large document and submitters may wish to have a short summary of the issues raised and the direction the Horizons Regional Council's Senior Consultant Planner and Policy Analyst, in collaboration with Helen Marr and Barry Gilliland, have recommended in response to each issue.

The following summary focuses on the more substantive issues that have been raised in submissions and in large part these are the issues that I will return to in the Supplementary Report. Having only been involved in reporting on the submissions for a short period of time, I consider it would be beneficial to the process for me to work through a number of concerns directly with the submitters and report back on the outcomes of those discussions in the Supplementary Report. This approach will provide me with the opportunity:

- (a) To discuss the specifics of the matters raised in the numerous technical Science section 42A reports directly with the submitters, and
- (b) To more fully consider the provisions within the Water Chapters and how they will work in a planning sense having considered the "Science" that sits behind the current Plan provisions; and
- (c) Discussing the submitters concerns directly with them rather than relying on interpreting the concerns through the written submissions.

### **3.1 General philosophy**

There are a number of submissions which seek a fundamental shift in the approach taken to the policy framework and the rules that flow from that framework. Whilst I am not recommending a fundamental shift in approach at present, I will work through the specifics of the concerns raised.

Questions have been raised around the link between Schedule D and the rules and what implications the Schedule has for consent processing. A number of submitters want the Schedule to be used as a guide only and not be linked within the Rules. These submitters want the focus within the Policies to be on avoiding, remedying or mitigating actual and potential adverse effects. I will develop some worked examples in the Supplementary Report of resource consents considered under the current operative Plan provisions and also under the Schedule D approach. This will assist in more fully understanding how things will work in practice.

### 3.2 Chapter 6: Water

The submissions from the territorial authorities and the agricultural sector question the impact the low flow restrictions and core allocations of water will have, particularly in relation to the reasonable needs of human and stock drinking water and other essential takes. I have recommended some linkages within the Rules to Policy 6-19 regarding essential takes. I have recorded that I need to consider whether the changes recommended will appropriately provide for essential takes.

The submissions mainly from the gravel extraction industries raise issues regarding gravel extraction and the links between the policy, the allocation table and rules. I have outlined that I have some concerns with the allocation table and specifically how the table works in relation to the rule framework and that I intend to return to this matter.

Fonterra considers that Objectives 6-1 and 6-2 should be revised to recognise that values, management objectives and water quality standards may not be practicably achieved using presently available mitigation. In developing the practical resource consent application examples I will consider what conditions may be required and how mitigation can be achieved.

A number of submitters want reasonable timeframes set as to when the maintenance and enhancement of surface water quality should be achieved. The concern raised was that there not be an expectation that the improvement occurs immediately. I have recommended the inclusion of a timeframe within Objective 6-1 being the year 2030.

Objective 6-3 and Policy 6-13 set out how efficiency can be achieved. I will discuss the specific concerns around efficiency further with the submitters. The Science Reports set out the rationale as to why efficiency rates have been selected.

Meridian Energy wants amendments to Policy 6-3(b) to clarify that activities will only need to ensure that existing water quality is met beyond the zone of reasonable mixing. This is a matter I will consider in relation to the worked resource consent application examples and conditions.

The territorial authorities seek the removal of stormwater from the water quality standards. I will work through these issues with the submitters.

I have noted that there is a potential gap in the rule and policy framework for dealing with applications to take groundwater which exceed the annual volumes outlined in Schedule C. This is a matter that I will return to.

The territorial authorities seek to have drainage schemes that are managed by the territorial authorities included within the Policy and rule framework. Currently the framework deals with Regional Council drainage schemes and I will discuss the concerns of the submitters with them.

### 3.3 Chapter 13: Discharges to Land and Water

There are many submissions regarding Rule 13-1 and the concerns raised include the potential costs associated with the FARM strategy approach and

having a requirement to go through a resource consent process. I understand Fonterra is working through potential alternative approaches and this is a matter I will discuss with them further.

I will consider the rationale set out in the Science reports further regarding the permeability sealing requirements.

There currently is nothing within the policy framework to outline how large or industrial discharges to land will be monitored. This may not be an issue if the framework provides some general guidance that could flow through into consent conditions. I will consider this in working through the consent application examples.

Questions have been raised as to how the various discharge rules fit in terms of the application of fertiliser, effluent and other discharges. I will prepare a flow diagram to ensure that the discharge rules fit together and are not unduly onerous for various activities. Included in this assessment I will consider whether other standards and codes may be applicable to the management of the issues around discharges of effluent and give further consideration to non-regulatory methods.

I will further assess the setback provisions within the Chapter to make sure they are consistent with other setback requirements across the Plan.

I want to consider Rule 13-19 further as to whether it only applies to cleanfill disposed of at a landfill or whether it needs to be broader than this.

Some submitters want a graded system within the various catchments so that the rules target the problem catchments with less restrictive rules for other catchments. This is essentially the approach that has been taken but I would like to work through the specific issues further with the submitters.

The definition for green waste was deleted from the glossary as a result of the Air officers report (Air 44). The term green waste appears within the rules for water within chapter 13 (Rule 13-20) and I will need to consider further whether a definition is required or not.

Some submitters have sought that the discharge volumes for contaminants to land be based on a per hectare requirement rather than relate to per property. I will consider this matter further. This issue also crosses over in to dealing with the permitted rates of takes of water on a per property basis.

### **3.4 Chapter 15: Takes, Uses and Diversions of Water and Bores**

The emphasis in relation to groundwater is on maintenance of groundwater quality. Some submitters have sought that the policies also refer to enhancement. I have recommended that the policy framework remain as currently drafted. Improvement in groundwater quality is not achievable as the time periods over which any improvement would be realised are significant. Groundwater quality is generally good across the Region.

Some submitters want to know how specific activities will be dealt with e.g. marae and schools. I will return to this in the Supplementary Report.

I will, in working through the resource consent application examples, consider issues around the requirements for telemetry and how the water management zone framework works in practice.

I have recommended the deletion of the Prohibited Activity Rule 15-7 regarding takes from rivers protected by water conservation orders. These rivers are covered within the core allocation framework and would fall for consideration as a Non-Complying Activity.

Some submitters have asked how Rule 15-9 will work in practice e.g. will it prevent the diversion or discharge of surface or ground water from land adjoining state highways? I will discuss this matter further with the submitters and return to it in my Supplementary Report

Genesis wants man made lakes excluded from Rule 15-11. I will consider the habitat provisions and the implications of making such a change and return to this matter in the Supplementary Report.

Rule 15-13 regarding drilling and bore construction has been recommended to be altered to become a Permitted Activity rather than a restricted Discretionary Activity.

### **3.5 Chapter 16: Structures and Activities Involving Beds of Rivers, Lakes and Artificial Watercourses and Damming**

The submissions to Chapter 16 covered a wide range of issues regarding the Beds of Rivers and Lakes provisions of the POP. The submissions mainly focused on:

- (a) Policies and rules concerning the management and taking of gravel.
- (b) Clarification of rules including seeking to understand if an activity was covered by a particular rule, why we have rules in place for example Federated Farmers requested that the function of regional councils in relation to artificial watercourses be clarified.
- (c) Inclusion of conditions which allowed other authorities to undertake works under the Environmental Code of Practice for River Works.
- (d) Use of the Environmental Code of Practice for River Works as a method for the Regional Council to undertake river works.

Consultation was undertaken with submitters to Chapter 16 during the writing of the Officers Report – this is detailed further in the officers report.

Having considered the submissions, comments received during consultation and s42A expert evidence – some of the key recommendations I make in this report to the Hearing Panel include:

- (i) Insertion of a new Restricted Discretionary rule for takes of gravel.
- (ii) Insertion of a new Permitted rule for the erection and removal of recording sites.
- (iii) Updating of table 16.1 to reflect changes to schedule D and recommendations as a result of James Lambie's s42A report.
- (iv) Updating of Rule 16-1 to provide a better link between the rule and Schedule D (now Schedule Ba).



- (v) Splitting of Rule 16-2 into two rules to better reflect the intent of the National Water Conservation Notices.
- (vi) Adoption of the August 2009 version of the Environmental Code of Practice for River Works which includes amendments as a result of consultation.

### **3.6 Glossary**

I have recommended the inclusion of definitions or amended definitions for bore, domestic wastewater, feedpad, cropping, commercial vegetable growing (and market gardening), dairy farming, intensive sheep and beef farming and untreated human effluent. I will consider the suggestions for further changes to other definitions including market gardening.

### **3.7 Schedule B: Surface Water Quantity**

Schedule B covers the cumulative core allocation limits across the various sub-zones. Some of the values contained within Schedule B have been updated as a result of new Science information as particularly noted in the reports of Ms Hurdell, Mr Roygard and Mr Watson.

### **3.8 Schedule C: Groundwater Management Zones**

Schedule C contains allocation limits for groundwater. The Groundwater Management Zones have been moved into Schedule Ba.

### **3.9 Schedule D: Surface Water Management Zones and Standards**

Any matters that cover coastal issues have been taken out of Schedule D and will now sit within Schedule H. Schedule D has been split with the water management zones and values now sitting within a new Schedule Ba and the standards remaining within Schedule D. The water management zones, sub-zones and values are the underpinning framework in the Plan. To make the Schedule framework clearer it is proposed that the surface and ground water management zones are removed from Schedules C and D and placed in a separate Schedule in front of Schedule B.



## PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

I have approached the submissions on the Water Chapters with the following guiding principles in mind:

- (a) Considered whether the changes sought add value to the content of the provisions.
- (b) Objectives and policies set up the supporting framework for the methods including rules that follow. I have endeavoured to retain and enhance the framework that links the issues, objectives, policies and methods, providing a logical progression and consistency between the related issues, objectives, policies and methods.
- (c) I have also been mindful in considering the objectives and policies that the wording needs to be able to be clearly interpreted if they are going to be of assistance in considering a resource consent application. I have then endeavoured to achieve clarity in the intent of the wording.

I have not at this stage recommended a fundamental shift in the policy framework or approach to rules within the Plan. I am however, aware that a number of submitters are working through alternative approaches that could be workable in the context of the Plan framework. As the details of these alternatives are still being worked through and I do not know what the specifics of the alternatives are, I have not been able to assess their appropriateness and make recommendations. These are matters I will return to in the Supplementary Report.

I became involved in preparing the Planning section 42A report at a late stage in the process. As a result I have not had the opportunity to engage with submitters at a meaningful level to work through their specific concerns. I am very aware that Regional Council staff have had ongoing dialogue with many submitters over the last year or more but unfortunately I have not been involved in that process. As a result I potentially may have missed out on the nuances of some of the submitters concerns. With that in mind there are a number of references throughout my report to wanting to address matters further in my Supplementary Report to the Hearing Panel. These statements are made with the intent of providing more time to work through particular issues in detail with the submitters.

I consider that there are a number of policies, after Policy 6-7 contained within Chapter 6, which are better placed within the relevant Chapters in Chapters 13, 15 and 16. These policies are more specific to a consideration of a resource consent application. I have not at this stage undertaken the shift in the track changes version of the Plan provisions because the whole sale removal of these policies has implications for how the Part I matters in the Plan will hang together as a coherent whole. This is a matter I will return to in the Supplementary Report.

I note that I have yet to provide the linkage statements within each policy to the relevant and applicable objective. I will provide these linkage statements within the Supplementary Report.

## 4.1 Chapter 6 – General –Water Quality

### 4.1.1 Summary of submission points

#### **Support**

The Minister for the Environment supports the approach taken. The support is noted.

#### **Specific Comment**

The Aggregate & Quarry Association wants a definition for the term water body and that the definition excludes ephemeral streams.

Taranaki Whanganui Conservation Board seeks an objective for improving and enhancing water quality.

Cuttriss Consultants raise a number of very specific concerns regarding the content of the Manual for On-Site Wastewater Systems – Design and Management.

Te Iwi o Ngati Tukorehe Trust wants the quarry operation on the Ohau River to be held to account for their environmental impact. The submitter also notes the good work that has been undertaken on improving dune wetland systems.

A number of submitters want all streams on farms which contain stock to be fenced.

Forrest Chambers wants information to be made available to the public on instances where there are breaches in standards.

Ngati Pareraukawa want discharges to the Manawatu River to cease and consents revoked.

The Palmerston North City Council considers the standards for the Manawatu River may not be the most effective and efficient way of achieving the outcomes of the Plan and that the current sewage treatment plant is not likely to meet the standards resulting in significant costs for the community.

The Wanganui Branch of the National Council of Women of NZ wants to stress the urgency of the problems with water quality degradation.

The Whitelocks want to record that our topography and climate create a barrier to perfect water quality.

The Minister of Conservation wants specific methods to deal with a project covering native fish habitat and a database of the distribution of native fish species.

The Environmental Working Party and other submitters want a method that will deal with non-point sources of pollution and the effects.

The Manawatu Branch of NZ Green Party wants a section which deals with maintaining streams and other water bodies in their natural state and a specific project to require sign posting of polluted swimming spots.

Middle Districts Farm Forestry Association wants acknowledgement of the benefits of forest cover for water quality.

### **Broad Approach Issues**

Lyn Neeson considers the Plan should be a working document which can change as Science knowledge improves and that there needs to be a record kept of improvement with no deterioration in water quality.

NZ Pharmaceuticals is concerned that without changes to the Plan incremental improvements in environmental outcomes will not be achieved and one group of dischargers will bear an unfair proportion of the costs.

A number of submitters seek the removal of regulatory controls for dairy farms including the FARM strategy.

Donna Mummery wants tax deductions and the like for farmers who use chemical free farming techniques.

Hoane Wi wants iwi and the wider community educated on the issues concerning water quality and an iwi forum. The submitter is also concerned that native fish as a taonga be recognised. Maraekowhai Whenua Trust and other submitters want the fish, insects and water of the Whanganui River enhanced.

Ruahine River Care Group wants all factors taken into account that contribute to degradation of water quality.

The territorial authorities want Schedule D to be used as a guide and that time is allowed for change to be implemented. This is supported by a number of other submitters including Horticulture NZ.

#### **4.1.2 Evaluation**

The specific matters raised in these submissions are addressed in more detail in the evaluations within my report on each of the Chapters. In covering the issues raised above in a broad way I provide the following by way of response to these submissions:

- (a) The Plan can evolve over time, if as a result of additional scientific knowledge, changes need to be made to the Plan by way of a Plan Change or Variation.
- (b) Concern has been raised over the approach that is taken in the Plan and the costs that will be incurred by individuals and organisations to meet the requirements. In particular, a number of submitters seek the removal of regulatory controls for dairy farms including the FARM strategy. I understand that Fonterra is in the process of working through a potential alternative to the FARM Strategy and I will work through these issues further with submitters and return to this issue in my

Supplementary Report. I understand Ms Marr is addressing the potential cost implications of Rule 13-1 in her evidence and this information can be used in discussions with submitters.

- (c) Alternative mechanisms to regulation are promoted by the submitters including, tax deductions for good farming practice, fencing of streams and education initiatives. The Plan does signal in Chapter 6 that alternative methods to regulation are being pursued by the Regional Council in conjunction with a number of other parties. Alternative methods are however, not the panacea to the issues and are but one tool to deal with the issues associated with water quality and quantity.
- (d) Some submitters want all factors that contribute to the degradation of water quality taken into account and question whether the approach taken in terms of the values set out in Schedule D reflects all actual and potential adverse effects. They consider that Schedule D should be used as a guide and that time needs to be provided for change to be implemented.

I have recommended the addition to Objective 6-1 of a time bound statement i.e. stating that the values set out in Schedule D will be recognised and provided for by 2030. The intent of the change is to set a clear target which recognises that change is not expected to occur immediately and will take time.

I understand the intent of Schedule D is that it sets out the values of importance which signals that adverse effects on those values need to be assessed through a consent application process. I will work through the particulars in terms of how these values and assessments are triggered in the rule framework with the submitters and return to this issue in my Supplementary Report. I will be providing the Hearing Panel with some worked examples of how a resource consent application will work in relation to the values of Schedule D.

- (e) A number of submitters seek to have other specific methods included within Chapter 6 to deal with matters such as: a native fish habitat database; non-point sources of pollution; sign posting of polluted swimming spots; recognition of particular water bodies e.g. the Whanganui River and Ohau River; restoration of dune wetlands; information being made public where there is a breach in a standard; and an acknowledgement of the benefits of forest cover. I have recommended that a method be amended to allow for research on native fish. There are other methods within Chapter 6 which deal with some of the matters raised by submitters e.g. non-point source pollution and water quality improvement projects. The particular values of water bodies including the Whanganui River and Ohau River are recognised through Schedule D. Other matters sit outside of the Plan framework e.g. enforcement action.
- (f) The term water body is defined in the Resource Management Act and no further definition is considered necessary.
- (g) Generally the Policy framework acknowledges the need for improving and enhancing water quality, with the exception being in relation to

groundwater which only covers maintenance. I understand that it is difficult to achieve improvement in groundwater quality and I have therefore not recommended changes to the wording to refer to improvement. However, I will work through this issue and return to in my Supplementary Report.

- (h) I understand that many of the concerns raised regarding the content of the Manual for On-Site Wastewater Systems – Design and Management, are likely to have been resolved as a result of a revised document being released in 2009.
- (i) Any consented discharge cannot be revoked.

#### **4.1.3 Recommendation WTR 1**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.1.3.1 Recommended changes to provision**

- (a) Specific changes are recommended within Chapters 6 and 13.

## 4.2 Chapter 6 – General – Ground and Surface Water Allocation

### 4.2.1 Summary of submission points

#### **Support**

The Waikato District Health Board, Environment Waikato, Environmental Working Party and Nga Pae o Rangitikei support the provisions in the One Plan. The support is noted.

#### **Comment**

Hopkins Farming Group does not want any limitations on permitted water takes for dairy farms.

Mighty River Power and Meridian Energy want: (a) a specific provision within Chapter 6 to recognise and provide for hydro electricity generation; (b) to have these activities provided for as a Permitted Activity within Chapter 15; and (c) to exclude these activities from the core allocation and minimum flow requirements.

The territorial authorities want the common catchment expiry dates removed or redrafted. They seek to have public water supplies provided with a separate portion of the core allocation.

Fonterra wants Policy 4-3(b) revised to remove any special treatment for hydro electricity generation.

Mr James wants sedimentation of groundwater to be monitored and recognition given to the connection between ground and surface water. The issue of connection between ground and surface water is also raised by other submitters.

Ichthus Consulting wants the net water balance criteria to be considered.

Palmerston North City Council considers the approach is both economically and socially unsustainable and there has been an inadequate assessment as to whether the provisions are the most effective and efficient means of achieving the objectives of the Plan.

Rayonier NZ and the NZ Institute of Forestry want the allocation of water to be backed with robust science while taking into account catchment characteristics and existing land uses.

Jill Strugnell wants more consultation with the territorial authorities regarding their issues with surface water.

The Whitelocks want the Plan to deal with the issue of water conservation.

The Minister of Conservation wants a specific project included to deal with the development of indicators for assessing and monitoring changes to natural character in rivers.



Te Runanga O Raukawa Inc wants the cumulative effects of discharges to be considered including along the coastline. Ngati Kahungunu wants greater recognition for aquifer recharge.

Rural Women NZ wants the Chapter to reflect the legislation and permit reasonable domestic and stock water takes.

Environmental Working Party and Nga Pae o Rangitikei want the importance of Maori involvement recognised and they seek specific reference to Chapter 4.

#### 4.2.2 Evaluation

As noted in section 3.1 the specific matters raised in these submissions are addressed in more detail in the evaluations within my report on each of the Chapters. In covering the issues raised above in a broad way I provide the following by way of response to these submissions:

- (a) The Plan sets out clear limits for Permitted water takes. The intent is that there is recognition that reasonable needs for domestic drinking water and stock drinking water are to be provided. Beyond that there are limitations on what can be taken particularly during periods of low flow. I do signal there are a number of issues that I will work through further with submitters in relation to low flow and return to this in my Supplementary Report, including the broader questions around allocation of water. I do recommend some changes within Chapter 15 to deal with essential takes.
- (b) Some submitters seek specific cross references to Chapter 3 Infrastructure, Energy and Waste or Chapter 4 Te Ao Maori. Where there are existing cross references to other Chapters and the addition of further cross references works then I have recommended the references to Chapters 3 and 4 be added.
- (c) The Energy Companies want Chapter 6 to recognise and provide for hydro electricity generation. I have recommended that in large part the submissions on this matter be rejected. In my opinion Chapter 3 already covers this matter and would, where applicable, be considered in relation to a particular resource consent application.
- (d) The territorial authorities want the common catchment expiry dates removed or redrafted. They seek to have public water supplies provided with a separate portion of the core allocation. Policy 6-19 sets out a hierarchy which includes essential takes and the framework for what will occur during various river flows. Public water supply is one of the essential takes and is therefore recognised. There are some specific issues raised around core allocation which I have signalled in the Chapters that I will return to in my Supplementary Report.
- (e) The Plan does recognise the connection between surface and groundwater and the coast e.g. Policy 6-25 which covers the effects of groundwater takes on surface water bodies.

- (f) The matter of the Plan approach being economically and socially unsustainable is not a matter I have dealt with as I understand this is being dealt with by Ms Marr.
- (g) Alternative methods including water conservation are implicit within the Policy framework e.g. Policy 6-13 covering the Efficient Use of Water and Policy 6-14 which deals with the Consideration of Alternative Water Sources.
- (h) Where projects are proposed that have funding implications for the Regional Council I consider these matters should be dealt with through the LTCCP process.

#### **4.2.3 Recommendation WTR 2**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.2.3.1 Recommended changes to provision**

- (a) Specific changes are recommended within Chapters 6 and 15.

## 4.3 Chapter 6 – General - Beds of Rivers and Lakes

### 4.3.1 Summary of submission points

Higgins and the Aggregate & Quarry Association want better recognition given to gravel extraction and the potential issues associated with reverse sensitivity effects.

Mighty River Power and TrustPower want new policies to guide any future application to dam or divert water.

Ruahine River Care Group wants gravel depth to be minimised to ensure there is adequate surface water for fish migration.

Horizons Regional Council wants a method to set out a programme for inspecting structures for fish passage.

The Minister of Conservation want specific policies added to encourage the development of sustainable river management plans, indicators and standards to monitor the local and cumulative effects of flood plain and river corridor activities, cumulative effects on natural character and that encouragement will be given to land initiatives which help achieve environmental benefits e.g. riparian wetlands.

### 4.3.2 Evaluation

Gravel extraction is specifically recognised through Policy 6-32 and covered in Chapter 16. I have noted some issues regarding the link between Policy 6-32 and supporting Tables 6.3 and 6.4 and the rules contained within Chapter 16. This is a matter that I will return to in my Supplementary Report.

Policies to guide any future application to dam or divert water are provided through Policy 6-27 through to 6-30.

Amendments are proposed to Method 6-6 to cover native fish passage.

Where projects are proposed that have funding implications for the Regional Council I consider these matters should be dealt with through the LTCCP process.

### 4.3.3 Recommendation WTR 3

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.3.3.1 Recommended changes to provision

- (a) Specific changes are recommended within Chapters 6 and 16.

## **4.4 Chapter 6 - Paragraph 6.1. Scope and Background – Water Quality**

### **4.4.1 Summary of submissions**

Horticulture New Zealand seeks to have the Scope and Background section better reflect Issues 6-1 and 6-2.

### **4.4.2 Evaluation**

Issue 6-1 covers water quality within rivers, lakes and groundwater. The issue outlines the degradation that has occurred with water quality across the Region whilst noting that there has generally been no evidence of deteriorating groundwater quality during the past 15 years with the exception of areas in the Horowhenua and Tararua Districts.

Issue 6-2 outlines the matters of concern in relation to water quantity and allocation. The demand for surface water within the Ohau, Oroua and parts of the Upper Manawatu catchments exceed supply. Groundwater is generally able to meet demand although seawater intrusion of groundwater is a concern along the west coast.

The Scope and Background section covers 6 pages within the Chapter. Two of the sub-headings within the section are:

- 6.1.3 Water Quantity; and
- 6.1.4 Water Quality.

Having read the provisions within these two sub-headings under Scope and Background, I consider the content of these provisions reflects the content of Issues 6-1 and 6-2. I cannot recommend any changes to the Scope and Background section that would better reflect Issues 6-1 and 6-2 as they are already well reflected within the Scope and Background section.

### **4.4.3 Recommendation WTR 4**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.4.3.1 Recommended change to provisions**

- (a) No changes are recommended.

## 4.5 Chapter 6 – Paragraph 6.1. Scope and Background - Ground and Surface Water Allocation

### 4.5.1 Summary of submission points

Taranaki Fish and Game Council want to see the Scope and Background section retained, and seek to have the Plan provide for the enhancement of groundwater quality in areas where it is degraded.

### 4.5.2 Evaluation

The support for the Scope and Background section is noted. The section outlines that groundwater quality varies depending on depth and location and notes that there is no evidence that groundwater quality is deteriorating. Examples of degraded shallow groundwater quality are given including the high nitrate levels found in groundwater in areas of the Horowhenua.

The issue of groundwater quality is reflected through the objectives and specifically through Policy 6-6 which deals with the maintenance of groundwater quality. The Policy does not mention the enhancement of groundwater quality where the groundwater is known to be degraded. Within Section 6.6 Anticipated Environmental Results (AER) which includes the following AER:

*“By 2017, the amount of groundwater used does not exceed replenishment rates and its quality is the same as or better than that measured prior to this Plan becoming operative.”*

The indicator that supports the AER states: *“Groundwater quality region-wide, but with a focus on nitrates in Horowhenua and Tararua Districts and conductivity along the Foxton-Tangimoana coast.”*

Policy 6-26 specifically deals with the issue of seawater intrusion and requires resource consent applicants to assess the likely effects of seawater intrusion where any water take is within 5 km of the coastal mean high water spring line. Part of the issue then is addressed.

There is a method which assists in addressing the degraded water quality associated with nitrates in specific areas. I understand that one of the key contributors to the high nitrate levels is associated with inadequate on-site wastewater systems. There is a specific method around this matter which aims to facilitate implementation of the Regional Council’s Manual for on-site wastewater systems. The implementation of the manual and its recommendations for wastewater systems will assist in ensuring groundwater is not further degraded.

The issue of nitrates however, as outlined in the AER is not reflected in the policy framework in terms of enhancement of these degraded areas. The only policy, being Policy 6-6 focuses on maintenance not enhancement. I had considered recommending a change to the Policy to focus also on enhancement in degraded areas through recognising the potential adverse effects of on-site wastewater systems. I understand however, that the

Science Reports outline that groundwater quality can be maintained but that improvement can only be detected over many decades if at all. I have therefore recommended no change to the Policy 6-6 or the Scope Section as the achievement of improvement cannot be demonstrated and the Policy could not be met.

I am recommending a change to the bullet point dealing with groundwater in Section 6.1.1 Scope, to clarify that groundwater quality is being maintained for both existing and future uses and values.

#### **4.5.3 Recommendation WTR 5**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.5.2.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.6 Chapter 6 – Paragraph 6.1.1 – Scope – Water Quality

### 4.6.1 Summary of submissions

The support for the section by the Royal Forest and Bird Protection Society of New Zealand is noted.

Bruce and Marilyn Bulloch seek a new section which includes a statement regarding maintaining streams and other water bodies not just focusing on lakes and rivers. The Bulloch's also want the use of permeable surfaces encouraged rather than impermeable surfaces which increase run off.

Federated Farmers wants the scope of the Water Quality bullet point focused to remove references to water management values.

### 4.6.2 Evaluation

The submission from the Bulloch's raises a valid issue in that the Surface Water Quality bullet point only refers to rivers and lakes. The focus however, within the Plan including within Schedule D is on water bodies including rivers, streams, lakes, lagoons and coastal water. The Bulloch's seek to have a specific section dealing with these other water bodies. I don't consider it necessary to have an additional section as I consider that the bullet point is intended to cover all water bodies. For consistency and to ensure that the bullet point accurately reflects the focus of the Plan the wording should be changed from a reference solely to rivers and lakes to the broader term water bodies. The term water bodies is used already in the heading within Schedule D.

The Bulloch's seek to have an objective or method that encourages the use of permeable surfaces rather than impermeable surfaces. I understand their concern to be that impermeable surfaces create more run-off from the hard surface which may contain contaminants and these are then concentrated in a particular area and could run in to water. Perhaps the largest issue of surface run off associated with impermeable surfaces are associated with feed pads on intensively farmed properties. Feedpads are designed to avoid a concentrated discharge of effluent into the ground where the amount of nitrogen being discharged is then concentrated in one area. This concentrated discharge would result in potential adverse effects on groundwater or run over land and may enter surface water. The Plan aims to manage discharges to land including those discharged onto impermeable surfaces by requiring capture of the discharge and containment within a pond or similar. This approach will assist in managing the effects of concern to the Bulloch's. No change is recommended.

Federated Farmers seek to have the first bullet point under the Scope section (6.1.1) altered to remove any references to the water management values. These values are identified in relation to the water management zones that are specifically identified in Schedule D *Surface Water Management Zones and Standards*. In terms of the approach taken in the Plan, the inclusion of values aims to guide the matters for consideration, i.e. adverse effects on the environment, through a consent application process. Reference therefore to

the values within the Scope section is important in terms of signalling that the water management zones have various values associated with them. These values are an integral part of the zone approach and the Scope section is stating the inter-relationship. No change is recommended.

#### **4.6.3 Recommendation WTR 6**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.6.3.1 Recommended changes to provision**

- (a) Amend the wording within 6.1.1 Scope Surface Water Quality to refer to water bodies in accordance with the track changes for Section 6.1.1. The changes to the bullet point dealing with groundwater in Section 6.1.1 are in response to the submission from Fish and Game (refer paragraph 4.5.1 of this report).



## **4.7 Chapter 6 – Paragraph 6.1.1 – Scope - Ground and Surface Water Allocation**

### **4.7.1 Summary of submission points**

The submissions all seek to have the references to groundwater quality include enhancement or improvement not just maintenance of existing groundwater quality.

### **4.7.2 Evaluation**

In section 4.5.2 I outline why I am not recommending any change to include reference to enhancement of groundwater quality.

### **4.7.3 Recommendation WTR 7**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.7.3.1 Recommended changes to provision**

- (a) No change is recommended.

## 4.8 Chapter 6 – 6.1.2 – Overview – Water quality

### 4.8.1 Summary of submissions

The Royal Forest and Bird Protection Society support the Overview section and that support is noted.

Federated Farmers seeks to have the emotive language within the Overview section removed and instead seeks that the focus be on the adverse effects on water quality as outlined in Issue 6-1.

Mr Hopkins raises concerns that the water quality in the Region is declining whereas improvements are being experienced in the Taranaki Region.

The remaining submitters seek specific wording amendments within the Overview section generally focusing on outlining that water quality is still degraded and improvement is necessary.

### 4.8.2 Evaluation

I agree with Federated Farmers that there are two references within the section that are emotive and as a result draw the focus away from the issues of concern. These references are contained within one sentence and read as follows (second paragraph – third sentence):

*“For example, raw sewage is no longer discharged directly into waterways, and rivers no longer run red from the blood discharged from freezing works.”*

I recommend the replacement of the word “raw” with “untreated”. And I recommend the replacement of the words “run red from the” with the word “receive”. These changes will take the emotive references out of the section.

I consider the rest of the wording within the overview section reflects the issues that then follow within Chapter 6.

The statement made by Mr Hopkins that the state of the quality of water is declining in this Region is noted. Water quality is of concern to the Region and hence the focus within the Plan on this as one of the four big ticket items.

The remaining submissions seek specific wording changes within section 6.1.2. The first change sought is to change the wording within the first paragraph – fourth sentence as follows (new wording underlined):

*“People have grown up with an expectation of access to clean, safe water.”*

Having read the following paragraphs within this section it is evident that not all people have in the past had access to clean safe water. I consider the addition of the words “an expectation of” more accurately reflects the reality of what has occurred historically.

The second change to the wording is in relation to the second paragraph - last sentence as follows (word proposed to be removed is struck through):

*“Although there have been substantial improvements in the quality of point source discharges to water, ~~some~~ improvement is still possible and is necessary.”*

I consider that the inclusion of the word “some” unnecessarily qualifies the intent of the sentence. Chapter 6 clearly acknowledges improvement in surface water quality is required and therefore the removal of the word from the sentence more accurately reflects the content of the Chapter.

#### **4.8.3 Recommendation WTR 8**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.8.3.1 Recommended changes to provisions**

- (a) Alter the wording within 6.1.2 Overview section in accordance with the changes recommended in track changes for Section 6.1.2.

## 4.9 Chapter 6 – 6.1.3 – Water Quantity - Ground and Surface Water Allocation

### 4.9.1 Summary of submission points

Sustainable Whanganui support the adoption of NZS 411:2001 Environmental Standard for Drilling of Soil and Rock. The support is noted.

Mr James considers there is no evidence to support the statement that even small takes during low flow conditions can have major impacts. Mr James notes the effects that large flood events can have during low flow conditions and refers to a report by Dewson, James and Death (2007).

Ruahine White Water Club and NZ Recreational Canoeing Association wants other recreational activities such as kayaking, canoeing and boating included along with the existing references to fishing and swimming. The Ruahine White Water Club also seeks dam releases being identified as a recreational activity.

The Energy Efficiency and Conservation Authority seeks changes to the third paragraph dealing with hydro electric power generation. Specifically the Authority seeks recognition that the Region has the potential for more hydro electric power generation which supports the maximisation of renewable energy resources.

The Minster of Conservation proposes various wording changes within section 6.1.3 Water Quantity.

The Taranaki/Whanganui Conservation Board seeks an objective that improves and enhances water quality for people and the aquatic environment and its biodiversity.

### 4.9.2 Evaluation

Mr James is concerned with the lack of evidential proof that would substantiate the following sentence included in Section 6.1.3 (fifth paragraph – fourth sentence):

*“The taking of water during winter generally has little impact, but even small takes during summer low flow conditions can have major impacts.”*

In general terms there are concerns during low flow conditions in relation to the impact on the life supporting capacity of a water body. The issue is one that the Plan focuses on and recognises that alternatives to taking water during the critical summer low flow period should be encouraged (e.g. harvesting during winter). I accept however, the concerns expressed by Mr James that the current wording of the sentence is somewhat blunt and could be better framed. I propose amending the sentence as follows:

*“The taking of water during higher flows generally has little impact and measures which avoid the adverse effects from takes during the more critical summer low flow conditions should be encouraged. Maintaining natural flow*

*variability is important for the habitat requirements of fish species, natural character and water quality.”*

The current wording within the fifth paragraph – first sentence refers to recreational activities and then within parenthesis are the words “fishing and swimming”. Ruahine White Water Club and NZ Recreational Canoeing Association want the term broadened to include other recreational activities. The current wording does not specify that recreational activities include fishing and swimming but is rather a blanket statement that these are the recreational activities that may be impacted on. I consider it appropriate that the wording be altered to refer to recreational activities including fishing and swimming to clarify that the term recreational activities is broader.

The Ruahine White Water Club also seeks to have dam releases as a recreational activity. The release of water from dams has benefit for recreational users e.g. the white water course below the Mangahao Dam. However, the release of water in itself is not a recreational activity and therefore I consider it inappropriate to include the term dam release in relation to recreational activities.

The Energy Efficiency and Conservation Authority (EECA) seeks changes to the third paragraph which deals with hydro electric power generation, specifically the addition of the following wording:

*“The region has the potential for both large and small hydropower schemes and with the current requirement to maximise renewable energy resources, more hydro electricity generation may be developed in the region in the future.”*

The current wording focuses on the two hydro electric power schemes in the Region and that water used by power generators has not changed over the past decade. The submission seeks to have the paragraph acknowledge that there may be future proposals for hydro electric power generation in the Region. The submission also seeks wording which would acknowledge the current Government focus on maximising renewable energy resources. The focus within section 6.1.3 is on water quantity and it outlines that the two existing hydro electric schemes within the Region are large water users and states the existing fact that this use has not changed over the last decade. There is however the potential for more water to be required by future hydro electric schemes within the Region. I am aware of three applications within the Consents Team currently for hydro electric power generation. I consider it appropriate that the section acknowledges this future possibility. I propose adding the following wording to the end of paragraph three:

*“...although there is the potential for more hydro electricity generation in the Region over the next decade.”*

I do not accept the suggestion by EECA that the paragraph should refer to the need to maximise renewable energy. This is not the chapter to be “advocating” that message as this section deals with water quantity as the issue.

The Minister of Conservation seeks various wording amendments within paragraphs 5 and 7. I generally accept that the changes being proposed by

the Minister aim to provide greater clarity and therefore I have, with modification, accepted the proposed wording changes.

The Taranaki/Whanganui Conservation Board seeks an objective that improves and enhances water quality for people and the aquatic environment and its biodiversity. I consider that the existing water quality objectives within Chapter 6 achieve what is sought by the submitter. For example, Objective 6-2 deals with managing surface water quality to support the values which include both human values and ecological matters.

#### **4.9.3 Recommendation WTR 9**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.9.3.1 Recommended changes to provision**

- (a) Alter the wording within 6.1.3 Water Quantity section in accordance with the changes recommended in track changes for Section 6.1.3. Please note, changes have been made to Table 6.1 as a result of Mr Roygard's report.

## 4.10 Chapter 6 – Paragraph 6.1.4 – Water Quality – Water Quality

### 4.10.1 Summary of submissions

Mr James considers that the wording within the first paragraph in section 6.1.4 Water Quality implies that the water quality in the Whangaehu River is “bad” because the preceding sentence talks about the generally good water quality in the Region. Mr James considers the sentence referring solely to the Whangaehu River be amended to refer to some rivers including the Whangaehu and state they have water quality that reflects the unique parts of the Region they come from.

Three submitters seek to have the wording within the third paragraph – second sentence changed as follows:

*“Although considerable improvements have been made to discharges to water, further measures are ~~possible~~ necessary.”*

These three submitters also want to know who monitors groundwater quality and how often and is this monitoring always done by Horizons staff. Whilst this is a question rather than a change to the Plan I will endeavour to address the question. Horizons Regional Council undertakes groundwater monitoring at a number of state of the environment monitoring sites across the region. Many consent applicants are required by way of conditions of consent where there is the likelihood for groundwater contamination to monitor various water quality parameters on a regular basis and for this information to then be provided to the Regional Council.

Ravensdown Fertiliser considers the content of section 6.1.4 too general and want the section to outline where the issues are significant and the extent of the increase in levels being experienced in these areas.

Mr Hopkins and Mr Ross comment on the efforts that have been made within the agricultural sector to improve water quality and industry led initiatives are an important part of the mix for improvement. These comments are noted. Mr Hopkins also considers that requiring Dairy activities to go through a Controlled Activity resource consent process is unreasonable. I deal with the matter of the Controlled Activity status for farming activities within Chapter 13.

The New Zealand Pork Industry Board wants the focus to shift within the section to delete references to the voluntary approaches not working and instead recognising the upcoming industry led initiatives and that Horizons needs to support these initiatives.

Federated Farmers want section 6.1.4 re-written to be consistent with Issue 6-1 Water Quality.

### 4.10.2 Evaluation

Mr James wants the wording within the first paragraph changed to note that the water quality is variable across the Region with some rivers water quality differing from others including within the Whangaehu River because of their

unique location. I consider that the paragraph clearly articulates that water quality is generally good across the Region. The paragraph notes there is an exception to this being the Whangaehu River because of its source being the crater lake on Mt Ruapehu which results in high acidity and heavy metals. I consider the wording to be an accurate reflection of the facts and the wording is clear. I do not recommend any changes.

The wording proposed by the three submitters to amend the third paragraph – second sentence is appropriate as improvement to surface water quality is also necessary not just possible. To keep the wording consistent with that used in section 6.1.3 I recommend the words be changed as follows:

*“Although considerable improvements have been made to discharges to water, further improvement is still measures are possible and necessary.”*

Ravensdown Fertiliser consider the content of section 6.1.4 too general and want the section to outline where the issues are significant and the extent of the increase in levels being experienced in these areas. The intent with this section and sections 6.1.3 and 6.1.5 is to provide a broad outline of the issues of concern and a background for understanding what those issues are. The technical reports being presented to the Hearings Panel on water matters clearly articulate the specifics of where the concerns lie i.e. specific locations and the extent of problems within certain areas. This level of detail within the background section would result in a unwieldy section that is not focusing on the broad issues of concern but instead delving into detail which is best to sit outside of the Plan.

The New Zealand Pork Industry Board wants the focus to shift within the section to delete references to the voluntary approaches not working and instead recognising the upcoming industry led initiatives and that Horizons needs to support these initiatives. I consider the general intent of what is being sought by the Board to be appropriate. The current wording is very blunt and not necessarily entirely accurate and therefore I suggest the wording within paragraph 4 – last sentence be changed as follows:

*“~~However the results of t~~These voluntary approaches are one mechanism to assist with the are not being seen as lowering of nutrient or faecal levels in the water bodies. ~~and further improvements are needed.~~”*

The Board also seeks to have the Regional Council support the industry led initiatives. I consider that the methods within section 6.5 include working with industry to develop non-regulatory mechanisms. I do not consider any further change is required.

Federated Farmers wants section 6.1.4 re-written to be consistent with Issue 6-1 Water Quality. I consider the wording within section 6.1.4 reflects Issue 6-1. No change is recommended.

#### **4.10.3 Recommendation WTR 10**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.



#### **4.10.3.1 Recommended changes to provision**

- (a) Alter the wording within 6.1.4 Water Quality section in accordance with the changes recommended in track change for Section 6.1.4.

## 4.11 Chapter 6 –Paragraph 6.1.5 River and Lake Beds – River and Lake Beds

### 4.11.1 Summary of submission points

Rangitikei Aggregates Ltd seeks reference to be included to the beneficial effects of gravel extraction.

The Energy Efficiency and Conservation Authority (EECA) wants to see specific wording added to the second paragraph to recognise the contribution that has been made to the regional economy from hydro electricity generation which is a matter of national significance.

TrustPower Limited wants section 6.1.5 to:

- (a) Refer to the positive attributes associated with infrastructure and energy development particularly hydro electricity generation.
- (b) Include a cross reference to the objectives and policies within Chapter 3 dealing with infrastructure.
- (c) Provide greater acknowledgement of future uses of rivers and lake beds.

### 4.11.2 Evaluation

Rangitikei Aggregates Ltd seeks reference to be included to the beneficial effects of gravel extraction within the following sentence (first paragraph – last sentence) (new wording is underlined):

*“Gravel extraction while beneficial, when not managed well, can lead to increased flooding and erosion risk.”*

This sentence sits within a paragraph which is covering the modifications that have occurred within river and lake beds and the potential adverse effects of those. I do not consider adding the beneficial aspects into this sentence would assist given the focus is on adverse effects. Regardless, if the sentence is read on its own it is clear it is only saying when the gravel extraction is not well managed there are adverse effects, and it is not saying this occurs all the time. No change is recommended.

The Energy Efficiency and Conservation Authority (EECA) wants to see specific wording added to the second paragraph to recognise the contribution that has been made to the regional economy from hydro electricity generation which is a matter of national significance. In the context of this paragraph a reference to hydro electricity generation is inappropriate for the following reasons:

- (a) Why single out hydro electricity generation? The economic growth and well being of the Region is also assisted by the building of bridges across (with footings in) our rivers and from the extraction of gravel.
- (b) I consider the focus of the section is on recognising the benefits in general not specifically targeting the particulars.

- (c) The benefits of infrastructure including hydro electric power generation are recognised within Chapter 3.

TrustPower Limited wants section 6.1.5 to: refer to the positive attributes associated with infrastructure and energy development particularly hydro electricity generation; include a cross reference to the objectives and policies within Chapter 3 dealing with infrastructure and provide greater acknowledgement of future uses of rivers and lake beds.

For the reasons outlined in the preceding paragraphs I do not consider it appropriate to include specific reference to the benefits of hydro electricity within this section. I have recommended some changes within section 6.1.3 to recognise the potential for more hydro generation in the next decade in relation to water quantity.

Cross references to the objectives and policies within Chapter 3 could be beneficial. I consider however, this is a broader issue that needs to be addressed across the Plan to ensure there is detailed cross referencing undertaken across all Chapters.

Providing greater acknowledgement of potential future uses of river and lake beds I consider is implicit within the section and does not need to be explicit. The section outlines the broad range of activities that occur within the beds of rivers and lakes. It does not say these have only occurred in the past. No change is recommended.

#### **4.11.3 Recommendation WTR 11**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.11.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.12 Chapter 6 – Issue – General – Water Quality**

### **4.12.1 Summary of submissions**

The Royal Forest and Bird Protection Society supports the comprehensive description of issues. The support is noted.

### **4.12.2 Recommendation WTR 12**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.12.2.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.13 Chapter 6 – Issue 6-1 Water Quality – Water Quality

### 4.13.1 Summary of submissions

The submissions from the Minister of Conservation, Taranaki Fish and Game Council and Fish and Game New Zealand support the wording of Issue 6-1. The support is noted.

The Whanganui Branch of the Green Party does not seek any specific amendment but rather outlines that the precautionary principle should be guiding factors in deciding what can occur. The intent of the precautionary principle is captured within the Plan approach. The sentiment of the submitter is noted.

The Horowhenua District Council wants Issue 6-1 to reflect the issue as discussed in the section 32 report rather than exaggerating the issue.

Horticulture NZ want the words “and seepage” deleted from issue 6-1 a).

Fonterra consider Issue 6-1 should be revised to address the misrepresentation of agricultural land use and its associated effects on the environment.

### 4.13.2 Evaluation

The submissions from the Horowhenua District Council and Fonterra seek a re-drafting of the Issue to more accurately reflect the issues of concern whilst not exaggerating the scale of the problems.

I accept that the current wording states that most rivers have values that have been compromised. I have recommended that the wording be altered to “many” rivers as this more accurately states the issue.

I recommend changes to the wording as follows (first paragraph – first sentence) (words recommended to be deleted are struck through):

*“The quality of many rivers and lakes in the Region has declined to the point that ecological values are compromised and contact recreation such as swimming is considered unsafe. The principal causes of this degradation are:..”*

Horticulture NZ wants the words “and seepage” deleted from the following sentence (Issue 6-1 a):

*“The principle causes of this degradation are:*

*a) Nutrient enrichment caused by run-off and seepage from agricultural land, discharges of treated wastewater and septic tanks.”*

I understand the issue of nutrient enrichment of rivers and lakes is from run-off across land and entering water and also from leaching through the ground. I consider the words “and seepage” should be deleted from the Issue and replaced with “and leaching” which more accurately reflects what occurs.

### **4.13.3 Recommendation WTR 13**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.13.3.1 Recommended changes to provision**

- (a) Alter the wording within Issue 6-1 Water Quality in accordance with the changes recommended in track changes for Issue 6-1

## 4.14 Chapter 6 – Issue 6-2 Water quantity and allocation - Ground and Surface Water Allocation

### 4.14.1 Summary of submission points

Horticulture NZ, Taranaki Fish and Game Council and Fish and Game New Zealand supports the retention of Issue 6.2. Their support is noted.

The Minister of Conservation seeks specific wording changes to Issue 6-2.

### 4.14.2 Evaluation

I consider the intent of the wording changes being sought by the Minister of Conservation provide greater clarity around the issues of concern with water quantity and allocation and are reflective of the objectives and policies that follow. The changes highlight the potential effects on instream values in relation to an increased demand for water and also the effects of groundwater abstraction in close proximity to surface water features that are linked to groundwater systems. I recommend that the changes sought by the Minister be generally accepted although I have altered the wording to focus on the wording used in the Resource Management Act 1991 e.g. adverse effects rather than negative effects. The wording recommended is as follows (new wording is underlined) (Issue 6-2 – After second sentence):

*“...are experiencing marked increases. This increased demand has the potential to have adverse effects on both instream values and the natural character of streams, rivers, wetlands and lakes if not managed. The amount of groundwater is generally capable of meeting demand within the Region, although there is a need to actively manage effect between bores at a local level, the effects of bores on surface water and to be vigilant about the risk of seawater intrusion along the west coast.”*

### 4.14.3 Recommendation WTR 14

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.14.3.1 Recommended changes to provision

- (a) Alter the wording within Issue 6-2 Water Quantity and Allocation in accordance with the changes recommended in track changes for Issue 6.2.

## 4.15 Chapter 6 – Issue 6-3 River and Lake Beds - River and Lake Beds

### 4.15.1 Summary of submission points

Taranaki Fish and Game Council and Fish and Game New Zealand supports the retention of Issue 6.3. Their support is noted.

Mr James seeks evidential support for the statement made in the Issue that flood and erosion control, bridges, culverts, water intake and discharge pipes and gravel extraction modify the ecology of many of the Regions waterways.

Rangitikei Aggregates seeks wording changes specifically to outline that erosion and flood control measures protect the rivers as well as the adjoining land uses and also to have a statement included that acknowledges the importance of gravel extraction for flood control.

The Minister of Conservation seeks specific wording changes to Issue 6-3.

Horticulture NZ seeks additions to Issue 6-3 to recognise that modifications to river and lakes beds are necessary to protect the activities in the Region.

Federated Farmers wants Issue 6-3 amended to capture the effects on water bodies rather than listing activities that in some circumstances may give rise to adverse effects and river modification.

### 4.15.2 Evaluation

Mr James seeks evidential support for the statement made in the Issue that flood and erosion control, bridges, culverts, water intake and discharge pipes and gravel extraction modify the ecology of many of the Regions waterways. The wording in the Issue outlines that these structures affect natural character, the physical characteristics and ecology of waterways. The Issue needs to be read in the context of the Background paragraph that precedes it. The Background outlines in more detail the nature of the effects e.g. impacting on cultural values and leading to the loss or fragmentation of indigenous plant and animal populations. I consider that the Issue when read in context within the Chapter sets out the issues of concern. Specific comment has been made within the Science Report on the adverse effects on the beds of rivers and lakes.

Rangitikei Aggregates seeks wording changes specifically to outline that erosion and flood control measures protect the rivers as well as the adjoining land uses and also to have a statement included that acknowledges the importance of gravel extraction for flood control. Gravel extraction does have a place in managing flooding potential. Policy 6-32 specifically sets out the annual volume of gravel that can be extracted from rivers across the Region. The Policy is supported by Objective 6-4 which states:

*“All significant values of river and lake beds are recognised and provided for, including enabling future use and development of river and lake beds, provided other values of the river or lake are not compromised.”*



The objective then recognises the need for future use and development of river and lake beds. The issue acknowledges that structures are required to locate within the beds of rivers and lakes. I therefore consider it appropriate that the issue that links to the objective and policy should outline the positive effects of gravel extraction in term of flood management. I propose adding the following (new words underlined) (Third sentence):

*“These types of uses and developments, in conjunction with gravel extraction which whilst having beneficial effects in terms of flood mitigation, have modified, and continue to modify the physical characteristics and ecology of many of the Region’s waterways.”*

The first part of the change sought by Rangitikei Aggregates is to include a reference to erosion and flood control protecting the Region’s rivers as well as adjoining land uses. I do not consider the inclusion of these words will add any greater clarity to the wording of the Issue.

The Minister of Conservation seeks specific wording changes to Issue 6-3. The Minister seeks to have the word “waterways” replaced with “river corridors” and the words “and their margins” added after “the natural character of waterways”. The word water bodies is used throughout the Chapter and I consider the wording should be changed from water ways to water bodies to achieve consistency and encompass a broader scope to cover lakes and rivers rather than focusing solely on rivers. The addition of the words “and their margins” does not fit within the issue which deals with the beds of rivers and lakes.

Horticulture NZ seeks additions to Issue 6-3 to recognise that modifications to river and lakes beds are necessary to protect the activities in the Region. I consider the Issue already acknowledges the protection afforded to activities and the need for structures. No change is recommended.

Federated Farmers wants Issue 6-3 amended to capture the effects on water bodies rather than listing activities that in some circumstances may give rise to adverse effects and river modification. I do not agree with the comments made by Federated Farmers. The issues in relation to the beds of rivers and lakes are those associated with structures that are placed in or over them or where works are undertaken that disturb the beds. The issue focuses on the effects of these works on the beds of rivers and lakes including effects on ecological, natural character and physical characteristics. No change is recommended.

#### **4.15.3 Recommendation WTR 15**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.15.3.1 Recommended changes to provision**

- (a) Alter the wording within Issue 6-3 River and Lake Beds in accordance with the changes recommended in track changes for Issue 6-3.

## 4.16 Chapter 6 – Objective 6-1 Water Management Values – Water Quality

### 4.16.1 Summary of submission points

#### **Support**

The submissions from Winstone Pulp International, Environment Network Manawatu, Ravensdown Fertiliser Co-Operative, Taranaki Fish and Game Council, Fish and Game NZ and Ecologic Foundation support the Objective and seek its retention. The support of these submitters is noted.

Environment Waikato supports the Objective so long as it and supporting policies and methods do not compromise Environment Waikato's ability to achieve resource management objectives within catchment boundaries.

#### **Deletion**

Ruapehu Federated Farmers of NZ and Hopkins Farming Group seek the deletion of the Objective.

The Gower's submission seeks the deletion of the Ohura River from the One Plan.

#### **Wording Changes**

Ruapehu District Council and the Royal Forest and Bird Protection Society seek a definition for life supporting capacity.

Mighty River Power and Meridian Energy Limited wants the deletion of reference to Schedule D and a change to the wording of the Objective to include the words "where it is appropriate" at the end of the Objective.

The Minister of Conservation seeks to have the word "sustains" replaced with the word "safeguards" in the Objective. Ngati Kahungunu wants the word "sustains" replaced with "improves".

Tararua District Council and Rangitikei District Council seeks to have this Objective and Objective 6-2 and the supporting policies reflect that improvement in environmental performance is achieved over time.

The Energy Efficiency and Conservation Authority wants the Objective to recognise and provide for activities which have regional and national benefits such as hydro electricity generation.

Federated Farmers wants the Objective amended to delete the references to Schedule D.

Horticulture NZ seeks to delete the references to Schedule D and to have Objectives 6-1 and 6-2 combined.

#### 4.16.2 Evaluation

Environment Waikato supports the Objective so long as it and supporting policies and methods do not compromise Environment Waikato's ability to achieve resource management objectives within catchment boundaries.

The setting of water management values within the catchments do not impinge upon Environment Waikato's responsibilities. The values only apply to those portions of the catchment within Horizons Region and will provide for the maintenance and enhancement of water quality. The process of determining water allocation within these catchments will remain the same in terms of a determination through resource consent processes. Where there is the potential for issues between the two Council jurisdictions then Environment Waikato would be deemed a potentially adversely affected party and be notified of any notified resource consent applications.

#### Deletion

Ruapehu Federated Farmers of NZ and Hopkins Farming Group seek the deletion of the Objective. The Science Reports set out the rationale behind the development of Schedule D and the water management values. I do not recommend the deletion of Schedule D. As a result I consider it appropriate that the policy framework dealing with water management values, as then espoused through Schedule D, be retained.

The Gower's submission seeks the deletion of the Ohura River from the One Plan. There appears to be no justification given for the deletion of the Ohura River specifically. The approach being taken, if retained, should be applied consistently rather than in a piecemeal manner. The deletion of one River would lead to an inconsistent approach and there would be no policy framework for managing actual and potential adverse effects on the Ohura River.

#### Wording Changes

Ruapehu District Council and the Royal Forest and Bird Protection Society seek a definition for life supporting capacity. Life supporting capacity is recognised and provided for through the values. No change is recommended.

Mighty River Power and Meridian Energy Limited want the deletion of the reference to Schedule D. I do not recommend the deletion of Schedule D. Therefore for the reasons outlined above I consider the policy framework for Schedule D needs to be retained. The submitters also seek a change to the wording of the Objective to include the words "where it is appropriate" at the end of the Objective. I consider that the words "where it is appropriate" add less certainty to the Objective and are inappropriate.

The Minister of Conservation seeks to have the word "sustains" replaced with the word "safeguards" in the Objective. Ngati Kahungunu wants the word to be "improves". The word "safeguards" is used in section 5 (2)(b) of the Resource Management Act 1991 in relation to safeguarding the life supporting capacity of air, water, soil and ecosystems. I consider the use of the word "safeguards" rather than "sustains" or "improves" within the Objective to be appropriate and reflects the wording used in Part 2 of the Act.

Tararua District Council and Rangitikei District Council seek to have this Objective and Objective 6-2 and the supporting policies reflect that improvement in environmental performance is achieved over time. I have as a result of considering the intent of the submissions recommended the following wording be added to the end of Objective 6-1 (new wording underlined):

*“Surface water bodies are managed in a manner which sustains their life-supporting capacity and recognises and provides for the values set out in Schedule D by 2030.*

The intent of the new wording is to recognise that maintenance and enhancement will occur over a time period.

The Energy Efficiency and Conservation Authority wants the Objective to recognise and provide for activities which have regional and national benefits such as hydro electricity generation. The Objective is the broad framework which is then supported by policies. The intent of the Objective is to outline that the life supporting capacity of surface water bodies is recognised and provided for and the means for achieving this is through the values set out in Schedule D. Chapter 3, Policy 3-1 of the Proposed One Plan sets out a number of infrastructure that need to be recognised as being physical resources of regional and national infrastructure. Facilities for the generation of electricity are but one infrastructure outlined in Policy 3-1. It is inappropriate to single out one form of infrastructure for reference within Objective 6-1. Reference to the benefits of hydro electricity generation does not reflect the issue being dealt with through the Objective which is around life supporting capacity in general.

Federated Farmers wants the Objective amended to delete the references to Schedule D. Horticulture NZ seeks to delete the references to Schedule D and to have Objectives 6-1 and 6-2 combined. For the reasons outlined above I consider that the policy framework needs to be retained if Schedule D is retained and I am not recommending the removal of Schedule D. The reference within the Objective provides a clear link to where the values are outlined in detail.

The separation of the water management values concerning life supporting capacity and the broader issues around the management of water quality are clearly articulated through having two separate objectives. It is unclear what would be achieved through an amalgamation of the two objectives.

#### **4.16.3 Recommendation WTR 16**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.16.3.1 Recommended changes to provisions**

- (a) Alter the wording within Objective 6-1 Water Management Values in accordance with the changes recommended in track changes for Objective 6-1.

## 4.17 Chapter 6 – Objective 6-2 Water Quality – Water Quality

### 4.17.1 Summary of submission points

#### Support

The submissions from Ravensdown Fertiliser Co-Operative, Environment Network Manawatu, Fish and Game NZ, Ecologic Foundation and the Minister for the Environment support the Objective and seek its retention. The support of these submitters is noted.

Environment Waikato supports the Objective so long as it and supporting policies and methods do not compromise Environment Waikato's ability to achieve resource management objectives within catchment boundaries. I comment on these matters above in relation to Objective 6-1.

Forrest Chambers makes the comment that point source pollution needs to be curtailed and prosecution undertaken. These comments are noted. The One Plan through the Rules seeks to set out provisions whereby point source pollution is controlled. The Compliance Team at the Regional Council will continue to take enforcement action where breaches occur. The Regional Council has had a number of recent successful prosecutions involving point source pollution to water bodies.

#### Deletion

Ruapehu Federated Farmers and Hopkins Farming Group want Objective 6-2 deleted.

The Gower's submission seeks the deletion of the Ohura River from the One Plan. I have commented on this submission above in relation to Objective 6-1.

#### Wording Changes

Ruapehu District Council generally supports the Objective but consider that life supporting capacity and water quality values may not be the same.

Fonterra considers that Objectives 6-1 and 6-2 should be revised to recognise that values, management objectives and water quality standards may not be practicably achieved using presently available mitigation.

Ngati Kahungunu Iwi Incorporated seeks amendments to differentiate between situations where groundwater quality is good and where it is degraded and that good water quality is maintained and degraded water quality is improved. The submitter also seeks an additional clause to recognise and provide for the Maori cultural values of rivers, lakes and wetlands.

Taranaki Fish and Game wants clause (b) altered to also refer to enhancement of groundwater not just maintenance. The Royal Forest and Bird Protection Society wants clause (b) dealing with groundwater to also refer to enhancement not just maintenance.

Horizons Regional Council wants amendments to sub clause (a)(i) to state “water quality is at a level sufficient to support the values of the river.” The submitter wants the deletion of sub clause (a)(ii) which deals with the enhancement of water quality in rivers where water quality is not sufficient to support the values of the river.

Winstone Pulp International wants sub clause (a)(i) amended to refer to “water quality being maintained in all rivers in order to support the values of the river” and seek the deletion of sub clause (a)(ii).

A number of submitters question how the word “values” should be interpreted and note that the Manawatu Catchment Water Quality Regional Plan excludes the Palmerston North City streams from the rules. These submitters want any previously exempted waterways to be covered by the water quality rules in the Proposed One Plan. The submitters seek to have sub clause (b) refer also to improving groundwater quality as indicated by appropriate research.

Horticulture NZ wants Objectives 6-1 and 6-2 combined and they propose specific wording.

The Minister of Conservation and Landlink Ltd seek specific wording changes to sub clause (iii) which covers eutrophication or sedimentation.

Federated Farmers seeks amendments to the wording of Clauses (a)(i), (ii) and (iii) to refer to life supporting capacity.

#### 4.17.2 Evaluation

The submissions that raise issues around the wording contained within Objective 6-2 comment on:

- (a) Ensuring the Objective deals with water quality enhancement not just maintenance;
- (b) Deletion of the provisions dealing with enhancing surface water quality in rivers;
- (c) Clarification of the use of the words eutrophication and sedimentation in the Objective.
- (d) The intent of the Objective and whether it is achievable and targets the issues of concern.

I respond to the particulars raised by the submitters in the following paragraphs.

Ruapehu District Council comments that life supporting capacity and water quality values may not be the same. The values that are articulated through Schedule D include as one of the ecosystem values the value of life supporting capacity. The Science Reports outline how the values were arrived at. Life supporting capacity is but one of the values that are set out. There is a differentiation between Objectives 6-1 and 6-2 with an emphasis under 6-1 on life supporting capacity and within 6-2 on the values in general terms which in terms of Schedule D also includes life supporting capacity.

Fonterra considers that Objectives 6-1 and 6-2 should be revised to recognise that values, management objectives and water quality standards may not be

practicably achieved using presently available mitigation. This is a matter that I would like the opportunity to work through further with the submitter to more clearly understand the issues of concern. It is a matter I will return to in the supplementary report to the Hearing Panel.

Ngati Kahungunu Iwi Incorporated seeks an additional clause within Objective 6-2 to recognise and provide for the Maori cultural values of rivers, lakes and wetlands. Objective 6-1 outlines that surface water bodies are managed and provide for the values set out in Schedule D. The schedule includes the values of mauri, shellfish gathering and sites of significance – cultural. The intent of the Objective is to outline that the life supporting capacity of surface water bodies is recognised and provided for and the means for achieving this is through the values set out in Schedule D. Chapter 4 - Te Maori identifies the resource management issues of significance to hapu and iwi. It is inappropriate to single out one value for reference within Objective 6-2. And further reference to the values do not reflect the issue being dealt with through the Objective which is around water quality in general.

Ngati Kahungunu Iwi Incorporated, Taranaki Fish and Game and the Royal Forest and Bird Protection Society raise issues with the wording within clause (b) dealing with groundwater. The submitters want the wording to refer to enhancement not just maintenance of groundwater quality. The water quality issues around groundwater, as articulated in section 6, outline that deeper groundwater is generally of higher quality although there are some shallow areas of groundwater being degraded. I propose specific wording to address this matter as follows (new wording underlined):

*“Groundwater quality is managed to ensure that ~~existing~~ groundwater quality is maintained to preserve its existing and future uses and values.”*

Horizons Regional Council wants amendments to sub clause (a)(i) to state “water quality is at a level sufficient to support the values of the river.” The submitter wants the deletion of sub clause (a)(ii) which deals with the enhancement of water quality in rivers where water quality is not sufficient to support the values of the river. Similarly, Winstone Pulp International wants sub clause (a)(i) amended to refer to “water quality being maintained in all rivers in order to support the values of the river” and seeks the deletion of sub clause (a)(ii) which deals with enhancement of water quality. A number of submitters seek to have sub clause (b) refer to improving groundwater quality as indicated by appropriate research.

I propose the following wording changes within clause (a)(i) and the deletion of clause (a)(ii) in response to these submissions:

(i) *Water quality is maintained or enhanced in those rivers water bodies at a level which ~~where the existing water quality is sufficient to support~~ the values of the river water body.*

The issues in section 6 deal with the maintenance and enhancement of surface water quality. I have taken a consistent approach between clauses (a) and (b) and propose they both include maintenance and enhancement.

A number of submitters question how the word “values” should be interpreted and note that the Manawatu Catchment Water Quality Regional Plan excludes

the Palmerston North City streams from the rules. These submitters want any previously exempted waterways to be covered by the water quality rules in the Proposed One Plan. The submissions are noted and the provisions of the Plan address the concerns raised.

Horticulture NZ wants Objectives 6-1 and 6-2 combined and they propose specific wording. The Objectives deal with two different issues which are clearly articulated through having two objectives.

The Minister of Conservation, Royal Forest and Bird and Landlink Ltd seek specific wording changes to sub clause (iii) which covers eutrophication or sedimentation.

I accept the first change sought by the Minister and Federated Farmers which is to replace the first “or” with “and” as this change means not just one or other issue will be prevented or minimised but both will be worked toward. Landlink seeks the use of the words “and/or” within clause (iii). For the reasons already outlined I consider the word “and” is more appropriate.

The second part of the submission from the Minister seeks the replacement of “or minimised” with and “remedied by controlling land use and discharges”. I consider the words prevented or minimised more accurately reflects the intent of the Objective. The submission from Royal Forest and Bird seeks the deletion of the “or minimised” and rather rely on prevention only. I consider that the Objective deliberately addresses prevention or minimising accelerated eutrophication or sedimentation as prevention is not going to always be possible.

Federated Farmers seeks to have the objective refer to life supporting capacity rather than values. The reference to values addresses the approach that has been taken within Schedule D. No change is recommended.

#### **4.17.3 Recommendation WTR 17**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.17.3.1 Recommended changes to provisions**

- (a) Alter the wording within Objective 6-2 Water Quality in accordance with the changes recommended in track changes for Objective 6-2.



## 4.18 Chapter 6 – Objective 6-3 Water Quantity and Allocation - Ground and Surface Water Allocation

### 4.18.1 Summary of submission points

#### **Support**

Ruapehu District Council supports Objective 6-3(a)(ii). The support is noted. The submitter also seeks to have the minimum takes set at a higher rate per day and allow for water take seasonality. I deal with these issues in relation to Schedule C.

Environment Network Manawatu, Taranaki Fish and Game Council and Fish and Game New Zealand support the objective and their support is noted.

The support of the Minister of Conservation for Objective 6-3 (c) is noted.

The Minister for the Environment supports the setting of environmental flows and water levels. The support is noted.

#### **Deletion**

Tararua and Wanganui District Councils seek the withdrawal of the Plan.

Hopkins Farming Group seeks the deletion of the Objective.

#### **Wording Changes**

J N Tripe wants to know what management of existing bores is proposed.

Mr James questions how the Council define “efficiently” and how this can be monitored.

The territorial authorities seek to have a wider definition of efficiency included within Objective 6-3(c).

Affco New Zealand seeks specific wording changes to Objective 6-3(a)(ii) and (b)(iii).

Ngati Kahungunu seeks specific wording changes to Objective 6-3 (a)(i), the inclusion of another provision covering water for domestic and stock water and changes to sub clause (b) by adding a provision regarding a sustainable yield for groundwater within each catchment.

Forrest Chambers wants to ensure that irrigation volumes are addressed as these affect water quality. The submission is noted and the provisions of Schedule C of the Proposed One Plan deal with water take volumes and the Objectives and Policies support the avoidance or mitigation of the potential and actual adverse effects of water takes including for irrigation use on water quality.

Genesis Power Ltd seeks amendments to Objective 6-3(a)(ii) to list hydro electric schemes along with takes for people, communities and stock during times of water shortage.

Rangitikei Aggregates does not specifically seek any decision but note that the wording for the objective is too uncertain. The submission is noted and I consider that the wording changes recommended will assist in understanding the intent of the Objective.

The territorial authorities and Horticulture NZ seek specific wording changes within Objective 6-3.

Trust Power Limited, Mighty River Power and Meridian Energy seek various changes to the Objective to refer specifically to electricity generation and the importance of energy generation.

The Minister of Conservation seeks specific wording changes to the Objective.

Fonterra Co-Operative Group Limited wants any reference to special treatment for hydro electricity generation removed from the Objective. The submitter also seeks definitions for the following terms: life supporting capacity, other values, and significant effect on long term groundwater yield.

Landlink Ltd seeks that the Objective include new clauses for both surface and groundwater that state that used or surplus water is treated and returned to the catchment or aquifer it was taken from.

Royal Forest and Bird seeks an amendment to the wording within clause (a)(ii) to refer to water for stock for drinking and want a definition for life supporting capacity.

Warren Davidson wants the Objective to acknowledge that affordability is an issue and long time frames for meeting the aims are required.

Federated Farmers seeks specific wording amendments to the Objective.

#### 4.18.2 Evaluation

J N Tripe wants to know what management of existing bores is proposed. The management in the Plan relates to the water take and ensuring water is not wasted.

Affco New Zealand seek specific wording changes to Objective 6-3(a)(ii) and (iii). The wording sought in relation to sub clause (a)(ii) is to refer to takes that are essential to the social, cultural and economic wellbeing of people, communities or stock. Section 14 of the Resource Management Act 1991 covers restrictions relating to water. Subsection (3) specifies that a person is not prohibited by subsection (1) [which states amongst other matters that no person may take water unless allowed under subsection (3)] from taking water where it is used for an individual's reasonable domestic needs or the reasonable needs of an individual's animals. I consider that the current wording within Objective 6-3(a)(ii) more accurately reflects that the Act accepts that regardless of restrictions imposed for water takes (for whatever reason) that the basic needs of individuals and animals for drinking need to be

provided. The wording sought by Affco opens the Objective up to social, cultural and economic factors.

The wording sought by Affco in relation to sub clause (b)(iii) is that it refer to the significant adverse effects of a groundwater take on other groundwater takes and that these effects be avoided. The change would then be referring only to significant adverse effects and that those effects be avoided. I consider this does not reflect the intent of the Objective which is to manage (through potentially avoidance or mitigation) adverse effects on other groundwater takes. Where those effects are significant then a resource consent application will be required and assessed. No change is recommended.

Mr James questions how the Council define “efficiently” and how this can be monitored. Policy 6-13 specifically sets out that water shall be used efficiently and how efficiency can be achieved. I do not consider any change is required to Objective 6-3 as it is supported by Policies 6-13 and 6-14 which assist in an understanding of water efficiency and how alternative water sources can assist in relation to efficiency during periods of low flow.

The territorial authorities seek to have a wider definition of efficiency included within Objective 6-3(c). I understand that Regional Council staff have been liaising with territorial authority staff and have prepared a draft Memorandum of Understanding. As outlined above I consider that the term efficiency as used in Objective 6-3 is supported by Policy 6-13 which sets out how greater efficiency can be achieved. I would however, like the opportunity to work through the issues in more detail with the submitters and this is therefore a matter I will return to in the supplementary report.

The territorial authorities and Horticulture NZ seek the withdrawal of the Plan or the deletion of the words “and providing for other values of rivers as necessary”. The deletion of the words from Objective 6-3(a)(i) will mean the Objective only refers to minimum flows and allocation regimes being for the purpose of maintaining the existing life supporting capacity and not the broader values as detailed in Schedule D. This deletion would mean values such as water supply would not be considered within the Objective. I do not consider this is an outcome the territorial authorities would want to have occur. I recommend that the following changes occur:

- (a) For surface water  
*“(i) ... and providing for other identified values of ~~rivers~~ water bodies as ~~necessary~~.”*

In terms of the points raised by Ngati Kahungunu I respond as follows:

- (a) The wording changes proposed to Objective 6-3 (a)(i) are appropriate and cover the wording used elsewhere within Section 6 i.e. to enhancing as well as maintaining; better reflect the approach taken and the matters covered. I recommend the following wording changes to Objective 6-3(a)(i):

*“(i) Minimum flows and ~~allocation regimes~~ allocatable volumes are set for the purpose of maintaining or enhancing the existing life-supporting*

*capacity of ~~rivers~~ water bodies and providing for other values of ~~rivers~~ water bodies as necessary.*

- (b) The inclusion of another provision covering water for domestic and stock water is in my opinion not necessary. These matters are covered under sub clause (a)(ii).
- (c) The submitter seeks changes to sub clause (b) by adding a provision regarding a sustainable yield for groundwater within each catchment. I consider no change is necessary as the matter is addressed in sub clause (b)(i).

The submission from Genesis Power Ltd seeks to amend Objective 6-3(a)(ii) to specifically list hydro electric schemes along with takes for people, communities and stock during times of water shortage. I have recommended this submission be rejected. As outlined above the provision in the Plan is aligned with the wording within section 14 of the Act in recognising that the “bottom line” is that water for human and stock consumption for drinking needs to be provided for. The Issues and Objectives clearly articulate that the life supporting capacity of the water body must be maintained and this is at its most acute during times of water shortage. I would question why Genesis Energy consider they should be given priority over any other abstraction e.g. irrigation of crops that sustain people and communities. No change is recommended.

I have considered the other changes being proposed by Trust Power Limited, Mighty River Power and Meridian Energy to the Objective. For the reasons outlined above in relation to the submission from Genesis Power I question why reference is required specifically to electricity generation. The Objective sets out matters in general terms without specifically targeting a particular industry or other activity. At this time I have recommended these submissions be rejected but it is a matter I will discuss further with the submitters.

Meridian Energy proposes an additional provision within the Objective which would allow an applicant at the time of applying for a resource consent application to propose an instream minimum flow that is an alternative to that specified in Schedule B. I am unclear how the additional provision would help as an applicant can and would be able to outline what they consider might be an appropriate minimum flow for their consent at the time of making an application. Meridian Energy also seeks the deletion of the phrase “*protect their life supporting capacity*” from clause (b)(ii). The Objective clearly articulates that the issue of the effects of a groundwater take where it is connected hydrologically to a surface water feature needs to ensure the protection of life supporting capacity. I consider the retention of this phrase is necessary to refer to the matter of concern being the effects on life supporting capacity.

Horowhenua District Council seeks specific wording changes within Objective 6-3. I recommend the following wording changes to the Objective to address the concerns of the Council:

*“Water quantity is managed to enable people, industry and agriculture to take and use water to meet their reasonable needs while ~~ensuring that~~ providing for the following:*

The changes in the wording are not the same wording changes sought by Horowhenua District Council but I consider better reflect what the Council seeks whilst retaining the intent of the Objective.

Horticulture NZ seeks the deletion of “*and other takes are ceased*” from Objective 6-3 (a)(ii). The technical evidence provided by Council Officers and Consultants sets out why there are particular issues during periods of low flow which require the cessation of non-essential takes. During these critical periods the life supporting capacity of the water body is under stress and potentially running a water body dry will not sustain that water body in the longer term. I do not recommend the deletion of these words from the Objective.

Horticulture NZ also seeks a change to the wording within Objective 6-3 (c) to state that water is not wasted but used to maximise its value through efficient use. The current wording states: “*In all cases, water is used efficiently*”. I consider the current wording should be retained as it clearly articulates that water should be used efficiently.

The Minister of Conservation seeks various amendments to the wording in Objective 6-3 (a)(i) and I comment on those amendments as follows:

- (a) Add “*and improving*” after “*for the purpose of maintaining*”. I have recommended that the words “*or enhancing*” be added after “*maintaining*”. Whilst the wording is not the same as that proposed by the Minister I consider the change meets the intent of the change sought.
- (b) After “*life supporting capacity*” add as set out in Table D.4...”. I have recommended the inclusion of the word “*identified*” before “*values*” which I consider signals that these values are as identified in the Plan.
- (c) Seeks the replacement of the word “*necessary*” with “*appropriate*”. I have recommended the words “*as necessary*” be deleted to provide more certainty in the wording within the Objective.

The Minister of Conservation seeks various amendments to the wording in Objective 6-3 (a)(ii) and I comment on those amendments as follows:

- (a) After “*in times of water shortage*” add “*in issuing a water shortage direction*”. I am not certain what would be achieved by adding these words in. The clause sets out that there are cessations of water takes put in place during periods of low flow. The conditions on a resource consent would trigger when this has to occur and the Regional Council would then inform the parties as to when cessation has to occur.
- (b) Add “*reasonable alternative sources of water are considered as a priority and*” after “*in times of water shortage*”. I consider this wording would not assist in the understanding of the intent of the Objective. The Objective is supported by Policy 6-18 which signals that alternative sources of water i.e. through harvesting during periods of high flow, will be encouraged to ensure that water can still be provided even during periods of low flow when water takes from a water body may have to cease.

Fonterra Co-Operative Group Limited wants any reference to special treatment for hydro electricity generation removed from the Objective. As I comment above in relation to the submissions from the electricity generators I am not recommending any reference to electricity generation within the Objective.

Fonterra also seeks definitions for the terms, life supporting capacity, other values and significant effect on long term groundwater yield. Before responding to the specifics raised I would note that an objective can only ever be the over-arching broad goal being sought. The details come through further in the supporting policies and then the methods including rules.

Royal Forest and Bird Protection Society also seeks a definition for life supporting capacity. Within Table 6.2 there is what is termed a management objective in relation to life supporting capacity and it states “*The water body supports healthy aquatic life/ecosystems*”. A specific definition for life supporting capacity would be difficult to define and would say little more than the words contained within Table 6.2 and as articulated in Schedule D.

Other values are those values outlined in Schedule D and can include a particular additional value that might be raised by an Applicant during a resource consent process. I think that to define the term values within the Objective would restrict the intent of the Objective and unnecessarily the values that can be considered in determining a resource consent application which will be site specific values.

In terms of defining “*significant effect on the long term groundwater yield*”, I have recommended the inclusion of the word “*adverse*” so the Objective refers to significant adverse effects. A determination of what is a significant adverse effect occurs through the consent process and I consider that the supporting policies and rules set out the framework for determining what may be a significant adverse effect or not.

The submission from Landlink seeks that the Objective include new clauses for both surface and groundwater that state that used or surplus water is treated and returned to the catchment or aquifer it was taken from. The intent of what is sought in the submission is supported in that where water is used for example through a hydro electricity scheme any surplus water can be returned to the water body. I consider however, that the Objective does not need to be amended to refer to these matters as the Policies provide for efficiency which can also include the return of water to the catchment. Issues surrounding water treatment and then return to the catchment need to be considered carefully and I consider that the wording proposed is too vague in terms of what would be suitable treatment and what would be as far as practicable.

Royal Forest and Bird seeks an amendment to the wording within clause (a)(ii) to refer to water for stock for drinking. I consider the inclusion of the words “*stock for drinking water*” is appropriate and more accurately reflects the issue that during periods of low flow drinking water for stock is the critical requirement. Section 14 of the Act refers to the need for stock drinking water.

Warren Davidson wants the Objective to acknowledge that affordability is an issue and long time frames for meeting the aims are required. I accept the

concerns of Mr Davidson as being valid ones for consideration. The changes being proposed in Chapter 2 around consent duration and the clarification of duration being extended in 10 year increments, I consider addresses the concerns being raised by the submitter.

Federated Farmers wants the wording within clause (a)(i) referring to other values to be deleted. As outlined above the references to values is important to set out that there are other values in addition to life supporting capacity that need to be taken into account. The submitter also seeks clause (a)(ii) to be amended to delete the words “*and other takes are ceased*”. The Plan outlines that the critical issue is adverse effects on water bodies during periods of low flow and that during these periods critical water for human and stock drinking water will need to continue albeit at a restricted rate but that other takes will need to cease. The Objective clearly sets this out. The Policies signal that alternative sources of water will need to be considered during these periods of low flow e.g. water storage or groundwater takes. I do not consider it appropriate to amend the Objective as proposed by the submitter.

For the reasons outlined above I do not recommend the submission of Hopkins Farming Group be accepted as it seeks the deletion of the Objective.

As a consequential clause 16 amendment to Objective 6-3, I have recommended the removal of the words “*local water conservation notices*” within (a)(iv) as it is my understanding that there are no longer any local water conservation notices in place within the Region.

#### **4.18.3 Recommendation WTR 18**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.18.3.1 Recommended changes to provision**

- (a) Alter the wording within Objective 6-3 Water Quantity and Allocation in accordance with the changes recommended in track changes for Objective 6.3.

## 4.19 Chapter 6 – Objective 6-4 – River and Lake Beds

### 4.19.1 Summary of submission points

#### Support

Environment Network Manawatu and the Royal Forest and Bird Protection Society support Objective 6-4.

#### Deletion

Ruapehu Federated Farmers and Hopkins Farming Group seek the deletion of Objective 6-4.

#### Wording Changes

The Energy Efficiency and Conservation Authority, Horticulture NZ, TrustPower Ltd, Mighty River Power, Meridian Energy, the Minister of Conservation, Taranaki Fish and Game, Fish and Game NZ and Federated Farmers all seek specific wording changes to Objective 6-4.

### 4.19.2 Evaluation

I do not recommend the submissions from Ruapehu Federated Farmers and Hopkins Farming Group that seek the deletion of the Objective, be accepted. The Objective deals with the issue of potential adverse effects from the use of river and lake beds. There are supporting policies which then lead to rules about the use of the beds of rivers and lakes. The removal of the Objective would not provide an appropriate policy framework to deal with the issue.

The Energy Efficiency and Conservation Authority seeks specific wording changes to focus more on the adverse effects of the use and development of river and lake beds.

Horticulture NZ seeks wording changes to remove the references to values within the Objective. The values are the means of articulating what the effects are that need to be considered. No change is recommended. I will discuss the matter further with the submitters.

Taranaki Fish and Game wants the Objective to recognise and provide for the values whilst ensuring that adverse effects are avoided, remedied or mitigated.

TrustPower Ltd seeks that the Objective specifically recognises the particular benefits of infrastructure and renewable energy. For the reasons outlined in response to the submissions by TrustPower on the other Objectives within this Chapter I do not consider it appropriate that the Objective specifically focuses on one activity. All values need to be recognised.

Mighty River Power seeks the following wording:



*“Future use and development of river and lake beds is provided for where appropriate provision is made for other values.”*

This wording is in my opinion unclear e.g. how would we know what appropriate provision would mean? No change is recommended.

Meridian Energy, seeks a re-wording of the Objective to focus on significant ecological and natural character values rather than all values. Also the submitter seeks that the Objective refer to the positive benefits of use and development. These changes would result in too narrow a focus. No change is recommended.

The re-wording proposed by the Minister of Conservation in my opinion would focus on the management of flood events which is not the intent of the Objective. I consider the wording proposed by the Minister to be inappropriately narrowing the focus of the Objective.

Fish and Game NZ wants the Objective to be split in two with a focus on sustaining life supporting capacity and morphological integrity and also covering infrastructure and flood mitigation. I consider that the Objective would then be too restricted in terms of the issues being covered. For example what about other values including gravel extraction? No change is recommended.

Federated Farmers wants the Objective to state:

*“River and lake beds are managed to enable the use and development while providing for existing ecosystems to be maintained.”*

The focus of this wording misses the need to address potential and actual adverse effects in its broadest sense e.g. the focus is not just in relation to ecosystems but it also could include natural state issues where a bed is disturbed.

#### **4.19.3 Recommendation WTR 19**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.19.3.1 Recommended changes to provision**

- (a) Alter the wording within Objective 6-4 River and Lake Beds in accordance with the changes recommended in track changes for Objective 6-4.

## 4.20 Chapter 6 – Policy – General – Water Quality

### 4.20.1 Summary of submission points

Landlink Ltd supports the policies regarding water quality. The support is noted.

Royal Forest and Bird Protection Society of NZ seeks the inclusion of a time frame within Chapter 6.

Ruapehu District Council considers that the water management zones are onerous across a large catchment and they seek to have Policies 6-3, 6-4 and 6-5 amended so that performance standards are set related to effects. The submitter also seeks clarification that the science applied across the Region is appropriate in all cases.

### 4.20.2 Evaluation

The submission from Royal Forest and Bird Protection Society of NZ seeks the inclusion of a time frame as to when water quality will be enhanced and when the water quality standards will be met. To the extent that the Plan sets out common catchment expiry and review dates for the catchments I consider that there is a timeframe within which activities will be working towards the achievement of the maintenance or enhancement of water quality. Particular standards will be also be articulated through conditions of consent which will lead to appropriate outcomes for particular activities in specified locations. I recommend the addition of a timeframe to Objective 6-1 which sets 2030 as the target.

Ruapehu District Council's submission outlines the water management zones are onerous across a large catchment and they seek to have Policies 6-3, 6-4 and 6-5 amended so that performance standards are set related to effects. To the extent that I recommend changes to these policies within my report then some issues of the Council may be addressed. I would like the opportunity to discuss the changes further with the Council and will return to these matters in my Supplementary Report.

The Ruapehu District Council seeks clarification that the science applied across the Region is appropriate in all cases. As outlined in the various Science reports provided to the Hearing Panel there has been a detailed assessment of the Science behind the framework set out in the Plan. As a result of the assessment the Science Team are suggesting various changes to the standards and provisions of the Plan. These changes are outlined in this report dealing in particular with Schedule D and the rules within Chapters 13 and 15. As articulated in the Science Reports the changes represent the current best knowledge around the issues.

### 4.20.3 Recommendation WTR 20

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.20.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.21 Chapter 6 – Policy – General - Ground and Surface Water Allocation

### 4.21.1 Summary of submission points

The Environmental Working Party and Nga Pae o Rangitikei seek the inclusion of a further Policy covering a number of specific provisions including: resource consent applicants undertaking remedial action; taking into account Chapter 4 Te Ao Maori; monitoring of consents; iwi or hapu being notified of a resource consent application where there are sites of significance or artefacts; and the Regional Council lobbying legislative bodies to impose penalties.

John Milnes on behalf of the Whanganui Branch of the Green Party does not seek any specific decision but notes that monitoring of water use including water metering is required and having review clauses to provide the opportunity to review water allocation if flows change over time. This submission is noted. By way of response to Mr Milnes I note there are specific policies e.g. Policy 6-13 which cover the installation of water meters and this can be achieved by way of a condition on a resource consent application. Plan Change provisions can be altered by way of a Plan Change or Variation as appropriate.

### 4.21.2 Evaluation

I respond to the submissions from the Environmental Working Party and Nga Pae o Rangitikei as follows:

- (a) In terms of resource consent applicants being required to undertake remedial action I consider this is more appropriate as a condition on a resource consent application.
- (b) Cross references to Chapter 4 Te Ao Maori are recommended in a number of places in Chapters 6, 13 and 15 where other existing cross references are provided.
- (c) The Regional Council's Compliance Team undertake monitoring of individual resource consent applications. The provisions within the general administration sections of the Plan refer to enforcement and monitoring. No change is recommended.
- (d) I consider that the suggestion that the Regional Council lobby bodies to impose penalties is a method rather than a policy. The Plan does outline in the various methods sections that the Regional Council will work with other bodies including Central Government. No change is recommended.
- (e) Iwi or hapu notification in relation to sites of significance occurs in relation to resource consent applications. A specific policy is not necessary.

#### **4.21.3 Recommendation WTR 21**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.21.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.22 Chapter 6 – Policy – General - Rivers and Lake Beds**

### **4.22.1 Summary of submission points**

Byford's Quarries Ltd submit that given the importance of gravel extraction and crushing it needs to be clear where priorities lie and that there needs to be greater clarification and certainty.

### **4.22.2 Evaluation**

Byford's Quarries Ltd as I understand it seeks to have clarification about where the priorities are in terms of gravel extraction. To the extent that Table 6.3 sets out annual allocable volumes of gravel then there does appear to be some certainty as to what volume of gravel is available for extraction in various Rivers across the Region. I do return to the particulars of Table 6.3 later in my report.

### **4.22.3 Recommendation WTR 22**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.22.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.23 Chapter 6 – Policy 6-1 Water management zones and values – Water Quality

### 4.23.1 Summary of submission points

#### **Support**

Taranaki Fish and Game, Ecologic Foundation and Royal Forest and Bird Protection Society support Policy 6-1. Their support is noted.

The New Zealand Fertiliser Manufacturers Research Association wants the retention of zones and management objectives providing long term certainty for land users. The support is noted.

Fish and Game NZ supports the use of water management zones and Table 6.1. The support is noted.

#### **Deletion**

Palmerston North City Council want Policy 6-1 deleted or amended.

Ruapehu Federated Farmers and Hopkins Farming Group want Policy 6-1 to be deleted. Federated Farmers of NZ wants all references to water management values and Schedule D deleted from the Chapter.

#### **Wording Changes**

Ruahine River Care Group raises three issues in their submission. I deal with the submission points in the following section.

Alan Davison seeks to have the Regional Council approach all farmers not just dairy farmers to encourage stream fencing. The submission is noted and the sentiments expressed by the submitter can only be dealt with in terms of a policy direction for the Council to consider outside of the Plan process.

Horticulture NZ wants all references to water management values deleted and the Policy amended to provide for water bodies to be managed to maintain existing water quality.

Trust Power Limited seeks an additional value inserted relating to renewable energy within Table 6.2.

Mighty River Power seeks the following specific wording being added to the second sentence within Policy 6-1 (proposed wording is underlined):

*“...The rivers and lakes shall be managed in a manner which recognises and provides for the values identified in Schedule D for each water management sub zone, where this is appropriate. It is recognised that in some circumstances the recognised values will not be able to be provided for.”*

Mighty River Power also seeks a cross reference to Chapter 18 Financial Contributions.

Meridian Energy Ltd wants the reference to Schedule D deleted from Policy 6-1 and the second sentence within Policy 6-1 amended as follows (proposed wording is underlined).

*“...The rivers and lakes shall be managed in a manner which recognises and provides for the values identified in Schedule D for each water management zone and any adverse effects are avoided, remedied or mitigated, as far as practicable.”*

Meridian Energy also seeks to have Table 6.2 include hydro electricity generation as a value or make it clear that it is included within the industrial abstraction value.

#### 4.23.2 Evaluation

I have recommended a comprehensive re-wording of Policy 6-1 to clarify that the Water Management Zones and values provide the framework for safeguarding the life supporting capacity of water bodies and to avoid, remedy or mitigate adverse effects. This did not seem to have previously been explicitly stated. To the extent that the changed Policy assists in clarifying how effects are covered, the concerns of some submitters may be met.

Ruahine River Care Group raises three issues in their submission being:

- (a) Do not set water quality standards designed for trout.
- (b) Do not set minimum flows, minimum dissolved oxygen content and minimum temperature for providing optimum conditions for trout.
- (c) Do not include trout when determining habitat suitability criteria or the setting of mean annual flows in streams that do not support adult trout.

Trout are a sensitive indicator species. The Resource Management Act requires the protection of the habitat of trout. The approach taken is that where the value of trout are recognised then values for other fish species are covered.

There are a number of submissions that want Policy 6-1 deleted or at least all references to water management values and Schedule D deleted. As I have outlined in the introduction to this report I have approached reporting on these provisions on the basis that:

- (a) There is a substantial body of scientific evidence that supports the approach being taken in the One Plan.
- (b) There has been a lack of a specific workable alternatives proposed by submitters.
- (c) The framework set out in the One Plan is one that when read in its entirety, provides a clear link between the stated issues through to the objectives, policies and methods including rules.

Having considered these matters I recommend changes to the content of the provisions but not a whole sale revision of the approach taken. On this basis I am recommending that the Policy which sets out the framework for Schedule D remain. I will however, be in further dialogue with the submitters to discuss



their concerns and will come back to these matters in my Supplementary Report.

The Energy Companies seek a specific reference to the value of renewable energy/hydro-electricity generation within the Policy and Table 6.2. Meridian Energy seeks to have Table 6.2 include hydro electricity generation as a value or make it clear that it is included within the industrial abstraction value. I consider that Industrial Abstraction would provide for infrastructure activities including hydro electricity generation. I will however, return to this matter after discussing it further with the submitter.

The submission from Meridian Energy proposed adding the words “*as far as practicable*” to the end of the above sentence. I do not recommend the inclusion of the words as they introduce uncertainty into the Policy and the Act requires that adverse effects be avoided, remedied or mitigated and the Act does not add a rider on to that in terms of being as far as practicable.

Mighty River Power seeks the following specific wording being added to the second sentence within Policy 6-1 (proposed wording is underlined):

*“...The rivers and lakes shall be managed in a manner which recognises and provides for the values identified in Schedule D for each water management sub zone, where this is appropriate. It is recognised that in some circumstances the recognised values will not be able to be provided for.”*

I consider that this wording is uncertain and the wording proposed in the amended Policy 6-1 is more certain.

Mighty River Power also seeks a cross reference to Chapter 18 Financial Contributions. Where existing cross references exist, I am recommending the addition of further cross references if appropriate. Otherwise I am keeping cross referencing to a minimum.

#### **4.23.3 Recommendation WTR 23**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.23.3.1 Recommended changes to provision**

- (a) Alter the wording within Policy 6-1 Water Management Zones and Values in accordance with the changes recommended in track changes for Policy 6-1.

## 4.24 Chapter 6 – Policy 6-2 – Water Quality Standards – Water Quality

### 4.24.1 Summary of submission points

#### **Support**

Taranaki Fish and Game, Fish and Game NZ, the Minister of Conservation and Ecologic Foundation seek the retention of the Policy. The support is noted.

The Scotts support the principles within the Policy. The support is noted.

Ravensdown Fertiliser generally supports the intent of the Water Management Zones approach. The support is noted.

Balance Agri-Nutrients Ltd does not seek a specific decision but wants more information on the source of the water quality standards. I would highlight that the Science Reports provided to the Hearing Panel set out the background information on the water quality standards. The submission is noted.

#### **Deletion**

Ruapehu Federated Farmers, Federated Farmers of NZ, Horticulture NZ and Winstone Pulp International Ltd seek the deletion of Policy 6-2. Meridian Energy seeks the deletion of the Policy or deletion of the references to Schedule D.

#### **Wording Changes**

Mr James states that the Plan needs to state why the temperature maximums are important.

Sustainable Whanganui seeks to have the zones apply to urban areas such as the catchment for Virginia Lake in Whanganui.

Chris Teo-Sherrell wants a higher level of compliance with discharge conditions and higher standards for the water being discharged. The Regional Council Compliance's Team is responsible for dealing with compliance issues and as I understand have had success in prosecuting non-compliance matters. The submitter's comments are noted.

Palmerston North City Council opposes the water quality standards and outlines that Policies 6-2, 6-3, 6-4, 6-8 and 6-12 are not consistent with the purpose and principles of the Act. I deal with the specific provisions of these policies in the sections that follow.

Genesis Power Ltd seeks specific wording changes to the Policy to specifically exclude the effects on water quality of discharges from the operation and maintenance of hydro electric power generation.

#### 4.24.2 Evaluation

I recommend that Policy 6-2 be deleted. The Policy essentially only refers to the fact that the water quality standards are shown in Schedule D and that the management of surface water quality will be in accordance with Policies 6-3, 6-4 and 6-5. The Policy does not signal any policy intent and therefore adds little to the overall policy framework.

In terms of the submission from Mr James the Science Reports outline why temperature maximums are important. These temperature fluctuations are important in relation to water quality and the habitat for fish, especially trout.

In terms of the issues raised by Sustainable Whanganui, I understand that Virginia Lake is included in a Water Management Zone.

#### 4.24.3 Recommendation WTR 24

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### 4.24.3.1 Recommended changes to provision

- (a) Delete Policy 6-2 Water Quality Standards in accordance with the changes recommended in track changes for Policy 6-2.

## 4.25 Chapter 6 – Policy 6-3 Ongoing compliance where water quality standards are met – Water Quality

### 4.25.1 Summary of submission points

#### **Support**

The Scotts, Taranaki Fish and Game, Fish and Game NZ, Ecologic Foundation, Royal Forest and Bird Protection Society and the Minister of Conservation support Policy 6-3. Mighty River Power wants Policy 6-3 (b)(ii) to be retained. Their support is noted.

#### **Deletion**

Ruapehu Federated Farmers, Hopkins Farming Group, Horticulture NZ and Winstone Pulp International seek the deletion of Policy 6-3. Federated Farmers seeks the deletion of all references to Schedule D.

#### **Wording Changes**

The territorial authorities seek to have the Policy re-written so that the performance standards are related to effects, are used as a guide and recognise the specifics of a particular discharge.

Genesis Power wants the Policy to specifically exclude the effects on water quality from the operation and maintenance of hydro electric power generation.

A number of submitters request that there be ongoing compliance monitoring of with the water quality standards to ensure they are met. These sentiments are noted and as outlined in the previous section the Regional Council's Compliance Team follow through on non-compliance issues to ensure that the conditions imposed on a resource consent application are complied with.

Mighty River Power wants the Policy to be amended to refer to the remediation or mitigation of adverse effects on the environment.

Meridian Energy wants:

- (a) The deletion of Policy 6-3; or
- (b) Amendments to the Policy so that the standards are not required to be met where it is consistent with sustainable management;
- (c) Amendments to Policy 6-3(b) to clarify that activities will only need to ensure that existing water quality is met beyond the zone of reasonable mixing.

Fonterra Co-Operative Group Ltd considers that Policies 6-3, 6-4 and 6-5 should be revised to reflect the fact that the values and standards provided in Schedule D may not be practically achieved using presently available mitigation measures.

Ballance Agri-Nutrients Ltd seeks to have a list of high objectives.

#### 4.25.2 Evaluation

For the reasons set out below I recommend that those submissions that seek to delete Policy 6-3 be rejected.

The territorial authorities seek to have the Policy re-written so that the performance standards are related to effects, are used as a guide and recognise the specifics of a particular discharge. Similarly Mighty River Power wants the Policy to be amended to refer to the remediation or mitigation of adverse effects on the environment. Meridian Energy wants amendments to the Policy so that the standards are not required to be met where it is consistent with sustainable management. In response to these submissions I have noted in Section 4.23 that the Water Management Zones and Values are intended to target the avoidance, remediation or mitigation of adverse effects. I have recommended changes to Policy 6-1 to provide some clarification around this issue.

Genesis Power wants the Policy to specifically exclude the effects on water quality from the operation and maintenance of hydro electric power generation. I recommend that this submission be rejected as there is no sound resource management reason why hydro electric power generation should be singled out to be any different to any activity where there is the potential for adverse effects on the environment.

Meridian Energy wants amendments to be made to Policy 6-3(b) to clarify that activities will only need to ensure that existing water quality is met beyond the zone of reasonable mixing. I would like the opportunity to work through this issue further with the submitter and return to this matter in the Supplementary Report. I understand the issues raised and I think there is scope to consider clarification within the Policy but I need to assess the impacts on the overall policy framework carefully.

Likewise the issues raised by Fonterra Co-Operative Group Ltd that Policies 6-3, 6-4 and 6-5 should be revised to reflect the fact that the values and standards provided in Schedule D may not be practically achieved using presently available mitigation measures, are matters that I would like to discuss further with the submitter. My initial response is that the revised Policy 6-1 which focuses on avoiding, remedying or mitigating adverse effects would allow for the specifics of what are appropriate mitigation measures to be worked through in any particular case.

Ballance Agri-Nutrients Ltd seeks to have a list of high objectives. I am not clear what specific further objectives the submitter seeks and I consider the objectives that are in the Plan cover the issues of concern.

#### 4.25.3 Recommendation WTR 25

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.25.3.1 Recommended changes to provision**

- (a) Amend Policy 6-3 Ongoing Compliance Where Water Quality Standards are met in accordance with the changes recommended in track changes for Policy 6-3.

## 4.26 Chapter 6 – Policy 6-4 Enhancement where water quality standards are not met – Water Quality

### 4.26.1 Summary of submission points

#### Support

Ngati Kahungunu, The Scotts, the Minister of Conservation, Taranaki Fish and Game Council, Fish and Game NZ, Ballance Agri-Nutrients Ltd, Ecologic Foundation and Warren Davidson seek to have Policy 6-4 retained. Their support is noted.

#### Deletion

Ruapehu Federated Farmers, Federated Farmers of NZ, Horticulture NZ and Hopkins Farming Group seek the deletion of Policy 6-4.

#### Wording Changes

The territorial authorities seek the following amendments to Policy 6-4:

- (a) Clause (a) be amended to refer to maintenance and improvement of existing water quality and have regard to the likely effects of the activity and the characteristics of the specific discharge. The amendment sought is to clarify that the discharge will not have to clean up the receiving environment i.e. enhance water quality.
- (b) Rewrite the policy so that any performance standards set are related to effects and are used only as a guide.
- (c) Remove stormwater from the water quality standards in Schedule D. Stormwater treatment is only required in urban areas.
- (d) There should be a timeframe to implement the clean up of stormwater discharges within communities with high quality receiving environments and consider affordability to the community.
- (e) The discharge of wastewater also requires a time frame before the One Plan standards are brought into effect.

Genesis Power wants a new clause added to Policy 6-4 to read: *“(c) Policy 6-4 does not apply to the effects on water quality from the operation and maintenance of hydro electric power generation infrastructure.”*

New Zealand Pharmaceuticals considers that the wording in the Policy means that where water upstream does not meet the water quality standard that any point source discharge must meet the water quality standards. They consider that the Policy is stating that the discharge needs to clean up the river.

Winstone Pulp International seeks to have Policy 6-4 refer to maintenance of water quality rather than a focus on enhancement. And similarly Mighty River Power wants the policy to be amended so that enhancement is only required

where the standards are not met and there is an adverse effect on the environment. Meridian Energy wants the Policy to include a zone of reasonable mixing and enhancement to be a non regulatory approach and not forced on activities that do not create adverse water quality effects or that the Policy is deleted.

Ravensdown generally supports the intent of the Water Management Zones but is concerned with the statement that refers to enhancement of water quality as quality may be affected by natural causes meaning an activity may not be able to achieve the outcomes sought in the Policy.

Fonterra Co-Operative Group Ltd considers that Policies 6-3, 6-4 and 6-5 should be revised to reflect the fact that the values and standards provided in Schedule D may not be practically achieved using presently available mitigation measures.

New Zealand Fertiliser Manufacturers Research Association either wants the Policy to be deleted or clarify that the Policy relates to land users who are clearly responsible for the breaches in water quality standards.

#### 4.26.2 Evaluation

For the reasons set out below I recommend that those submissions that seek to delete Policy 6-4 be rejected.

The territorial authorities, New Zealand Pharmaceuticals, Winstone Pulp International, Meridian Energy, Ravensdown and Mighty River Power seek to have the Policy re-written so that it is not inferring that a discharge has to clean up a river and the Policy has regard to the likely effects of the activity and the characteristics of the specific discharge. I consider these points are valid and I recommend that Policy 6-4 (a) be amended as follows (new wording is underlined):

*“(a) In each case where the existing water quality does not meet the relevant water quality standards ..., activities shall be managed in a manner which maintains or enhances existing water quality in order to meet the water quality standard for the water management zone shown in Schedule D.”*

Likewise the issues raised by Fonterra Co-Operative Group Ltd that Policies 6-3, 6-4 and 6-5 should be revised to reflect the fact that the values and standards provided in Schedule D may not be practically achieved using presently available mitigation measures, are matters that I would like to discuss further with the submitter. My initial response is that the changes to Policy 6-1 provide for avoiding, remedying or mitigating adverse effects and the specifics of what are appropriate mitigation measures can be worked through in any particular case.

Meridian Energy wants the Policy to include a zone of reasonable mixing. The issue of a zone of reasonable mixing is one that is assessed through the resource consent process and condition of consent imposed. I do not consider it necessary to amend the policy to deal with this matter.



The territorial authorities seek to have stormwater removed from the water quality standards in Schedule D and a timeframe in which clean up can occur. I would like to discuss this further with the submitters and will return to this matter in the Supplementary Report. The submitters also seek to have a time frame for discharges of wastewater before the One Plan standards are brought into effect. The timeframe is determined by when individual resource consent applications expire and new applications (for renewals) are lodged. I do not consider it appropriate to have a staged introduction of the rules and associated standards as this leads to questions as to what standards would be assessed in the interim. I do, however, recommend that Objective 6-1 specify 2030 as a timeframe for achieving the outcomes sought. The amended wording within the objective may meet some of the concerns of the submitters.

Genesis Power wants a new clause added to Policy 6-4 to read: “(c) *Policy 6-4 does not apply to the effects on water quality from the operation and maintenance of hydro electric power generation infrastructure.*” I recommend that this submission be rejected as there is no sound resource management reason why hydro electric power generation should be singled out to be any different to any activity where there is the potential for adverse effects on the environment.

New Zealand Fertiliser Manufacturers Research Association comments that they seek clarification that the Policy only relates to land users who are clearly responsible for the breaches in water quality standards. The policy will be considered when an application for resource consent is made and the matter of the adverse effects of the activity and breaches in the standards can then be assessed.

#### **4.26.3 Recommendation WTR 26**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.26.3.1 Recommended changes to provision**

- (a) Amend Policy 6-4 Enhancement Where Water Quality Standards are Not Met in accordance with the changes recommended in track changes for Policy 6-4.

## 4.27 Chapter 6 - Policy 6-5 Management of activities in areas where existing water quality is unknown – Water Quality

### 4.27.1 Summary of submission points

#### **Support**

Ngati Kahungunu, The Scotts, the Minister of Conservation, Taranaki Fish and Game Council, Fish and Game NZ, Ecologic Foundation, Ravensdown Fertiliser Co-Operative and Royal Forest and Bird seek to have Policy 6-5 retained. Their support is noted.

#### **Deletion**

Ruapehu Federated Farmers, Federated Farmers of NZ, Horticulture NZ and Hopkins Farming Group seek the deletion of Policy 6-5.

#### **Wording Changes**

Mr James seeks the deletion of the statement “*activities shall be managed in a manner which (i) maintains or improves existing water quality*”.

The territorial authorities seek the following amendments to Policy 6-5:

- (a) Amendments need to have regard to the likely effects of the activity and the characteristics of the specific discharge. The amendment clarifies that the discharge will not have to clean up the receiving environment i.e. enhance water quality.
- (b) Remove stormwater from the water quality standards in Schedule D. Stormwater treatment is only required in urban areas.
- (c) There should be a timeframe to implement the clean up of stormwater discharges within communities with high quality receiving environments and considers affordability to the community.
- (d) The discharge of wastewater also requires a time frame before the One Plan standards are brought into effect.

Genesis Power wants a new clause added to Policy 6-5 to read: “(c) *Policy 6-5 does not apply to the effects on water quality from the operation and maintenance of hydro electric power generation infrastructure.*”

New Zealand Pharmaceuticals and the territorial authorities consider the Policy needs to be re-written so that the standards are related to effects, are used only as a guide and are applied recognising the characteristics of the specific discharge and a mixing zone needs to be based on these characteristics.

Winstone Pulp International seeks to have Policy 6-5 refer to maintenance of water quality rather than a focus on enhancement. And similarly Mighty River Power wants the policy to be amended so that the water quality standards are

not required to be met in all cases. Meridian Energy wants the Policy to be amended so that water quality does not need to be maintained where it is determined that the activity is consistent with sustainable management and also include a zone of reasonable mixing.

Fonterra Co-Operative Group Ltd considers that Policies 6-3, 6-4 and 6-5 should be revised to reflect the fact that the values and standards provided in Schedule D may not be practically achieved using presently available mitigation measures. In addition, the submitter seeks that the Policy only refers to maintenance not improvement.

Ballance Agri-Nutrients Ltd wants the Policy to be amended to target water bodies with higher ecological value.

#### 4.27.2 Evaluation

For the reasons set out below I recommend that those submissions that seek to delete Policy 6-5 be rejected.

The territorial authorities, New Zealand Pharmaceuticals, Meridian Energy, Ravensdown and Mighty River Power seek to have the Policy re-written so the Policy has regard to the likely effects of the activity and the characteristics of the specific discharge. I recommend that Policy 6-5 (a)(i) be amended as follows (new wording is underlined):

“(i) maintains or enhances ~~improves~~ the existing water quality.”

The issues raised by Fonterra Co-Operative Group Ltd that Policies 6-3, 6-4 and 6-5 should be revised to reflect the fact that the values and standards provided in Schedule D may not be practically achieved using presently available mitigation measures, are matters that I would like to discuss further with the submitter. The changes to Policy 6-1 aim to clarify that the approach taken in the Plan is one that focuses on adverse effects. No further change is recommended. Fonterra and Winstone Pulp also consider that Policy should only refer to maintenance not improvement and Mr James seeks the deletion of the statement regarding maintenance and improvement. I consider the wording clearly signals it can either be maintenance or improvement and it does not signal that it has to be improvement. I have recommended the replacement of the word “improves” with “enhances” to make it consistent with the terminology used elsewhere.

Meridian Energy wants the Policy to include a zone of reasonable mixing. The issue of a zone of reasonable mixing is one that is assessed through the resource consent process and condition of consent imposed. I do not consider it necessary to amend the policy to deal with this matter.

The territorial authorities seek to have stormwater removed from the water quality standards in Schedule D and a timeframe in which clean up can occur. I would like to discuss this further with the submitters and will return to this matter in the Supplementary Report. The submitters also seek to have a time frame for discharges of wastewater before the One Plan standards are brought into effect. The timeframe is determined by when individual resource consent applications expire and new applications (for renewals) are lodged. I do not consider it appropriate to have a staged introduction of the rules and

associated standards as this leads to questions as to what standards would be assessed in the interim. The changes to Objective 6-1 do establish a timeframe.

Genesis Power wants a new clause added to Policy 6-5 to read: “(c) *Policy 6-5 does not apply to the effects on water quality from the operation and maintenance of hydro electric power generation infrastructure.*” I recommend that this submission be rejected as there is no sound resource management reason why hydro electric power generation should be singled out to be any different to any activity where there is the potential for adverse effects on the environment.

Ballance Agri-Nutrients Ltd wants the Policy to be amended to target water bodies with higher ecological value. What I understand the submitter to be seeking is to provide for maintenance and enhancement of water bodies with “high” ecological value and other water bodies would not be subject to standards. I consider the Plan approach recognises the different values within all water bodies and as a result when dealing with a resource consent application the specific values can be assessed appropriately.

#### **4.27.3 Recommendation WTR 27**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.27.3.1 Recommended changes to provision**

- (a) Amend Policy 6-5 Management of Activities in Areas where Existing Water Quality is Unknown in accordance with the changes recommended in track changes for Policy 6-5.

## 4.28 Chapter 6 – Policy 6-6 Maintenance of groundwater quality – Water Quality

### 4.28.1 Summary of submission points

#### Support

Horticulture NZ, Ravensdown Fertiliser Co-Operative and Ecologic Foundation support Policy 6-6. The support is noted.

#### Wording Changes

The territorial authorities seek the following wording for the Policy:

*“Discharges and land use activities shall be managed in a manner that results in no significant degradation of existing groundwater quality.”*

Ngati Kahungunu wants reference within the policy to enhancement of groundwater where it is degraded. Similarly, Water and Environmental Care Association and other submitters seek to have additional provisions which require improvements where water quality has deteriorated. Taranaki Fish and Game and Royal Forest and Bird want a reference to maintenance and enhancement for existing groundwater quality.

Royal Forest and Bird wants a date set as to when maintenance and enhancement of water quality will be achieved and an additional provision which states:

*“All water bodies over a specified size will be assessed to determine the extent they meet water quality standards and minimum environmental flows set by a specified date.”*

The New Zealand Fertiliser Manufacturers Research Association wants greater certainty for farming practices and seeks the following changes to the wording within Policy 6-6 (a):

*“Discharges and land use activities shall be managed in a manner which demonstrates due regard for existing groundwater quality”*

Ballance Agri-Nutrients Ltd seeks the promotion of incentive schemes for best practice and that monitoring of existing and proposed land uses occur along with measurable permitted activity performance standards.

### 4.28.2 Evaluation

The territorial authorities seek the following wording for the Policy:

*“Discharges and land use activities shall be managed in a manner that results in no significant degradation of existing groundwater quality.”*

The New Zealand Fertiliser Manufacturers Research Association wants greater certainty for farming practices and seeks the following changes to the wording within Policy 6-6 (a):

*“Discharges and land use activities shall be managed in a manner which demonstrates due regard for existing groundwater quality”*

I consider the wording proposed by the territorial authorities and NZ Fertiliser is uncertain as it is difficult to determine what would be significant degradation or what is meant by demonstrates due regard for existing groundwater quality. In order to focus the Policy on adverse effects on the environment I recommend the following wording changes to Policy 6-6 (a) (new wording is underlined):

*“Discharges and land use activities shall be managed in a manner which maintains the existing groundwater quality and avoids, remedies or mitigates adverse effects on groundwater quality.”*

To also provide for clarity within the Policy regarding the effects of on-site wastewater systems on groundwater I recommend the following additional Clause be added:

*“(c) On-site wastewater systems shall be designed to minimise potential adverse effects on the groundwater quality, particularly within areas with degraded groundwater quality.”*

I do recommend that Clause (a) be amended to outline that groundwater quality is preserved for existing and future uses and values.

Ngati Kahungunu wants reference within the policy to enhancement of groundwater where it is degraded. Similarly, Water and Environmental Care Association and other submitters seek to have additional provisions which require improvements where water quality has deteriorated. Taranaki Fish and Game and Royal Forest and Bird want a reference to maintenance and enhancement for existing groundwater quality.

As set out in Section 4.5.2 improvement in groundwater quality may not be able to be achieved.

Royal Forest and Bird wants a date set as to when maintenance and enhancement of water quality will be achieved and a provision which states:

*“All water bodies over a specified size will be assessed to determine the extent they meet water quality standards and minimum environmental flows set by a specified date.”*

Standards are set and through conditions certain environmental outcomes will have to be achieved by consent holders. Monitoring in terms of groundwater takes will be required both by consent holders and the broader state of the environment monitoring. I will discuss the specifics of the submission further with the submitter and return to this matter in my Supplementary Report.

Ballance Agri-Nutrients Ltd seeks the promotion of incentive schemes for best practice. The methods contained within Chapter 6 include alternatives to promote good environmental outcomes including financial assistance e.g.

fencing and planting of riparian margins. The permitted activity performance standards in my opinion are measurable and will assist in ensuring certainty as to what has to be achieved thereby reducing the need for compliance checks and monitoring over time.

#### **4.28.3 Recommendation WTR 28**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.28.3.1 Recommended changes to provision**

- (a) Amend Policy 6-6 Maintenance of Groundwater Quality in accordance with the changes recommended in track changes for Policy 6-6.

## 4.29 Chapter 6 – Policy 6-7 Land-use activities affecting surface water quality – Water Quality

### 4.29.1 Summary of submission points

#### **Support**

The Minister of Conservation, Fish and Game NZ, Ecologic Foundation and Taranaki Fish and Game Council support Policy 6-7.

John Milnes on behalf of the Whanganui Branch of the Green Party seeks strong regulation to protect waterways and stop sediment loads from erodible land.

#### **Deletion**

The submissions from Neville Pearson, White Heron Ltd, Charlie Pedersen, Neil Filer, Rod Southgate, David Collis, Robert Castles, Cammock Farms, Riverside Agricultural, Jamieson Agricultural, Sandra Rogers, Julie Campbell, Tahamata Incorporated, Landcorp Farming, Hamlin Family Trust, the Blatchford's, Dermot Miller, Jim Stewart, Poplar Partnerships, Alan Cooper, Anthony Rogers and Paul Barber seek:

- (a) The deletion of Policy 6-7 and replacement with a non-regulatory approach to managing nitrogen related water quality issues in consultation with the farming industry.

Ruapehu Federated Farmers, Ruapehu District Council, Hopkins Farming Group, Mike and Lynette Hoggard and Fonterra Co-Operative Group Ltd seek the deletion of Policy 6-7.

#### **Wording Changes**

Stuart Reid raises a number of matters around the concept of deferred irrigation for discharges to land which he is supporting as a concept.

Mr James states that stock need to be excluded from water bodies and he seeks a definition of water bodies.

The submissions from Shaun Forlong, Jeanette Davison, Harvey Falloon, Anthony Rogers, James Chesswas, G 4 B Trust and Brian Doughty seek the following:

- (a) That the operation of a local focus group should be encouraged to continue to establish programmes for implementing changes as required.

Forrest Chambers seeks to have dairy farm runoff dealt with by the most effective means.

The Scotts seek an expansion under Rule 13 to encompass a wider range of policies and practices.



Horticulture NZ seeks the replacement of 6-7 (a) to read:

*“Land use activities that have the potential to contribute to nutrient levels in surface water through application of fertiliser, animal waste or effluent disposal to land shall undertake a nutrient management budget and implement best practices to ensure that the potential for nitrate leaching and nutrient run off are minimised.”*

The Minister of Conservation seeks a reference to timeframes within the Policy.

Ravensdown Fertiliser raises concerns with Policy 6-7(a) in that consent is required regardless of whether the activities are causing an adverse effect. The submitter also considers that there is little guidance as to the content of a nutrient management plan and these plans may require a lot of work. The submitter wants Council to adopt the Overseer Model to provide for nutrient budgeting.

The New Zealand Pork Industry Board seeks the replacement of the Policy with the following:

- (a) The Regional Council working with the community to develop initiatives to support agreed water quality standards.
- (b) That targeted water management zones shall be those zones where collective community and Council efforts are needed to protect and improve water quality.

New Zealand Fertiliser Manufacturers Association want nutrient management to be dealt with as a Permitted Activity and be prepared according to the template set out in the Code of Practice for Nutrient Management using the Overseer Nutrient Budget Model.

Federated Famers wants the focus to be on non regulatory mechanisms and the Policy to refer to targeted water management zones as being the zones where intensive farming land uses are proven to be the dominant cause of elevated levels.

Euan, Bruce and Pamela Hodges seek to have the Regional Council provide fencing, eradicate weeds and pay compensation for the loss of grazing on a yearly basis.

Euan and Jennifer Hodges question the testing of the stream, when the testing was undertaken and whether the higher reaches have been tested.

Landlink wants clauses (a) and (b) combined.

Royal Forest and Bird Protection Society seeks the inclusion of a timeframe within which management will be implemented, loading rates achieved and land use activities managed.

#### 4.29.2 Evaluation

The submissions on Policy 6-7 are seeking the following:

- (a) Reliance on non-regulatory mechanisms to deal with nutrient management.
- (b) Non-regulatory methods could include community focus groups.
- (c) Reliance on best management practices including the Code of Practice for Nutrient Management.
- (d) Not having to obtain resource consent approval for activities that may not be causing adverse effects but rather be a Permitted Activity.
- (e) Adoption of the Overseer model.

I understand the rationale regarding the approach that has been taken in the Plan which requires new intensive farming operations including dairy, cropping, market gardening and intensive sheep and beef farming to apply for a resource consent for a Controlled Activity. The reports prepared by the Science Team for the Regional Council and provided to the Hearing Panel set out why the approach has been taken in terms of needing to manage the adverse effects from nutrient, faecal and sediment run-off into water bodies and that the most appropriate method of achieving this is through regulation.

My initial comment would be that as a Controlled Activity the application must be approved and the matters over which control is reserved are limited.

The existing operative Land and Water Plan and the Manawatu Catchment Water Quality Regional Plan have controls regarding nitrogen loading. The Land and Water Regional Plan states:

***“DL Rule 4. The rate of application shall be no greater than 150 kgN/hectare in any 12 month period and shall not exceed 50 kgN/hectare in any 24 hour period.”***

As I outlined in the Introductory Section to this report I would like the opportunity to work through the concerns of these submitters to more fully understand their issues. At the moment I have recommended the rejection of the submissions in opposition to the Policy as there is an absence of a viable detailed alternative to that proposed in the Plan.

Mr James suggests that there be a definition for water bodies. The term is defined in the Act and I consider that the cross referencing to this definition is adequate.

Mr Reid raises the suggestion of following the principle of deferred irrigation. The Science Reports detail that this is not required and the Plan manages the potential adverse effects associated with ponding.

The Minister of Conservation and Royal Forest and Bird seek timeframes to be added to the Policy. I consider that the timeframes set out regarding common expiry and review dates provide guidance as to when matters can be assessed and goals established for monitoring and benchmarks for improvement. In addition, the proposed date of 2030 in Objective 6-1 provides a timeframe for implementation.

The Hodges seek compensation for fencing off of water bodies. This is not a matter that can be addressed through the Plan. Monitoring undertaken in

streams is taken at a single point but provide a representative outline of the issues within a catchment. No change is recommended.

#### **4.29.3 Recommendation WTR 29**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.29.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.30 Chapter 6 – Policy 6-8 Point source discharges of water – Water Quality

### 4.30.1 Summary of submission points

#### **Support**

The Minister of Conservation supports the Policy in general. Taranaki Fish and Game, Fish and Game NZ and Ecologic Foundation support Policy 6-8. The support is noted.

#### **Wording Changes**

The New Zealand Fire Service Commission seeks to have Policy 6-8 (b)(iv) specify activities such as fire fighting.

The territorial authorities and New Zealand Pharmaceuticals seek the following changes:

- (a) Clarify what it is that will tip the scales and how this will be interpreted in terms of common catchment expiry dates.
- (b) Best practice needs to be determined.
- (c) Policy (b)(i) be amended in terms of the words “at minimum” to include allowance for improvement works.
- (d) The Policy is inconsistent with Policies 6-3 and 6-4 as Policy 6-8 suggests that a minor effect on water management values might be acceptable and the other two policies indicate no breach is allowed.
- (e) How will the relative loadings from each discharge be allocated?
- (f) Who determines what is best management practice?
- (g) Who determines what is a reasonable time period to achieve improvements?
- (h) Policy 6-8(b) is uncertain as to whether all or only one of the matters in 6-8(b)(i) and (iv) are to be met.
- (i) Policy 6-8(b)(i) requires amendment to allow discharges of a temporary nature which are necessary for undertaking improvement upgrades.
- (j) Policy 6-8(b)(iv) is uncertain as to what may be considered exceptional circumstances.
- (k) Policy 6-8(a) are matters which are to be had regard to, meaning that compliance with the matters is not essential.

Ngati Kahungunu seeks the addition of a specific provision dealing with contaminants and concentrations within the discharge prior to discharge.

Genesis Power wants a new clause added to state the Policy does not apply to discharges from the operation and maintenance of hydro electric power generation.

Winstone Pulp International Ltd wants Policy 6-8 to be amended to deal with the avoidance, remediation or mitigation of effects and to outline that consideration will be given to the extent to which the activity is inconsistent with best management practices. The Policy should also state that an

exception may be provided in circumstances including where the discharge is of a temporary nature and necessary for maintenance work.

Water and Environmental Care Association and other submitters comment that there should be no point source discharges at all unless the discharges are potable and require no mixing zone.

Environment Network Manawatu considers that a 5 year time period would be appropriate. The Manawatu Branch of NZ Green Party wants a clause adding to detail what is a reasonable time to achieve improvement.

Meridian Energy seeks the following:

- (a) Amend clause (a) so that it includes the positive effects of a discharge.
- (b) Deletion of clause (b)(ii) dealing with adverse effects can be offset by financial contributions.
- (c) The addition of a new clause regarding the local, regional and national benefits of a proposal outweighing the adverse effects.

The Minister of Conservation seeks the deletion of clauses (b)(ii) and (iii) dealing with financial contributions and best practicable option.

The Royal Forest and Bird Protection Society seeks a more detailed explanation of what is meant by reasonable time and wants the deletion of clause (b)(ii) dealing with financial contributions.

Horticulture NZ seeks the replacement of best management practices in (a)(iii) with best practicable option.

#### 4.30.2 Evaluation

The New Zealand Fire Service Commission seeks to have Policy 6-8 (b)(iv) specify activities such as fire fighting. It is unclear how this would assist the NZ Fire Service as the Policy deals with discharges rather than takes for fire fighting purposes. I will work through the issue further with the submitter and report back in the Supplementary Report.

The territorial authorities, New Zealand Pharmaceuticals and Winstone Pulp International seek a number of changes to the Policy. A Policy should provide a clear outline of the matters that need to be considered. A number of the suggestions from the submitters could end up making the Policy unwieldy. The detail of a resource consent application and the term granted and the conditions imposed always comes down to a consideration of the particulars of the case. The Policy can only provide an outline of the matters that need to be taken into account and the details of that are set by a Hearing Panel on a case by case basis albeit that other similar consent applications may be taken into account. I will provide examples of how the effects of point source discharges are dealt with currently through the consent process and compare this to a consent process under the Plan in my Supplementary Report.

By way of response I accept that the Policy could provide greater focus on the adverse effects of activities and also in terms of discharges being more temporary in nature. I recommend the following changes to Policy 6-8 as follows:

- (ii) *Whether the discharge in combination with other discharges including non-point source discharges will cause the water quality standards set in Schedule D to be breached and what adverse effects will be created.*

Ngati Kahungunu seeks the addition of a specific provision dealing with contaminants and concentrations within the discharge prior to discharge. I consider that this is implicit in the wording (a)(i) regarding adverse effects. To understand what the adverse effects will be it will be necessary to understand the contaminants and their concentrations.

Genesis Power wants a new clause added to state the Policy does not apply to discharges from the operation and maintenance of hydro electric power generation. I recommend that this submission be rejected as there is no sound resource management reason why hydro electric power generation should be singled out to be any different to any activity where there is the potential for adverse effects on the environment.

Meridian Energy seeks the addition of a new clause regarding the local, regional and national benefits of a proposal outweighing the adverse effects. This is a matter that must be considered in terms of Part 2 of the Act through the resource consent application process. I do not consider it appropriate for inclusion within the Policy.

Water and Environmental Care Association and other submitters comment that there should be no point source discharges at all unless the discharges are potable and require no mixing zone. The rule structure would require an application for resource consent unless the discharge involves a discharge of untreated human effluent to water in which case it is a Prohibited Activity. I consider it appropriate that other discharges can be considered, although I note the Plan does signal the values that are to be protected and the tests would be rigorous. I have included a specific reference to non-point source discharges to clarify the intent of the policy.

Environment Network Manawatu considers that a 5 year time period would be appropriate. The Manawatu Branch of NZ Green Party wants a clause adding to detail what is a reasonable time to achieve improvement. The Royal Forest and Bird Protection Society seeks a more detailed explanation of what is meant by reasonable time. These provisions would still be considered in the context of the common catchment expiry dates and review terms. I consider that time periods need not be specified in the Policy but rather that the Policy sets out that time is a factor for consideration including the term being sought by the Applicant. The changes to Objective 6-1 also provide a timeframe of 2030.

The Minister of Conservation, Royal Forest and Bird Protection Society and Meridian Energy seek the deletion of clauses (b)(ii) and (iii) dealing with financial contributions. Financial contributions may be used as a means of offsetting the effects of an activity and are one factor that needs to be considered. I consider the provision should be retained.

Horticulture NZ seeks the replacement of best management practices in (a)(iii) with best practicable option. Best practicable option is a matter for

consideration under clause (b)(iii). The matter of best management practices under clause (a) is different to this and suggests that in considering a resource consent application whether best management practices have been adopted is a factor to be considered. I recommend no changes to these provisions.

#### **4.30.3 Recommendation WTR 30**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.30.3.1 Recommended changes to provision**

- (a) Amend Policy 6-8 Point Source Discharges to Water in accordance with the changes recommended in track changes for Policy 6-8.

## 4.31 Chapter 6 – Policy 6-9 Point source discharges to land – Water Quality

### 4.31.1 Summary of submission points

#### **Support**

Fish and Game NZ, Federated Farmers of NZ, Ecologic Foundation and the Royal Forest and Bird Protection Society support Policy 6-9. The support is noted.

#### **Wording Changes**

Mr Reid seeks the addition of another matter to cover those persons carrying out intensive farming shall use the principle of land based deferred irrigation.

The territorial authorities seek the following changes:

- (a) Where land has been set aside for the purpose of disposal of waste and wastewater Policy 6-9 should not apply.
- (b) Policy (c) referring to Policies 6-3, 6-4 and 6-5 is uncertain.

Ngati Kahungunu, Water and Environmental Care Association Inc and other supporting submitters seek the deletion of the word “significant” within clause (a).

Horticulture NZ seeks the retention of Policy 6-9 but that Policy 6-7 is made consistent with the approach taken in Policy 6-9.

The Minister of Conservation wants an additional clause within the Policy to cover adverse effects on water bodies and threatened or at risk habitats avoided, remedied or mitigated.

Fonterra considers that Policy 6-9 be amended to exclude the need to consider the Policy where the matter is covered by Rule 13-1.

Taranaki Fish and Game Council wants Policy 6-9(a) amended to refer to ensuring that existing groundwater is maintained or enhanced.

New Zealand Pork Industry Board seeks that the first bullet point within the Policy be placed first. This clause covers the re-use of nutrient and water.

### 4.31.2 Evaluation

Mr Reid raises the suggestion of following the principle of deferred irrigation. The Science Reports detail that this is not required and the Plan manages the potential adverse effects associated with ponding.

I respond to the matters raised by the territorial authorities as follows:

- (a) Where land has been set aside for the purpose of disposal of waste and wastewater Policy 6-9 should not apply. Whether land has been



designated for these purposes or not when an application is made to the Regional Council issues associated with the discharge of contaminants to land need to be considered. The Policy is important in a consideration of the effects of such an activity and should be retained.

- (b) Policy (c) referring to Policies 6-3, 6-4 and 6-5 is intended to signal that these other policies need to be considered. No change is recommended.

Ngati Kahungunu, Water and Environmental Care Association Inc and other supporting submitters seek the deletion of the word “significant” within clause (a). Taranaki Fish and Game Council wants Policy 6-9(a) amended to refer to ensuring that existing groundwater is maintained or enhanced. I have recommended that clause (a) be amended to read as follows (new wording is underlined):

*“(a) ensures that ~~there is no significant degradation of the existing groundwater quality~~ is maintained.”*

The use of the words “significant degradation” I consider to be less certain than reference to maintaining groundwater quality. As outlined previously, improvement in groundwater quality is not certain.

Horticulture NZ seeks the retention of Policy 6-9 but that Policy 6-7 is made consistent with the approach taken in Policy 6-9. I note the support for the approach taken in Policy 6-9. This is a matter I will discuss further with the submitter and return to in my Supplementary Report.

The Minister of Conservation wants an additional clause within the Policy to cover adverse effects on water bodies and threatened or at risk habitats avoided, remedied or mitigated. I consider that clause (c) which refers to the policies dealing with water bodies covers the issues raised in the first part of the submission. In terms of a reference to rare, threatened and at risk habitats I consider it appropriate that the Policy does cover this matter to provide a clear outline to the effects of concern. I recommend the addition of the following point within Policy 6-9:

*“(e) ensures that adverse effects on rare habitats, threatened habitats or at risk habitats are avoided, remedied or mitigated.”*

Fonterra considers that Policy 6-9 be amended to exclude the need to consider the Policy where the matter is covered by Rule 13-1. The Rules need to be supported by Policies both to understand the link between the issues and how the rule was derived and also in considering the appropriate policies when considering an application for resource consent under Rule 13-1. No change is recommended.

New Zealand Pork Industry Board seeks that the first bullet point within the Policy be placed first. This clause covers the re-use of nutrient and water. The Policy is not hierarchical meaning the first point has any more importance than the last point. All matters have to be considered. Re-arranging the order of the points does not achieve anything in my opinion.

### **4.31.3 Recommendation WTR 31**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.31.3.1 Recommended changes to provision**

- (a) Amend Policy 6-9 Point Source Discharges to Land in accordance with the changes recommended in track changes for Policy 6-9.

## 4.32 Chapter 6 – Policy 6-10 Options for discharges to surface water and land – Water Quality

### 4.32.1 Summary of submission points

#### Support

Water and Environmental Care Association and other submitters support Policy 6-10 (a). Taranaki Fish and Game, Ecologic Foundation and Royal Forest and Bird support Policy 6-10. The support is noted.

#### Deletion

Ruapehu District Council seeks the deletion of Policy 6-10.

#### Wording Changes

Affco NZ seeks to have clause (b) amended as follows (new wording is underlined):

- (b) *Withholding from discharging contaminants into surface water at times of low flow where that discharge may cause significant adverse effect.*

Mr Reid seeks the addition of another matter to cover those persons carrying out intensive farming shall use the principle of land based deferred irrigation.

The territorial authorities and NZ Pharmaceuticals seek to have Policy 6-10 remove any preference being given to land based outcomes.

Ngati Kahungunu wants an additional clause added to specify the use of retention ponds or swales to mitigate adverse effects.

Water and Environmental Care Association and other submitters seek the deletion of Policy 6-10 (b) and (c) unless the receiving waterway is of potable quality and the potable discharge requires no mixing zone. .

Horticulture NZ wants the deletion of the Policy or amendments to include consideration of all matters relating to the discharge.

Meridian Energy Ltd seeks to have Policy 6-10 amended so that alternative discharge options are only required when the discharge is likely to result in significant adverse effects.

The Minister of Conservation seeks the addition of the words “*treatment and*” within the first sentence in the Policy after “*the opportunity to utilise alternative*”.

Fish and Game NZ seeks the addition of further criteria as follows:

- (a) Cumulative adverse effects of point source discharges.  
 (b) The respective contributions of non-point and point source discharges.

- (c) Managing point source discharges where background levels of contaminants from non-point source discharges breach the standards.

Federated Farmers note that discharges to water may be more appropriate to dilute and breakdown heavy metal.

#### 4.32.2 Evaluation

For the reasons set out below I recommend that those submissions that seek to delete Policy 6-10 be rejected.

Changes are sought by Affco NZ to clause (b) to refer to significant adverse effect and Meridian Energy Ltd seeks to have Policy 6-10 amended so that alternative discharge options are only required when the discharge is likely to result in significant adverse effects. I consider these changes are not necessary as the first paragraph within the Policy makes it clear that the alternative options are considered for the purpose of mitigating adverse effects. I do consider it appropriate that the wording within the first paragraph covers avoiding as well as mitigating adverse effects.

Mr Reid seeks the addition of another matter to cover those persons carrying out intensive farming shall use the principle of land based deferred irrigation. As discusses previously the Plan manages potential adverse effects associated with ponding.

The territorial authorities and NZ Pharmaceuticals seek to have Policy 6-10 remove any preference being given to land based outcomes. I do not consider the intent of the Policy is to signal any preference but rather signal that alternatives to discharges to water need to be considered in relation to mitigating adverse effects. I can see that the inclusion of the words “*in preference to*” within clause (a) may lead to the notion of preference being given. I recommend that clause (a) be re-worded as follows:

*“(a) discharging contaminants onto land ~~in preference to~~ rather than discharging contaminants into water.”*

Ngati Kahungunu wants an additional clause added to specify the use of retention ponds or swales to mitigate adverse effects. I consider that these options are implicit in the wording of clauses (b) and (c). I do not recommend any change.

Water and Environmental Care Association and other submitters seek the deletion of Policy 6-10 (b) and (c) unless the receiving waterway is of potable quality and the potable discharge requires no mixing zone. The Policy signals that alternatives to discharging to water need to be considered. The values within Schedule D would be considered during a resource consent application process and water supply values would be one matter that would be considered. No change is recommended.

Horticulture NZ wants the deletion of the Policy or amendments to include consideration of all matters relating to the discharge. All matters would be considered and other Policies within the Plan cover the other matters of relevance to resource consent applications for discharges. No change is recommended.

The Minister of Conservation seeks the addition of the words “*treatment and*” within the first sentence in the Policy after “*the opportunity to utilise alternative*”. I consider that in the context of this sentence treatment is appropriate along with the term discharge and I recommend the inclusion of the word “*treatment*”.

Fish and Game NZ seeks the addition of a number of further criteria covering cumulative adverse effects, contributions of non-point and point source discharges and managing point source discharges where background levels of contaminants from non-point source discharges breach the standards. Policy 6-10 covers options or alternatives in terms of discharges to water and land. The matters being raised by Fish and Game are dealt with in other Policies e.g. Policy 6-8.

Federated Farmers notes that discharges to water may be more appropriate to dilute and breakdown heavy metal. The comment made by Federated Farmers is noted. Heavy metals are contaminants that are not broken down but rather accumulate and have the potential to result in adverse effects on shellfish and other fish species.

#### **4.32.3 Recommendation WTR 32**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.32.3.1 Recommended changes to provision**

- (a) Amend Policy 6-10 Options for Discharges Surface Water and Land in accordance with the changes recommended in track changes for Policy 6-10.

## 4.33 Chapter 6 – Policy 6-11 Human sewage discharges – Water Quality

### 4.33.1 Summary of submission points

#### Support

Taranaki Fish and Game, Ecologic Foundation, Royal Forest and Bird and Fish and Game NZ support Policy 6-11. Sustainable Whanganui supports the target date for the change from direct discharges to treatment systems. The support is noted.

#### Wording Changes

Pahiatua On Track Inc considers water quality for discharges from small urban communities should be considered on a case by case basis.

NZ Police states that the requirement for land based disposal is excessive at sites that already have good treatment systems. And the Ministry of Education asks for clarification as to how schools would be dealt with where they do not have sufficient land area available for disposal.

The territorial authorities seek the following:

- (a) Add the words “*or equivalent*” to Policy 6-11.
- (b) Amend the Policy to refer to an alternative system that is acceptable to the iwi body with manawhenua over the area before entering a water body.

Ngati Kahungunu seeks to have clause (a) amended to refer to “an *approved* rock filter or wetland system”. The submitter also seeks to have the year 2020 in clause (b) changed to 2018. Landlink Ltd wants the reference to the year 2020 altered by specifying a percentage of existing direct discharges changing to a treatment system by 2017.

Water and Environmental Care Association and other submitters generally support the Policy but want changes to clause (a) to state all new discharges shall be treated and discharged to land or shall undergo further treatment to ensure the discharge is potable and then it can be discharged to water with no mixing zone. The submitters also want to ensure that it is compulsory for all territorial authorities to install water meters in all communities so that sewage treatment is improved and less volume is discharged.

### 4.33.2 Evaluation

Pahiatua On Track Inc, NZ Police and the Ministry of Education all raise concerns as to how small communities, schools and the like will be dealt with. The submissions from the territorial authorities seek to have alternatives to the matters listed in clause (a) considered. Having considered these submissions I would note that the Policy does not specify that the discharge must be to land but other alternatives are outlined. I do not consider it appropriate to state in a Policy that approval for alternative systems could be provided by a third party namely a mandated iwi authority. In terms of the submissions

concerned about implications on smaller scale activities and cost and potential land acquisition issues, I do consider the submitters have a valid point. What happens if there is a viable alternative that is not listed that could achieve the same environmental outcome i.e deal with the effects on Mauri? I recommend that clause (a) be re-worded as follows (or similar):

*“(a) all new discharges of treated human sewage shall be applied onto land, or flow overland, or pass through a rock filter or wetland treatment system or alternative system that mitigates the effects on the mauri of the receiving surface water body.”*

Ngati Kahungunu seeks to have clause (a) amended to refer to “an *approved* rock filter or wetland system”. For the reasons outlined above I consider it inappropriate to have the approval of a third party through the Policy which I think is what is intended in the submission. The rock filter or alternative would ultimately have to be approved by the decision maker.

In terms of altering the year 2020 in clause (b) to either 2018 or 2017 I would note that any date is arbitrary. The year 2020 has not been submitted on by other parties and therefore appears to be acceptable. Pulling the date back to an earlier time I consider has implications for other parties and on that basis I do not recommend any change to the date.

Landlink Ltd wants clause (b) to specify a percentage of existing direct discharges that has to change to a treatment system. The submitter does not specify what this percentage should be. I consider including a percentage within the Policy would introduce uncertainty e.g. how would those that had to comply and those that did not be determined? Would it be a first come first served basis until the percentage figure is reached? I do not recommend any change.

Water and Environmental Care Association and other submitters generally support the Policy but want changes to clause (a) to state all new discharges shall be treated and discharged to land or shall undergo further treatment to ensure the discharge is potable and then it can be discharged to water with no mixing zone. I consider the wording I have recommended above meets the concerns of the submitter in that other alternative systems could be considered.

In terms of the matters raised regarding making it compulsory for all territorial authorities to install water meters, there are significant cost implications for requiring water meters through communities. Whilst I accept the intent of the submission is understandable I consider this is a non-regulatory method that needs to be worked through with the territorial authorities.

#### **4.33.3 Recommendation WTR 33**

(a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.35.4.1 Recommended changes to provision**

(a) Amend Policy 6-11 Human Sewage Discharges in accordance with the changes recommended in track changes for Policy 6-11.

#### **4.34 Chapter 6 – Policy 6-12 Reasonable and justifiable need for water - Ground and Surface Water Allocation**

##### **4.34.1 Summary of submission points**

###### **Support**

Mighty River Power and the Minister of Conservation support clauses (a)(i) to (iii). Taranaki Fish and Game and Fish and Game New Zealand support Policy 6-12 and want it to be retained. The support is noted.

###### **Wording Changes**

The Eketahuna Community Board wants the Regional Council to review and revise the allocation provisions upwards for the quantity of water permitted to be taken.

Pahiatua On Track Inc considers water quality for discharges from small urban communities should be considered on a case by case basis.

Affco seeks to have Policy 6-12(a)(ii) amended to only refer to assessing applications on the basis of irrigation application efficiency of the proposed irrigation method.

Ruahine River Care Group does not want territorial authorities to make substantial volumes of water available to industry from town water supplies. This submission is noted. Issues as to efficiency and how the water is used would be considered through the resource consent process.

The territorial authorities want the following:

- (a) Water allocation to allow for a reasonable use figure to be agreed by each community taking into account future growth and allocation for legitimate community needs and uses.
- (b) There must be a reasonable timeframe for the collection of data required by the Plan.
- (c) The deletion of Policy 6-12 or the removal of public water supplies from the Policy.

Mid Central Health seeks to change the last sentence within clause (c) to replace “*relevant territorial authority*” with “*relevant water supplier*”. The submitter seeks to have the allocation for leakage changed to 25% and also to ensure that clause (c)(iii) considers economic wellbeing.

Sustainable Whanganui asks will the allocation for urban areas be acceptable if there is a change in climate and the region has a water deficit.

Ngati Kahungunu wants Policy 6-12 amended to refer to stock needs for drinking.



Ruahine White Water Club and NZ Recreational Canoeing Association want the Policy to refer to recreational water use and recreational paddling is explicitly recognised as a reasonable, justifiable and efficient use of water.

Rangitikei Aggregates considers that clause (b) is onerous for industry in terms of best management practices for water efficiency.

CPG NZ seeks an explanation be added outlining the reason why 300 litres per person per day has been selected.

Winstone Pulp International wants clause (b) amended so that water allocation for industrial uses shall be calculated in consultation with industrial water users.

Environment Network Manawatu and the Manawatu Branch of the NZ Green Party want the final paragraph to specify a timeframe regarding existing allocation.

Horticulture NZ wants clause (a)(iii) to link actual irrigation use with soil moisture measurements or daily soil moisture budgets in consent conditions.

Trust Power wants renewable energy generation in the regional or national interest added to clause (b).

Meridian Energy wants the first paragraph altered to focus on the water being required for the intended use rather than being reasonable and justifiable for the intended use. In addition, the submitter wants a new clause added to provide for hydro electricity generation and allocation of water for that purpose.

Environment Waikato requests a review of the calculation for reasonable need for public water supplies and the development of a number based on Ministry of Health recommendations. The submitter also requests that the Regional Council works with them to develop and apply a common methodology for determining reasonable use.

Fonterra wants the policy to refer to stock drinking water. And the submitter also seeks to have clause (b)(iii) specify that best management practices will be developed in consultation with industry.

Federated Farmers want clause (c)(iii) altered to read:

*“Set an industrial use allocation limit and require adherence to best management practices for water efficiency.”*

Federated Farmers also want an additional clause within the Policy to provide an incentive to reduce leakage and efficiency of use.

Landlink Ltd wants an additional clause which would consider the potential for and availability of water recycling.

Royal Forest and Bird seeks a review of all water takes within the first year of the Plan becoming operative and all current consents being assessed against the criteria in the Policy.

#### 4.34.2 Evaluation

Policy 6-12 deals with water takes for irrigation, public water supply or industrial use. It sets out clear parameters as to the matters that will be taken into account. The Science Reports set out the rationale as to why rates such as 80% efficiency for irrigation, 15% for leakage and 300 litres per person per day for domestic needs were derived. I have not seen any specific alternatives being put forward by the submitters at this point in time. I will work through the details of the submissions further with the parties and return to these matters in the Supplementary Report. These Science Reports provide the explanations being sought in the submission from CPG NZ regarding why 300 litres per person per day was selected and Environment Waikato regarding calculations for reasonable need.

The volumes of water outlined in Schedule B are altering as a result of the review undertaken by the Science Team. These changes will assist in addressing the concerns raised by the Eketahuna Community Board and Mid Central Health.

In terms of alterations to irrigation application efficiency the Policy clearly establishes that regardless of the type of irrigation equipment used the efficiency rate needs to be 80%. At this point in time I recommend the submission from Affco, be declined on the grounds that what is being put forward by the submitters would be uncertain in terms of a Policy approach. I understand the concerns are potential costs associated with upgrading irrigation equipment and this is a matter I would like to work through with the submitters and return to in my Supplementary Report.

The submissions from the territorial authorities, regarding setting figures on a community by community basis provide little certainty in terms of a policy approach. I do however, recognise that the Policy needs to acknowledge that there may be cases where public water supply for other amounts, other than the calculated amounts could still lead to the sustainable management of the water body. To that end I recommend the following changes to the last paragraph within Policy 6-12:

*"Where the existing allocation for public water supply exceeds the allocation calculated in accordance with subsections (i) to (vi) above, ~~the Regional Council will establish, in consultation with the relevant Territorial Authority,~~ consideration will be given to a timeframe by which the existing allocation can ~~shall~~ be reduced to the calculated amount.*

I have recommended the deletion of the sentence that refers to the Regional Council in consultation with the Territorial Authorities from the above paragraph. This wording does not reflect what will actually occur through a resource consent Hearing process where it will be for both parties to put their position forward and for the Hearing Panel to make the decision. This change also recognises the comments made by Mid Central Health.

The submission from Ngati Kahungunu wants stock water included. The Policy only deals with irrigation, public water supply and industrial use. Stock water needs are dealt with through the Permitted Activity rules (i.e. Rule 15-1) and Policy 6-19. Policy 6-19 also deals with essential take issues such as the needs of hospitals which is a matter that has been raised by the territorial authorities.

The issues raised by submitters regarding the ability to continue recreational uses of water bodies is a not a matter that is regulated through the Plan and those activities can continue.

Winstone Pulp International and Fonterra seek changes to the wording of clause (b) to include a requirement for consultation with individual industrial water users. The Policy cannot refer to consultation as the Policy is a matter which is considered through a consent process and consultation needs to occur outside of that process. I consider the methods within the Plan recognise the need for consultation with all parties over a range of matters.

Environment Network Manawatu and the Manawatu Branch of the NZ Green Party want the Policy to specify a date by which the consultation will establish timeframes by which allocation amounts are reduced. Given the changes recommended above there will be no reference to consultation. The issue of dates will be established through the consent terms imposed on individual consents which will be aligned with common catchment expiry dates.

Horticulture NZ seeks the inclusion of the words “or daily soil moisture budgets” within clause (a)(ii). I consider the wording which states soil moisture measurements is broad enough to encompass soil moisture budgets. I will discuss this matter further with the submitter.

In terms of the submissions from the hydro electricity companies I consider the term industrial use is broad enough to cover hydro electric power generation. To that end I do not consider it necessary to make the changes being sought.

Federated Farmers seeks to add a clause which provides incentives for reducing leakage. This is a non-regulatory method rather than a Policy and therefore I do not recommend it be included within Policy 6-12.

Landlink wants the addition of a clause to outline the potential for water recycling. This is a matter that I consider is dealt with through Policy 6-14 which looks at alternative water sources and therefore I do not recommend any change to Policy 6-12.

The submission from Royal Forest and Bird seeks a review of all water takes within the first year of the Plan becoming operative. Individual water takes expire at different times subject to the term imposed on the consent. At the time a consent term expires and a new application is made then there will be a review of the water take.

#### **4.34.3 Recommendation WTR 34**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.34.3.1 Recommended changes to provision**

- (a) Amend Policy 6-12 Reasonable and Justifiable Need for Water in accordance with the changes recommended in track changes for Policy 6-12.

## 4.35 Chapter 6 – Policy 6-13 Efficient use of water - Ground and Surface Water Allocation

### 4.35.1 Summary of submission points

#### **Support**

Ruahine River Care Group, Taranaki Fish and Game, Fish and Game NZ and the Minister of Conservation supports Policy 6-13 dealing with efficiency. Meridian Energy supports clause (c) regarding transfer of water permits. The support is noted.

#### **Deletion**

TrustPower wants the Policy to be deleted.

#### **Wording Changes**

The territorial authorities seek an acknowledgement that the progressive upgrade of water reticulation to minimise losses will occur until the reasonable need limits are met as set out in Policy 6-12.

Higgins Group wants the Policy to clarify that efficient use does not mean use it or lose it.

Water and Environmental Care and other submitters including Landlink and Ms Baird want the Policy to require the compulsory installation of water metering, that no commercial trading be allowed and the insertion of a clause encouraging roof water collection systems.

Meridian Energy wants hydro electricity generation to be exempt from clause (a) which covers water audits and budgets. And seeks to have the clause covering metering of water takes also apply to Permitted Activities.

Federated Farmers wants clause (a), dealing with water audits to also specify that it applies to public water supply infrastructure. The submitter also wants clause (e) to specify that water metering will occur where appropriate and practicable.

Diana Baird wants the Regional Council to provide, maintain and monitor water meters.

Royal Forest and Bird wants the Policy to apply to all existing water allocations.

### 4.35.2 Evaluation

The territorial authorities seek an acknowledgement that the progressive upgrade of water reticulation to minimise losses will occur until the reasonable needs limits are met as set out in Policy 6-12. I recommend the following addition to clause (b) to recognise this issue:

“(b) *requiring the use of, or progressive upgrade to, infrastructure for water distribution that minimises use and loss of water to the level set out in Policy 6-12.”*

The submission from Higgins Group is concerned that the Policy implies that efficient use may mean use it or lose it. I consider that the reference to the ability to transfer permits in the Policy is a signal that if someone is not using water then there should be alternatives considered to ensure water is being used efficiently and not locked up not being used. I consider that no change is required to the Policy as not using a resource is not efficient.

Water and Environmental Care and other submitters including Landlink and Ms Baird want the Policy to require the compulsory installation of water metering. I consider that this matter is adequately addressed through Policy 6-14 and no change is required to Policy 6-13.

These submitters also sought that no commercial trading be allowed. The Policy signals that the transfer of permits is a possible option. The Policy is not signalling that the Plan endorses someone selling water for a use not intended in the consent application. This would be a matter of checking compliance with what has been granted and what the intended use of the water was as outlined in the consent application. No specific change to the Policy is recommended.

Meridian Energy wants hydro electricity generation to be exempt from clause (a) which covers water audits and budgets. I am not clear as to the rationale why they should be exempt. Like any other take efficiency is an issue and should be considered. If there are any particular problems then this could be assessed through the consent process. No change is recommended.

Meridian also seeks to have the clause covering metering of water takes also apply to Permitted Activities. I do not consider that this is appropriate by way of a Permitted Activity standard. The volume of water provided for through the Permitted Activity rules are low and set at a level where adverse effects can be avoided.

Federated Farmers wants clause (a), dealing with water audits to also specify that it applies to public water supply infrastructure. The Policy does not single out any activity and therefore I consider it is broad in its application and would also be considered in relation to public water supply infrastructure. No change is recommended.

Federated Farmers also wants clause (e) to specify that water metering will occur where appropriate and practicable. I consider the wording where appropriate or practicable adds a vagueness to the Policy rather than clarifying matters. I do however, recommend that clause (e) be amended to focus on the issue of concern which is water use monitoring rather than the installation of a water meter which is but one mechanism. I recommend changes as follows:

- (e) undertaking water use monitoring including by installing water metering and telemetry to monitor water use.

Diana Baird wants the Regional Council to provide, maintain and monitor water meters. The Regional Council do this when there are broader state of the environment issues involved. Where a water take is for an individual or community benefit then the monitoring costs should fall on that person or organisation rather than the rate payers of the Region. This is a broader philosophical matter which goes beyond the Plan.

Royal Forest and Bird wants the Policy to apply to all existing water allocations. The Policy can be considered when an application for resource consent is made.

#### **4.35.3 Recommendation WTR 35**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.35.3.1 Recommended changes to provision**

- (a) Amend Policy 6-13 Efficient Use of Water in accordance with the changes recommended in track changes to Policy 6-13.

## 4.36 Chapter 6 – Policy 6-14 Consideration of alternative water sources - Ground and Surface Water Allocation

### 4.36.1 Summary of submission points

#### Support

Taranaki Fish and Game, Fish and Game NZ and Royal Forest and Bird Protection support the Policy. The support is noted.

#### Wording Changes

The territorial authorities want Policy 6-14 removed or amended so that it only applies to community water supplies recognised under Policy 3-1 if the community's needs exceed the core allocation.

Horticulture NZ wants the Policy to provide for water harvesting or storage including use of high flows for storage.

Mighty River Power wants the Policy amended to add that alternative water sources are only considered where it is reasonable to do so and where existing consent holders will not be adversely affected.

Meridian Energy wants the following words to be added to the end of the Policy, *"when the take is likely to have significant adverse effects"*.

The Minister of Conservation seeks the following wording for Policy 6-14:

*"When making decisions on consent applications which exceed the core allocation and minimum flow provisions set in this plan, preference shall be given to the utilisation of alternative sources such as groundwater or water storage where this does not involve damming of natural water bodies."*

Federated Farmers wants the inclusion of the words "where practicable within the Policy". The submitter also wants the Policy to promote water storage and provide guidance as to the planning framework around storage and use of peak flow periods.

### 4.36.2 Evaluation

Having considered the matters raised by the submitters I consider the wording within the Policy could be clearer in terms of when the Policy applies. I recommend the following wording changes:

*"When making decisions on consent application to take surface water the opportunity to utilise alternative sources such as groundwater or water storage including harvesting during periods of high flow in a water body, shall be considered."*

These changes aim to address the concerns of most of the submitters. Where I have not accepted or accepted in part the submission it is because I consider

the wording being proposed by the submitter does not provide any greater clarity in terms of the intent of the Policy.

#### **4.36.3 Recommendation WTR 36**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.36.3.1 Recommended changes to provision**

- (a) Amend Policy 6-14 Consideration of Alternative Water Sources in accordance with the changes recommended in track changes for Policy 6-14.



#### **4.37 Chapter 6 – Policy 6-15 Overall approach for surface water allocation - Ground and Surface Water Allocation**

##### **4.37.1 Summary of submission points**

###### **Support**

The Minister of Conservation, Taranaki Fish and Game Council and Fish and Game NZ support Policy 6-15. The support is noted.

###### **Wording Changes**

Bert Judd seeks the installation of water meters on every farm and that the take is monitored and if it exceeds what is provided for then it is shut off. Mr Judd also seeks encouragement for farmers to look at alternatives and that financial incentives and disincentives are imposed to achieve this.

Ruapehu District Council wants the core allocations and minimum flows to be assessed after any takes for the community followed by hydro electricity generation.

TrustPower Ltd and Mighty River Power want Policy 6-15 amended to include existing takes for hydro-electricity generation as part of the core allocation. TrustPower also seeks to provide the option of applying for additional core allocation.

Royal Forest and Bird seeks a timeframe in which the policy will be realised.

##### **4.37.2 Evaluation**

Bert Judd seeks the installation of water meters on every farm and that financial incentives and disincentives are imposed. I consider these matters are non-regulatory methods and can be worked through outside of the Plan. I note that where a resource consent is required that a meter is required as part of the consent conditions to record water volumes. I note that the Compliance Team at the Council will follow up and take the appropriate action including enforcement where monitoring data shows there are non-compliances.

Ruapehu District Council wants the core allocations and minimum flows to be assessed after any takes for the community followed by hydro electricity generation. The core allocations have been taken into account in relation to existing hydro electric schemes.

TrustPower Ltd and Mighty River Power want Policy 6-15 amended to include existing takes for hydro-electricity generation as part of the core allocation. I consider that Policy 6-16 that deals with core allocation makes it clear that existing hydro electricity takes have been taken into account in setting the core allocation. I do not recommend any changes to Policy 6-15.

TrustPower also seeks to provide the option of applying for additional core allocation. The Policy recognises this through clause (d) supplementary allocations.

Royal Forest and Bird seeks a timeframe in which the policy will be realised. The timeframe is in large part dictated by the time when a consent expires and a new application has to be made. The common catchment expiry dates will in the longer term allow for an alignment of all consents and an allocation system clearly established. The changes to Objective 6-1 also sets a timeframe of 2030. No change is recommended.

I have recommended the deletion of clause (b) which refers to local water conservation orders as there are no local water conservations orders in place.

#### **4.37.3 Recommendation WTR 37**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.37.3.1 Recommended changes to provision**

- (a) Amend Policy 6-15 Overall Approach for Surface Water Allocation in accordance with the changes recommended in track changes for Policy 6-15.

## 4.38 Chapter 6 – Policy 6-16 Core water allocation and minimum flows - Ground and Surface Water Allocation

### 4.38.1 Summary of submission points

#### **Support**

Genesis Power, the Minister of Conservation, Taranaki Fish and Game Council, Fish and Game NZ and Royal Forest and Bird supports Policy 6-16. The support is noted.

#### **Deletion**

The submissions from White Heron Ltd, Charlie Pedersen, Neil Filer, Rod Southgate, David Collis, Robert Castles, Cammock Farms, Riverside Agricultural, Jamieson Agricultural, Julie Campbell, Tahamata Incorporated, Landcorp Farming, Hamlin Family Trust, the Blatchford's, Dermot Miller, Jim Stewart, Poplar Partnerships, Alan Cooper, Anthony Rogers, Paul Barber and Fonterra seek the deletion of Policy 6-16.

Ruahine River Care Group is opposed to restricting available water on a sub zone basis.

#### **Wording Changes**

Wayne Shailer wants to see the scientific figures to support the approach taken in the Plan.

Ruapehu District Council wants the core allocations and minimum flows to be assessed after any takes for the community followed by hydro electricity generation.

Ngati Kahungunu requests that the minimum flows and core allocations should be assessed after takes for domestic use and stock requirements. Federated Farmers wants the Policy to recognise the minimum flows and core allocation have been assessed after any takes for hydro electric power and an individual's and animals reasonable needs for drinking water have been taken.

Horticulture NZ wants a further clause to state that current water takes will be assessed as core allocations when consent renewals are sought.

Mighty River Power wants the Policy to be limited only to existing consents for hydro electricity generation and the existing takes are included within the permitted water allocation regime. Meridian Energy wants the Policy to refer to both new and existing takes for hydro electricity generation and want to see how the Policy works in practice.

Environmental Working Party and Nga Pae o Rangitikei want the Council to consult and collaborate on all decisions regarding water quantity and allocation with their rohe.

#### 4.38.2 Evaluation

I am not recommending the deletion of Policy 6-16 as it establishes the framework for the provisions within the Plan covering core water allocation and minimum flows. The use of sub zones allows for a more accurate description of the values of importance across parts of a catchment. As I noted before whilst I am not at this stage recommending deletion of a core Policy I will work through the matters further with the submitters and return to the issues in my Supplementary Report.

I would commend Mr Shailer to read the supporting Scientific reports that have been provided to the Hearing Panel to understand the science behind the approach taken in the Plan. Mr Shailer's submission is noted.

Ruapehu District Council wants the core allocations and minimum flows to be assessed after any takes for the community followed by hydro electricity generation. Ngati Kahungunu and Federated Farmers request that the minimum flows and core allocations should be assessed after takes for domestic use and stock requirements. The rules within the Plan provide for specified reasonable amounts of water to be taken as a Permitted Activity without the need to apply for a resource consent. These rules recognise that the reasonable needs of stock and human drinking water need to be provided for. Where these volumes are exceeded then a resource consent application is required.

Horticulture NZ wants a further clause to state that current water takes will be assessed as core allocations when consent renewals are sought. I understand the Act signals that existing consents that re-apply are given priority. No change is recommended.

Mighty River Power wants the Policy to be limited only to existing consents for hydro electricity generation and existing takes being included within the permitted water allocation regime. Meridian Energy wants the Policy to refer to both new and existing takes for hydro electricity generation and want to see how the Policy works in practice. The Policy should only apply to existing hydro electricity takes not new ones as the framework cannot allocate unknown volumes of water in advance. I recommend the wording within the Policy be amended to recognise this as follows:

- (b) The minimum flows and core allocations set out in Schedule B shall be assessed after any takes lawfully established at the time the plan becomes operative for hydro electricity generation have been taken. ~~The only exception to this will be the hydro electricity takes from the Zone Whau\_3c."~~

I have recommended the removal of the last sentence from the Policy as a consequential amendment as there is only one hydro electricity take in the Zone and it is included in the allocation framework.

Environmental Working Party and Nga Pae o Rangitikei want the Council to consult and collaborate on all decisions regarding water quantity and allocation within their rohe. The decision as to who is potentially adversely affected needs to be considered in relation to a particular resource consent application. I consider it inappropriate for the Policy to specify that iwi will be consulted on all decisions regarding water quantity and allocation. Outside of

the resource consent framework the Regional Council will work with iwi on water issues and this is reflected in Methods covering in particular trout spawning habitat and water quality improvement in Section 6.

#### **4.38.3 Recommendation WTR 38**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.38.3.1 Recommended changes to provision**

- (a) Amend Policy 6-16 Core Water Allocation and Minimum Flows in accordance with the changes recommended in track changes for Policy 6-16.

## 4.39 Chapter 6 – Policy 6-17 Approach to setting minimum flows and core allocations - Ground and Surface Water Allocation

### 4.39.1 Summary of submission points

#### **Support**

Winstone Pulp International, the Minister of Conservation, Taranaki Fish and Game Council and Fish and Game NZ support Policy 6-17. The support is noted.

#### **Delete**

Fonterra considers that Policy 6-17 should be deleted.

#### **Wording Changes**

Mr James questions the lack of information on the environmental flow requirements of aquatic species.

Horticulture NZ wants the Policy amended to state the methodology of how the hydrological data will be used to set the minimum flows and core allocations.

Mighty River Power and Meridian Energy want the addition of the following to clause (b):

*“It is recognised that more detailed studies may show that minimum flows lower than that specified in Schedule B may be appropriate in particular situations.”*

Federated Farmers wants an amendment to the Policy to state the methodology and approach in setting the allocable flow and core allocations.

Royal Forest and Bird states that clause (b) should be set at a more conservative level to protect indigenous freshwater ecosystems.

### 4.39.2 Evaluation

I am not recommending the deletion of Policy 6-17 as it establishes the framework for the provisions within the Plan covering core water allocation and minimum flows. As I noted before whilst I am not at this stage recommending deletion of a core Policy I will work through the matters further with the submitters and return to the issues in my Supplementary Report.

I would commend Mr James to read the supporting Scientific reports that have been provided to the Hearing Panel to understand the science behind the approach taken in the Plan. Mr James's submission is noted.

Horticulture NZ wants the Policy amended to state the methodology of how the hydrological data will be used to set the minimum flows and core

allocations. I will return to this matter after discussing it further with the submitter.

Mighty River Power and Meridian Energy want the addition of the following to clause (b):

*“It is recognised that more detailed studies may show that minimum flows lower than that specified in Schedule B may be appropriate in particular situations.”*

In response, I understand the submitters want to allow for alternatives. I consider these can be dealt with through the resource consent process but I will discuss these matters further with the Submitters.

Federated Farmers wants an amendment to the Policy to state the methodology and approach in setting the allocable flow and core allocations. This is outlined in the Science Reports provided to the Hearing Panel. I do not consider it necessary to reflect this information within the Policy as the Policy is clear in its intent.

Royal Forest and Bird states that clause (b) should be set at a more conservative level to protect indigenous freshwater ecosystems. Amendments are proposed to the Schedule to reflect the latest scientific information and to the extent that these changes seek to protect indigenous freshwater ecosystems the concerns of the submitter are met.

#### **4.39.3 Recommendation WTR 39**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.39.3.1 Recommended changes to provision**

- (a) Amend Policy 6-17 Approach to Setting Minimum Flows and Core Allocations in accordance with the changes recommended in track changes for Policy 6-17.

## 4.40 Chapter 6 – Policy 6-18 Supplementary water allocation – Ground and Surface Water Allocation

### 4.40.1 Summary of submission points

#### Support

Taranaki Fish and Game Council and Fish and Game NZ support Policy 6-18. The support is noted.

#### Deletion

Fonterra seeks the deletion of Policy 6-18.

#### Wording Changes

The territorial authorities want public water supplies set as a priority in the allocation of supplementary water.

Horticulture NZ wants the Policy to ensure that only new water takes are assessed as supplementary allocations – not existing takes.

Mighty River Power seeks to have clause (b)(iii) exclude hydro electricity from the concept of supplementary water allocation.

The Minister of Conservation seeks an additional statement at the end of (b)(i) to state: “or lead to a significant departure from the natural flow regime, including frequency of flushing flows.” The submitter also seeks to have the words “including availability for native fish and trout” after Schedule D in clause (b)(ii).

Federated Farmers wants an additional clause added to Policy 6-18:

*(c) Applications for renewal of existing consents will be considered against the previous allocation category.”*

### 4.40.2 Evaluation

I am not recommending the deletion of Policy 6-18 as it establishes the framework for the provisions within the Plan covering supplementary water allocation. As I noted before whilst I am not at this stage recommending deletion of a core Policy I will work through the matters further with the submitters and return to the issues in my Supplementary Report.

The territorial authorities want public water supplies set as a priority in allocation of supplementary water. I consider the matter of essential takes is adequately and appropriately dealt with in Policy 6-19.

Horticulture NZ wants the Policy to ensure that only new water takes are assessed as supplementary allocations – not existing takes. Federated Farmers wants an additional clause added to Policy 6-18:



(c) *Applications for renewal of existing consents will be considered against the previous allocation category.*

As outlined previously I understand the Act provides priority for existing consents. No change is recommended.

Mighty River Power seeks to have clause (b)(iii) exclude hydro electricity from the concept of supplementary water allocation.

The Minister of Conservation seeks an additional statement at the end of (b)(i) to state: *“or lead to a significant departure from the natural flow regime, including frequency of flushing flows.”* I accept that this wording assists in clarifying the intent of the provisions and I recommend the changes proposed be accepted.

The submitter also seeks to have the words *“including availability for native fish and trout”* after Schedule D in clause (b)(ii). Schedule D includes a number of values of which fish habitat is one. I consider it inappropriate to narrow the focus within the Policy.

#### **4.40.3 Recommendation WTR 40**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.40.3.1 Recommended changes to provision**

- (a) Amend Policy 6-18 Supplementary Water Allocation in accordance with the changes recommended in track changes for Policy 6-18.

#### **4.41 Chapter 6 – Policy 6-19 Apportioning, restricting and suspending takes in times of low flow - Ground and Surface Water Allocation**

##### **4.41.1 Summary of submission points**

###### **Support**

The Department of Corrections supports the inclusion of Corrections facilities within the Policy. The Department notes the incorrect number referencing which is not sequential starting from (i). The support for the Policy is noted and the number referencing within the clauses is recommended to be amended.

The New Zealand Fire Service Commission supports the reference to fire fighting purposes within clause (a). The support is noted.

Winstone Pulp International and NZ Defence support clause (b)(vi). The support is noted.

The territorial authorities and Fish and Game NZ support Policy 6-19. The support is noted.

###### **Deletion**

The Palmerston North City Council seeks the deletion of the Policy.

###### **Wording Changes**

The submissions from Neville Pearson, White Heron Ltd, Charlie Pedersen, Neil Filer, Rod Southgate, David Collis, Robert Castles, Cammock Farms, Riverside Agricultural, Jamieson Agricultural, Julie Campbell, Tahamata Incorporated, Landcorp Farming, Hamlin Family Trust, the Blatchford's, Dermot Miller, Jim Stewart, Alan Cooper, Anthony Rogers and Paul Barber seek the deletion of Policy 6-19. In addition, the submitters seek that the Policy refers to the reasonable needs for water to carry out sanitation of farm dairies.

The Ministry of Education seeks to have the Policy recognise education facilities as essential takes.

J N Tripe wants to ensure the Policy covers existing uses.

Livestock Improvement Corp Ltd and Ag Research Ltd want to include reference to agricultural research centres within clause (v).

Sustainable Whanganui considers the Plan should actively promote composting toilets as a means of reducing water usage.

Horizons Regional Council seeks specific wording changes to clause (b) (iv) and (vi) which specify what are the reasonable needs for domestic human consumption of water and animal drinking water needs. Landlink Ltd states that public water supplies should not exceed 250 litres per person per day.

Ruahine White Water Club and NZ Recreational Canoeing Association want the Policy amended to not only include minimum flows when considering ceasing non-essential takes but to also include minimum quality levels.

Genesis Power Ltd seeks to have hydro electricity generation exempt from the Policy. And Mighty River Power wants the take and use of water for hydro electricity allowed to continue regardless of river flow and regardless of whether the water taken is part of the core allocation. TrustPower Ltd wants the Policy to include a new clause which would state that consents for hydro electricity be allowed to continue to the allowable minimum flow and recognising the importance of energy generation to the national interest. TrustPower wants the Policy amended to provide that low flow restrictions will be applied on a “first in is the last out” basis.

Water and Environmental Care Association Inc and other submitters want clause (c)(ii) amended to state that water takes are allowed to recommence once the river flow has risen above its minimum flow and all ecological values have been re-assessed.

NZ Defence wants defence facilities added within clause (b)(v).

Horticulture NZ seeks specific amendments to the Policy including:

- (a) Amending the Policy to provide for a staged reduction in takes as the flow reduces. Ensuring that irrigators who have used only a small portion of their allocation are not penalised against those who have used more. This point is also raised in the submission from Federated Farmers.
- (b) Ensure the supplementary allocation ceases at a point above low flow and not at the low flow point.
- (c) In times of low flow public water supply should be reduced to 180 litres per person per day for domestic use.

The Minister of Conservation seeks the following changes:

- (a) Clause (iv) be amended to read: *“Takes which are greater than permitted by this Plan that are required to meet an individuals reasonable domestic needs or the needs of an individuals animals for drinking water, will require a resource consent which must address the justification for a take greater than the permitted level, including an assessment of the effects of taking water below the minimum flow.”*
- (b) Amend the opening sentence to read: *“...in the following manner, providing the taking or use does not, or is not likely to, have an adverse effect on the environment.”*
- (c) Clause (c)(i) replace “below” with “to”.
- (d) Clause (c)(ii) after “water takes shall be allowed to recommence” add “in full or in part”.
- (e) Add a clause (c)(iii) to state: *“water takes may be reduced or apportioned as the water body approaches its minimum flow, as set out in Policy 6-16.”*

Fonterra wants the Permitted takes in clause (a) to include those authorised by Rule 13-1. The submitter also wants clause (b)(iv) amended to include specific reference to takes for dairy operations.

Federated Farmers wants the introduction to Policy 6-19 altered to state: *“During times of low flow except where required to meet an individuals reasonable domestic needs or the reasonable needs of an individuals animals for drinking water, takes from river shall be managed...”*

Royal Forest and Bird considers that clause (b)(vi) is too broad and could be interpreted to mean that irrigation to support dairying could continue during low flow events due to the industries economic importance within a community.

#### 4.41.2 Evaluation

I do not recommend the deletion of the Policy. This Policy sets out how water takes can be managed during periods of low flow and provides support to the other Policies which establish the framework for water allocation.

The Ministry of Education seeks to have education facilities recognised as essential takes. And education facilities are listed in the Policy. NZ Defence wants defence facilities added. I recommend this submission be accepted as these facilities are similar to other activities identified e.g. schools and education facilities. Livestock Improvement Corp Ltd and Ag Research Ltd want to include reference to agricultural research centres. I have recommended this submission be rejected as I am unclear how agricultural research centres differ from any other commercial operation.

J N Tripe wants to ensure the Policy covers existing uses. Existing consents have conditions regarding cessation during periods of low flow and therefore they too will be required to cease their take.

Sustainable Whanganui considers the Plan should actively promote composting toilets as a means of reducing water usage. The submission is noted and I consider that promoting composting toilets is a non-regulatory method that is recognised within the Method in Chapter 6 covering On-Site Wastewater Forum which review new types of disposal systems.

Horizons Regional Council seeks specific wording changes to clause (b) (iv) and (vi) which specify what are the reasonable needs for domestic human consumption of water and animal drinking water needs. Landlink Ltd states that public water supplies should not exceed 250 litres per person per day. I recommend these changes are accepted as they provide clarity around what is a reasonable need for human and animal drinking water. The specific wording changes are included in the track change document for Policy 6-19.

Ruahine White Water Club and NZ Recreational Canoeing Association want the Policy amended to not only include minimum flows when considering ceasing non-essential takes but to also include minimum quality levels. I consider the other Policies within the Chapter adequately deal with water quality and that the intent of Policy 6-19 is focusing on water quantity during low flow conditions. No change is recommended.

Genesis Power Ltd, TrustPower Ltd and Mighty River Power seek to have hydro electricity generation allowed to continue regardless of river flow and regardless of whether the water taken is part of the core allocation. As outlined earlier I consider that hydro electricity generation is an industry and would and should be subject to the same restrictions as other takes. I have also outlined earlier that I will discuss these matters further with the submitters.

TrustPower wants the Policy amended to provide that low flow restrictions will be applied on a “first in is the last out” basis. I consider the approach being mooted by the submitter to be arbitrary and not based on sustainable management of natural and physical resources. Section 14 of the Act clearly establishes that the reasonable needs of human and stock drinking water need to be provided. The approach taken in Policy 6-19 recognises that there will be takes which are essential and others which are not. The Act does provide that where an existing consent makes a new application they are given priority over new takes. I have recommended that Clause (b)(iii) be amended to address these concerns, by referring to takes that were lawfully established.

Water and Environmental Care Association Inc and other submitters want clause (c)(ii) amended to state that water takes are allowed to recommence once the river flow has risen above its minimum flow and all ecological values have been re-assessed. The assessment of the ecological values occurs at the time the resource consent application is granted. The conditions regarding cessation at low flow are set taking into account the values. There is no need to reassess what has already been assessed. When river flow has risen above its minimum flow the consented take volume should be allowed to continue to be taken at the rate specified in the conditions.

A number of submitters including Fonterra seek that the Policy refers to the reasonable needs for water to carry out dairy operations including sanitation of farm dairies. Fonterra also wants the Permitted Takes in clause (a) to include those authorised by Rule 13-1. The way the Policy is framed these uses i.e. uses other than stock water would be a non-essential take and during periods of low flow would be required to cease. The Science Reports address why the water take needs to stop during these critical periods. The Act requires water to be supplied for the reasonable needs of human and stock drinking water. Policy 6-19 recognises this. The Policy then also sets out a framework for other water takes. I consider the Policy sets out this framework clearly. I do not recommend any change.

In response to the matters raised by Horticulture NZ I note the following:

- (a) In terms of amending the Policy to provide for a staged reduction in takes as the flow reduces, I understand that current consents often have a staged step door where the volume of the take reduces as it comes closer to low flow conditions. The Regional Council experience is that this process is often unwieldy and it is cleaner to just have one condition that the take ceases. No change is recommended.
- (b) Horticulture NZ and Federated Farmers want irrigators who have used only a small portion of their allocation not penalised against

those who have used more. I understand the issue being raised and it being a question of fairness of having one farmer being required to cease during low flow conditions who may not be using their full consented volume. The Policy however, needs to approach the problem from a level playing field and say now the critical low flow condition has occurred in the water body those that are required to cease their takes do so. It would be difficult to enforce the Policy otherwise.

- (c) Ensure the supplementary allocation ceases at a point above low flow and not at the low flow point. I have recommended changes to clause (c)(i) in response to the submission from the Department of Conservation to state the water take will cease when the river is at or below its minimum flow not below its minimum flow.
- (d) In times of low flow public water supply should be reduced to 180 litres per person per day for domestic use. I understand from the Science Reports that 250 litres per person per day for domestic needs is reasonable and I therefore recommend no change to clause (b).

In response to the submission from the Minister of Conservation I note the following:

- (a) The wording sought by the Minister for clause (iv) is: *“Takes which are greater than permitted by this Plan that are required to meet an individuals reasonable domestic needs or the needs of an individuals animals for drinking water, will require a resource consent which must address the justification for a take greater than the permitted level, including an assessment of the effects of taking water below the minimum flow.”* I consider the current wording of clause (iv) more accurately reflects section 14 of the Act. I recommend no change.
- (b) The Minister wants the opening sentence to read: *“...in the following manner, providing the taking or use does not, or is not likely to, have an adverse effect on the environment.”* Ordinarily I agree there should be references to dealing with adverse effects but in this case I do not consider that this wording would assist with the understanding of the Policy. I recommend no change.
- (c) I agree in part that Clause (c)(i) should be changed to refer to at or *“below”* as this wording more accurately reflects what will occur in practice. I am not recommending that an additional clause (c)(iii) stating: *“water takes may be reduced or apportioned as the water body approaches its minimum flow, as set out in Policy 6-16.”* As outlined above the Council’s experience has been that one cut off to cease takes at or below low flow is adequate.

Federated Farmers wants the introduction to Policy 6-19 altered to state: *“During times of low flow except where required to meet an individuals reasonable domestic needs or the reasonable needs of an individuals animals for drinking water, takes from river shall be managed...”* The current approach taken within the Policy is to split out the Permitted takes for drinking water from those that may require consent but still are for the purposes of drinking

water. The split recognises that the development of the volumes established through the Permitted Activity rules was to set out what meets reasonable needs whilst also managing the values of the water body. The changes being sought by the submitter would not recognise the split and would not add clarity to the intent of the Policy.

Royal Forest and Bird considers that clause (b)(vi) is too broad and could be interpreted to mean that irrigation to support dairying could continue during low flow events due to the industries economic importance within a community. Irrigation is specifically listed within clause (c) as a non-essential take. I recommend no change to the Policy.

#### **4.41.3 Recommendation WTR 41**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.41.3.1 Recommended changes to provision**

- (a) Amend Policy 6-19 Apportioning, Restricting and Suspending Takes in Times of Low Flow in accordance with the changes recommended in track changes for Policy 6-19.

#### **4.42 Chapter 6 – Policy 6-20 Surface water allocation – Lakes - Ground and Surface Water Allocation**

##### **4.42.1 Summary of submission points**

###### **Support**

Support for Policy 6-20 has been received from Taranaki Fish and Game Council and Fish and Game NZ and Royal Forest and Bird. The support is noted.

###### **Wording Changes**

Horticulture NZ wants the Policy to state the specific criteria that would be considered for an application for a take from a lake.

Federated Farmers wants the Policy to be re-worded to remove the wording requiring no significant adverse effects on the values of the lake as shown in Schedule D and instead referring to life supporting capacity.

##### **4.42.2 Evaluation**

The values in Schedule D set out those matters that would need to be considered in relation to any take from a lake. Life supporting capacity is but one value and referring to life supporting capacity would restrict the matters within the policy. No changes are recommended.

##### **3.42.3 Recommendation WTR 42**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.42.3.1 Recommended changes to provision**

- (a) No changes are recommended.



#### 4.43 Chapter 6 – Policy 6-21 Overall approach for bore management and groundwater allocation - Ground and Surface Water Allocation

##### 4.43.1 Summary of submission points

Taranaki Fish and Game and Royal Forest and Bird Protection Society of NZ support Policy 6-21. The support is noted.

CPG NZ (formerly Duffill Watts Consulting Group) wants a further clause added giving priority to uses that are allocated within the specified annual volumes of Schedule C. The submitter also wants to provide for the taking of groundwater as a non-complying activity beyond the allocation amounts, where it can be shown that the take will not adversely affect the groundwater resource or other consent holders.

Landlink Limited wants the Policy to be deleted.

##### 4.43.2 Evaluation

I consider the points raised by CPG NZ have some validity. Currently where a groundwater take exceeds the Permitted Activity volume of 50m<sup>3</sup> per day per property (Rule 15-2) then a resource consent for a Discretionary Activity is required (Rule 15-8). In considering a resource consent application for a Discretionary Activity the relevant policies would be considered. Policy 6-23 deals with groundwater management zones and states the total amount taken from each groundwater management zone shall comply with the annual allocable volumes specified in Schedule C.

By way of comparison the rules state that takes of surface water not complying with the core allocation limits are a Non-Complying Activity (Rule 15-6). I consider there is a potential gap within the rule and policy framework for dealing with applications to take groundwater which exceed the annual volumes outlined in Schedule C.

I am currently recommending the submission from CPG NZ (formerly Duffill Watts) be rejected. I want time to work through the concerns further with the submitter and I will then be in a position to recommend a considered response in terms of what may be required in the Rule structure within the Supplementary Report.

##### 4.43.3 Recommendation WTR 43

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### 4.43.3.1 Recommended changes to provision

- (a) No changes are recommended.

#### **4.44 Chapter 6 – Policy 6-22 Bore development and management - Ground and Surface Water Allocation**

##### **4.44.1 Summary of submission points**

###### **Support**

Taranaki Fish and Game supports Policy 6-22. The support is noted.

###### **Wording Changes**

Affco wants clause (a) altered to clarify that separation between bores is about dealing with adverse effects. Horticulture NZ and Federated Farmers seek clarification as to the terms used within the Policy e.g. what is adequate separation and what is over concentration?

Landlink Ltd outlines that the references to the NZ standards need to be carefully considered. The submitter also supports the decommissioning of bores in urban areas but not in rural areas as they could be a valuable resource in the future within the farming community.

##### **4.44.2 Evaluation**

In response to the comments from the submitters I consider that there could be greater clarity within the wording of Policy 6-22 and it is recommended that clauses (a) and (c) be amended as shown in the track changes for Policy 6-22. The changes aim to provide greater clarity around what is a properly constructed bore and efficiency.

Landlink Ltd outlines that the references to the NZ standards need to be carefully considered. The references to the NZ Standards e.g. NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock are appropriate references. I am not clear what the submitter seeks and I will discuss the matter further with the submitter. The submitter also supports the decommissioning of bores in urban areas but not in rural areas as they could be a valuable resource in the future within the farming community. The Policy is not stating that bores have to be decommissioned but rather that if they are no longer required that they need to be decommissioned in accordance with NZS 4411:2001. No change is recommended.

##### **4.44.3 Recommendation WTR 44**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.44.3.1 Recommended changes to provision**

- (a) Amend Policy 6-22 Bore Development and Management in accordance with the changes recommended in track changes for Policy 6-22.

## 4.45 Chapter 6 – Policy 6-23 Groundwater management zones - Ground and Surface Water Allocation

### 4.45.1 Summary of submission points

#### Support

Winstone Pulp International Ltd and Taranaki Fish and Game Council support Policy 6-23. The support is noted.

#### Wording Changes

Ruapehu District Council and Horticulture New Zealand want to understand how the amounts in Schedule C have been derived and the provisions deleted until there has been an assessment of the zones under pressure.

Mighty River Power wants the policies and methods to ensure that takes from groundwater do not reduce the amount of water available to surface water body uses and users.

### 4.45.2 Evaluation

Ruapehu District Council and Horticulture New Zealand seek to understand the amounts in Schedule C and the assessment undertaken of zones that are under pressure. The Science Reports provide an outline as to how the amounts in Schedule C have been arrived at. As outlined above in Section 4.43 of my report I consider there is a potential gap within the rule and policy framework for dealing with applications to take groundwater which exceed the annual volumes outlined in Schedule C and I have stated that I will return to the issue in my Supplementary Report.

Mighty River Power's concerns are the effects of groundwater takes on surface water. I consider that Policy 6-25 deals with this matter and I cover Policy 6-25 in Section 4.47.

In terms of the matters raised by the submitters, I have recommended wording changes to clarify the intent of the Policy as set out in the track changes for Policy 6-23.

### 4.45.3 Recommendation WTR 45

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.45.3.1 Recommended changes to provision

- (a) Amend Policy 6-23 Groundwater Management Zones in accordance with the changes recommended in track changes for Policy 6-23.

#### **4.46 Chapter 6 – Policy 6-24 Effects of groundwater takes on other groundwater takes - Ground and Surface Water Allocation**

##### **4.46.1 Summary of submission points**

###### **Support**

Taranaki Fish and Game Council seeks the retention of Policy 6-24. The support is noted.

###### **Delete**

The territorial authorities seek the deletion of Policy 6-24.

###### **Wording Changes**

The Ministry of Education requests that a two year period for the upgrading of existing bores that are not of a good quality be reinstated.

Water and Environmental Care Association Inc and other submitters want clause (c) deleted, which refers to the encouragement for neighbours to supply their neighbours with water where there may be drawdown effects on neighbouring bores.

Horticulture NZ seeks amendments to clauses (a), (b) and (c) to focus on the adverse effects at issue and to replace the term “good quality bores” with “efficient and fully functioning bores”.

Horowhenua District Council wants a new clause added to the Policy to state that drawdown effects on existing bores will only be considered when the applicant is proposing a higher volume take than is being drawn by the affected bore.

##### **4.46.2 Evaluation**

I am not recommending that the Policy be deleted. I consider the Policy is necessary to the overall framework that has been taken in the Plan. I have noted in the introductory section of my report that I will address the relocation of some of the Policies, including Policy 6-24 into Part II of the Plan, in my Supplementary Report.

The Ministry of Education requests that a two year period for the upgrading of existing bores that are not of a good quality be reinstated. Where an existing bore is consented then a further consent will not be required until the term expires. If there are particular issues with a bore then these issues can be worked through at the consent process stage. The Policy is clear that bore performance is an issue when a consent application is lodged as this is one aspect to understanding what the potential effects might be. No change is recommended.

The submissions from Water and Environmental Care Association Inc and other submitters do not want a reference to neighbours supplying their

neighbours with water where there might be drawdown effects. In response I comment that there may be opportunities for neighbours to work together to assist each other whilst avoiding potential adverse effects on other bores. No change is recommended.

Horowhenua District Council seeks that drawdown effects on existing bores only be considered when the applicant is proposing a higher volume take than is being drawn by the affected bore. I find it difficult to understand where the submitter is coming from. If there is a potential drawdown effect then this needs to be considered irrespective of the amount of water proposed to be abstracted. No change is recommended.

I consider that the matters raised by Horticulture NZ are valid and raise important points regarding what the Policy needs to focus on. To address these concerns, I have recommended wording changes to clarify the intent of the Policy as follows as set out in the track changes for Policy 6-24.

#### **4.46.3 Recommendation WTR 46**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.46.3.1 Recommended changes to provision**

- (a) Amend Policy 6-24 Effects of Groundwater Takes on Other Groundwater Takes in accordance with the changes recommended in track changes for Policy 6-24.

#### **4.47 Chapter 6 – Policy 6-25 Effects of groundwater takes on surface water bodies - Ground and Surface Water Allocation**

##### **4.47.1 Summary of submission points**

###### **Support**

Taranaki Fish and Game Council and Fish and Game NZ support Policy 6-25. The support is noted.

###### **Deletion**

Horticulture NZ seeks the deletion of the Policy.

###### **Wording Changes**

Ngati Kahungunu wants an additional clause added which specifies that any groundwater take within 400 metres of a surface water body shall be determined as a direct take from the water body unless certain characteristics exist.

Mighty River Power seeks the inclusion of an appropriate scientific method to measure connectivity between ground and surface water.

The Minister of Conservation seeks specific wording changes within clause (a) and a new clause (c) to cover the requirement for an assessment of the ecological and natural character effects of the drawdown on surface water.

Fonterra wants any reference to special treatment for hydro electricity generation removed. The submitter seeks to have the Policy clarified to cover when potential effects on surface water must be taken into account, the parameters of the appropriate scientific method to calculate connections and the scope of controls.

Federated Farmers wants either the deletion of the Policy or the removal of the references to Water Management Zones.

##### **4.47.2 Evaluation**

I am not recommending the deletion of the Policy as I consider the Policy is necessary to set out the guidance required to assess the effects of groundwater takes on surface water bodies. I do however, accept the points being made by many of the submitters that the Policy could be clearer around how connectivity between ground and surface water is assessed. I recommend wording changes to Policy 6-25 as set out in the track changes.

In response to part of the submission from Fonterra I consider that the Policy does not refer to any special treatment for hydro electricity generation. No change is recommended.

Federated Farmers wants the removal from the Policy of the references to Water Management Zones. The changes to the Policy achieve in part what is sought by the submitter.

#### **4.47.3 Recommendation WTR 47**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.47.3.1 Recommended changes to provision**

- (a) Amend Policy 6-25 Effects of Groundwater Takes on Surface Water bodies in accordance with the changes recommended in track changes for Policy 6-25.

#### **4.48 Chapter 6 – Policy 6-26 Saltwater intrusion - Ground and Surface Water Allocation**

##### **4.48.1 Summary of submission points**

###### **Support**

Sustainable Whanganui and Taranaki Fish and Game Council support Policy 6-26. The support is noted.

###### **Wording Changes**

Horowhenua District Council wants the Policy to contain a hierarchy of bores that will close with public water supply being the last.

Water and Environmental Care Association and other submitters want the costs of reinstating a community water supply bore that is subjected to seawater intrusion met by the Regional Council or the applicant that has caused the problem.

Horticulture NZ and Federated Farmers want the reference to the 5km distance removed from the Policy and criteria developed around where seawater intrusion testing will be required.

##### **4.48.2 Evaluation**

The advice provided through the Science Reports is that the term seawater used through the policies is more appropriately termed seawater to reflect that the effects are drawdowns that result in potential seawater intrusion. I have recommended that the term be altered.

The submissions from Horowhenua District Council, Horticulture NZ and Federated Farmers seek clarification within the Policy regarding how bores may be shut down if seawater intrusion occurs and criteria for where seawater intrusion testing will be required. In response to these matters I recommend changes to Policy 6-26 as set out in the track changes.

Water and Environmental Care Association and other submitters want the costs of reinstating a community water supply bore that is subjected to seawater intrusion met by the Regional Council or the applicant that has caused the problem. The Policy focus is on avoiding the effects from occurring. The matter of compensation is not one that is appropriate to deal with through a Policy.

##### **4.48.3 Recommendation WTR 48**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.



**4.48.3.1 Recommended changes to provision**

- (a) Amend Policy 6-26 Seawater Intrusion in accordance with the changes recommended in track changes for Policy 6-26.

#### **4.49 Chapter 6 – Policy 6-27 General management of river and lake beds - Ground and Surface Water Allocation**

##### **4.49.1 Summary of submission points**

There is one submission on this Policy 6-27 from Mighty River Power requesting that thresholds be added to Plan to determine when groundwater takes will be considered as a surface water take.

##### **4.49.2 Evaluation**

I have dealt with this issue in responding to the submissions on Policy 6-25 in section 4-47. My recommended changes on Policy 6-25 meet the concerns raised by the submitter.

##### **4.49.3 Recommendation WTR 49**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.49.3.1 Recommended changes to provision**

- (a) No changes are recommended to Policy 6-27.

## 4.50 Chapter 6 – Policy 6-27 General management of river and lake beds - Rivers and Lake Beds

### 4.50.1 Summary of submission points

#### Support

Taranaki Fish and Game, Fish and Game NZ and Royal Forest and Bird support Policy 6-27. Federated Farmers supports clauses (b), (c), (g) and (h). The support is noted.

#### Delete

LandLink considers that Policy 6-27(a) is unnecessary.

#### Wording Changes

The territorial authorities want Policy 6-27 amended so that essential works and services recognised under Policy 3-1 are provided for.

TrustPower wants an additional clause added to the Policy to recognise that there might be a need to use river and lake beds for uses such as renewable energy generation.

Mighty River Power and Meridian Energy want Policy 6-31 dealing with Essential and Beneficial Activities either added to the end of Policy 6-27 or referred to in Policy 6-27.

Powerco Ltd wants additional wording added within Policy 6-27(h) to provide for inspection, maintenance and operation of infrastructure.

Meridian Energy seeks specific changes to the wording of clauses (b), (c) and (f) to focus on avoiding, remedying or mitigating significant adverse effects and clarifying that fish passage continue to be provided where it already exists and reference to fish passes within clause (f). The submitter seeks the deletion of clause (g) dealing with navigation of the water body.

The Minister of Conservation wants the words within clause (b) altered from “*avoids any*” being replaced with “*minimises the risk of flood hazards arising from*”. The Minister seeks to have clause (d) refer to the bed of the water body and its margin. And the Minister also seeks to have the following words added to the end of clause (f) “*...taking into account the swimming, jumping and climbing abilities of native fish which may be present, and times of the year when fish are sensitive to water flow fluctuations.*”

Federated Farmers wants the references to morphological diversity removed from clause (d). The submitter also seeks to have clause (e) refer to *legal* public access.

#### 4.50.2 Evaluation

The Policy sets a framework for the beds of rivers and lakes and I consider the Policy is generally clear in its intent and focuses on the effects that need to be considered.

Those submissions that seek reference to essential services provided for within Policy 3-1, or specific mention of the use of beds for renewable energy generation or the amalgamation of Policies 6-31 with 6-27 I have recommended be rejected. Policy 6-31 deals with Essential and Beneficial Activities that use the beds of water bodies. That Policy specifically refers back to Policy 6-27 and states that notwithstanding Policy 6-27 that Policy 6-31 recognises the benefits of certain activities. No change to Policy 6-27 is recommended.

I have recommended that the wording sought by Powerco Ltd regarding the inclusion of additional wording within Policy 6-27(h) to provide for upgrade and operation of infrastructure, be accepted. The wording assists in clarifying the intent of the clause.

Meridian Energy seeks specific changes to the wording of clauses (b), (c) and (f) to focus on avoiding, remedying or mitigating significant adverse effects. I accept that the wording could be clearer in terms of a focus on adverse effects and I have recommended wording changes in general accordance with the wording sought by the submitter.

I do not consider it necessary to refer to fish passes as the wording in clause (f) states provides for safe passage which can include fish passes. I do not accept Meridian's proposal that clause (g) be deleted. Clause (g) deals with navigation of the water body and the likely effects of an activity on navigation need to be considered.

The Minister of Conservation wants the words within clause (b) altered from "avoids any" being replaced with "minimises the risk of flood hazards arising from". I agree that this wording will assist with clarifying the intent of clause (b) although I have replaced the word minimise with mitigate to reflect the terminology used in the Act.

I accept the point made by the Minister regarding having clause (d) refer to the bed of the water body but I do not accept the clause refer to the margin of a water body as this Policy focuses on the bed. And the Minister also seeks to have the following words added to the end of clause (f) "*...taking into account the swimming, jumping and climbing abilities of native fish which may be present, and times of the year when fish are sensitive to water flow fluctuations.*" I have not recommended any change to clause (f) as I consider the clause clearly sets out that the passage of fish needs to be considered.

Federated Farmers wants the references to morphological diversity removed from clause (d). I do not recommend this submission be accepted as I consider the reference to morphological diversity provides greater clarity around the effects of concern. Federated Farmers also seeks to have clause (e) refer to *legal* public access. If public access is available I would question why there needs to be a rider on the term and specify it has to be legal public access. This is a matter I will return to in my Supplementary Report.

### **4.50.3 Recommendation WTR 50**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.50.3.1 Recommended changes to provision**

- (a) Amend Policy 6-27 General Management of River and Lake Beds in accordance with the changes recommended in track changes for Policy 6-27.

#### **4.51 Chapter 6 – Policy 6-28 Activities in water bodies with a value of Natural State, Sites of Significance - Cultural, or Sites of Significance – Aquatic - Rivers and Lake Beds**

##### **4.51.1 Summary of submission points**

###### **Support**

The submissions from Ngati Kahungunu, Taranaki Fish and Game, Fish and Game NZ and Royal Forest and Bird support Policy 6-28. The support is noted.

###### **Wording Changes**

The submissions from a number of submitters including Genesis Power and Rangitikei Aggregates seek to have clause (a) refer to avoids, remedies or mitigates adverse effects not just focus on avoiding adverse effects. Mighty River Power and Meridian Energy Ltd wants the words “*where this is practicable otherwise adverse effects are required to be remedied or mitigated*” to clauses (a) and (b). The submitter also seeks an additional clause which states that in some circumstances financial contributions may be an appropriate mechanism to mitigate adverse effects. Alternatively Mighty River Power wants a cross reference to Policy 3-3 within Policy 6-28.

Horticulture NZ wants Sites of Significance Aquatic deleted from the Policy. TrustPower either want all references to natural State Water bodies, Sites of Significance – Cultural and Aquatic deleted from the Policy or have the terms defined.

Federated Farmers wants all references to Schedule D, Water Management Zones and value of Natural State removed from the Policy.

##### **4.51.2 Evaluation**

There are a number of submissions that seek to have clause (a) refer not only to avoiding adverse effects but also remedying or mitigating adverse effects. The Policy is intended to send a strong signal that in relation to these sites i.e. sites of significance for Cultural or Aquatic reasons or Natural State Sites, adverse effects need to be avoided. I do however, accept that through a consent process it could be determined that effects can be mitigated by various means to a level that still maintains the values of importance. In my opinion, remediation may not be an appropriate reference within the Policy as remediation to me signals past tense i.e. after the adverse effect has been created and I do not consider this is appropriate within this Policy.

Mighty River Power seeks an additional clause which states that in some circumstances financial contributions may be an appropriate mechanism to mitigate adverse effects. Policy 6-30 which deals with activities in water bodies with other values includes the following with regard to financial contributions:

*“(b) Provides consent applicants with the option of making a financial contribution to offset or compensate for adverse effects in accordance with the policies in Chapter 18.”*

I consider the inclusion of such a statement within Policy 6-28 to be inappropriate as the effects are not being sought to be offset but rather the values within these Sites of Significance need to be protected and maintained. Alternatively Mighty River Power wants a cross reference to Policy 3-3 within Policy 6-28. I do not consider it necessary to have a cross reference. The matters in Policy 3-3 can be considered through a consent application process if they are a relevant Policy for consideration.

I recommend that the submissions that want all references to natural State Water bodies, Sites of Significance – Cultural and Aquatic, Schedule D and Water Management Zones removed from the Policy, be rejected. I consider that Policy 6-28 is required to provide a robust policy framework to support the approach that has been taken in the Plan. Table 6.2 sets out the Management Objectives for these values and to an extent clarifies what the values are. I will however, work through this issue with the submitters and return to whether further definitions for the terms can be set out.

#### **4.51.3 Recommendation WTR 51**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.51.3.1 Recommended changes to provision**

- (a) Amend Policy 6-28 Activities in Water bodies with a Value of Natural State... in accordance with the changes recommended in track changes for Policy 6-28.

## 4.52 Chapter 6 – Policy 6-29 Activities in water bodies within a flood control or drainage scheme - Rivers and Lake Beds

### 4.52.1 Summary of submission points

#### **Support**

Taranaki Fish and Game and Fish and Game NZ support Policy 6-29. The support is noted.

#### **Wording Changes**

The territorial authorities seek to have drainage schemes that are managed by the territorial authorities included within the Policy and also within Schedule I.

Horizons Regional Council wants the Policy to refer to “*enhance*” as well as “*maintain*” in clauses (a) and (b).

Transit NZ wants the words “*and may be*” added before the word compensated in clause (b).

Mighty River Power wants clause (a) amended to delete the reference to within river and drainage schemes. Alternatively the submitter wants a cross reference to Policy 3-3.

The Minister of Conservation wants:

- (a) The word “*area*” inserted after “*scheme*” in the first sentence.
- (b) The replacement of the word “*maintained*” in clause (a) with “*sustainably managed*”.
- (c) Deletion of clause (b) and replacement with: “*avoids, remedies or mitigates adverse effects on the natural character, indigenous biodiversity and ecosystem functions of rivers and their margins. Where it is not possible to adequately avoid, remedy or mitigate the effects of the activity at the site, the Council may consider the use of financial contributions as a means of offsetting or compensating for the adverse effects in accordance with the policies in Chapter 18.*”
- (d) Include a section explaining the scope of the potential mitigation measures and clarifying that any financial contributions relating to effects on flood protection or drainage will be additional to any other such contributions which are made.

Federated Farmers wants all references to Schedule I, Water Management Zones, other values and to offsetting or compensation by way of a financial contribution deleted from the Policy.

### 4.52.2 Evaluation

This Policy supports the Rules contained within Section 16.7 and specifically Rule 16-14 which requires activities within a flood control or drainage scheme to apply for a resource consent application for a Discretionary Activity.



The territorial authorities seek to have drainage schemes that are managed by the territorial authorities included within the Policy and also within Schedule I. The Policy and Schedule contains the Regional Council flood control and drainage schemes. I am recommending that the submissions be rejected as I have concerns regarding potentially applying Rule 16-14 which is linked to Policy 6-29 to territorial authority schemes. I will work however, through the issues further with the submitters and return to the issue in my Supplementary Report.

Ruapehu District Council specifically seeks to have the Taumaranui stop bank and associated drainage systems included within Schedule I. If this is the Taumaranui Flood Control Scheme then this is already included in Schedule I.

Horizons Regional Council wants the Policy to refer to “*enhance*” as well as “*maintain*” in clauses (a) and (b). I am recommending that the submission be rejected. In the case of an activity that seeks to establish within a river or drainage scheme area I consider that the activity must maintain the level of flood hazard and erosion control. To require those matters to potentially be enhanced seems onerous.

Transit NZ wants the words “*and may be*” added before the word compensated in clause (b). I have recommended the submission be accepted in part to the extent that the words “*may be*” be added before the word “*offset*”. The way that clause (b) is worded outlines that adverse effects shall be mitigated or offset or compensated by way of a financial contribution. The use of the word “*shall*” I consider is appropriate to apply in relation to mitigation but there needs to be a judgement as to whether it is appropriate to use an offset or compensation in any particular case.

Mighty River Power wants clause (a) amended to delete the reference to within river and drainage schemes. The Policy deals with river and drainage schemes and the deletion of these words from clause (a) will not clarify the intent of the Policy. Alternatively the submitter wants a cross reference to Policy 3-3. I do not consider it necessary to have a cross reference. The matters in Policy 3-3 can be considered through a consent application process if they are a relevant Policy for consideration. No change is recommended.

In response to the matters raised by the Minister of Conservation:

- (a) Rather than adding “*area*” after “*scheme*” in the first sentence I have recommended the reference be “*within a water body valued for flood control or drainage*”.
- (b) I recommend that the word “*maintained*” in clause (a) not be replaced with “*sustainably managed*”. The intent of the Policy is clear in that the focus is on maintaining the level of flood hazard or erosion control not on sustainably managing it.
- (c) The submitter seeks the deletion of clause (b) and replacement with: “*avoids, remedies or mitigates adverse effects on the natural character, indigenous biodiversity and ecosystem functions of rivers and their margins. Where it is not possible to adequately avoid, remedy or mitigate the effects of the activity at the site, the Council may consider the use of financial contributions as a means of offsetting or compensating for the adverse effects in accordance with the policies in Chapter 18.*” I have recommended that the submission is accepted in

part. The reference to other values will allow for natural character and indigenous biodiversity to be considered. The changes I have recommended in response to the submission from Transit NZ in relation to inserting “may be” before offset or compensate signals that the focus is on mitigating adverse effects. I understand the submitter to be concerned with ensuring the focus is on dealing with the adverse effects.

- (d) In response to explaining the scope of the potential mitigation measures I consider that these matters need to be considered through the resource consent application process.

Federated Farmers wants all references to Schedule I, Water Management Zones, other values and to offsetting or compensation by way of a financial contribution deleted from the Policy. For the reasons already outlined in this section and that the Policy supports the framework taken in the Plan no change is recommended in response to this submission.

#### **4.52.3 Recommendation WTR 52**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.52.3.1 Recommended changes to provision**

- (a) Amend Policy 6-29 Activities in Water bodies within a Flood Control or Drainage Scheme in accordance with the changes recommended in track changes for Policy 6-29.

## 4.53 Chapter 6 – Policy 6-30 Activities in water bodies with other values - Rivers and Lake Beds

### 4.53.1 Summary of submission points

#### Support

Mighty River Power, Taranaki Fish and Game and Fish and Game NZ support Policy 6-30. The support is noted.

#### Wording Changes

Ruapehu District Council does not want essential infrastructure burdened with additional costs.

Water and Environmental Care Association and other submitters want an additional clause added to state that all Palmerston North City Streams are removed from the category of having other values and moved to the rules dealing with the Manawatu River.

Meridian Energy wants clause (a) amended to also refer to mitigation including environmental compensation.

The Minister of Conservation wants:

- (a) Deletion of clause (b) and replacement with: *“avoids, remedies or mitigates adverse effects on the natural character, indigenous biodiversity and ecosystem functions of rivers and their margins. Where it is not possible to adequately avoid, remedy or mitigate the effects of the activity at the site, the Council may consider the use of financial contributions as a means of offsetting or compensating for the adverse effects in accordance with the policies in Chapter 18.”*
- (b) Include a section explaining the scope of the potential mitigation measures and clarifying that any financial contributions relating to effects on flood protection or drainage will be additional to any other such contributions which are made.

### 4.53.2 Evaluation

In response to the submissions from the Ruapehu District Council, Meridian Energy and the Minister of Conservation I am recommending an amendment which amalgamates clauses (a) and (b) as follows:

- (a) *Avoids, remedies or mitigates significant adverse effects on these other values. A financial contribution may be considered in order to offset or compensate for adverse effects in accordance with the policies in Chapter 18.*

I consider this wording better reflects the intent of the Policy in that adverse effects need to be avoided, remedied or mitigated and financial contributions may be considered in the mix as a means of dealing with the adverse effects.

The current wording in my opinion, means either the adverse effects have to be avoided, remedied or mitigated or a financial contribution can be made and the consent applicant can make this choice.

Water and Environmental Care Association and other submitters want an additional clause added to state that all Palmerston North City Streams are removed from the category of having other values and moved to the rules dealing with the Manawatu River. The assessment undertaken by the Science Team has determined what the values of all water bodies across the Region are. I have not seen any other assessment that sets out the reasons why these streams should be given other values which potentially are not relevant or applicable to these streams. No change is recommended.

The Minister of Conservation seeks to have a section explaining the scope of the potential mitigation measures. I consider that these matters need to be considered through the resource consent application process.

#### **4.53.3 Recommendation WTR 53**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.53.3.1 Recommended changes to provision**

- (a) Amend Policy 6-30 Activities in Water bodies with Other Values in accordance with the changes recommended in track changes for Policy 6-30.

## 4.54 Chapter 6 – Policy 6-31 Essential and beneficial activities - Rivers and Lake Beds

### 4.54.1 Summary of submission points

#### Support

Taranaki Fish and Game, Federated Farmers, Mars Petcare, Royal Forest and Bird and Fish and Game NZ support Policy 6-31. The support is noted.

#### Wording Changes

Higgins Group wants an additional clause added to refer to the extraction of gravel particularly where it has a social, economic or environmental benefit.

Powerco Ltd wants a new clause to provide for the ability to inspect, maintain and operate infrastructure.

TrustPower, Mighty River Power and Meridian want a new clause added to provide for infrastructure associated with renewable energy generation, or a cross reference to Policy 3-3.

The territorial authorities want the Policy to explicitly state that the essential activities are those listed in Policy 3-1. Transit NZ seeks a definition to make it explicit the Policy covers state highways and works associated with state highways.

The Minister of Conservation wants the word “*notwithstanding*” in the first sentence replaced with “*subject to*”.

Landlink Ltd wants the words “*not limited to*” adding after “*including*” in the first sentence.

### 4.54.2 Evaluation

I consider that there is the potential for the Policy to be misinterpreted. The use of the words essential activities means it is unclear as to whether these are the same essential activities included within Policy 3-1. In looking at the wording within Policy 6-31 it is clear it only relates to the beds of rivers and lakes. The wording outlines three examples of what would be generally included under the Policy being the use and maintenance of existing structures, the removal of structures and the restoration of natural habitats. I do not consider the intention is to go beyond these types of activities and broaden it to any essential activity as identified in Policy 3-1. The construction of a new outlet pipe for a discharge from a sewage treatment plant would not in my mind be included within the Policy. On this basis I recommend the rejection of the submissions from TrustPower, Mighty River Power, Meridian the territorial authorities and Transit NZ. I do however, as a consequence of considering the intent of the Policy, consider the wording could be clearer if “*essential*” activities were replaced with the term “*existing*” activities.

In response to the submission from Higgins Group regarding an additional clause dealing with the extraction of gravel, I consider that Policy 6-32 deals

with the issues surrounding gravel extraction. No changes are recommended to Policy 6-31.

In relation to the submission from Powerco Ltd I have recommended changes to Policy 6-27 to cover the matter of the upgrade and operation of infrastructure. I don't consider it necessary to add the same provision to Policy 6-31.

The Minister of Conservation wants the word "*notwithstanding*" in the first sentence replaced with "*subject to*". The Policy intent is that regardless of what is contained in Policies 6-27 to 6-30 that where the activity has minor effect in relation to e.g. removing an existing structure then those activities shall generally be allowed. No change is recommended.

Landlink Ltd wants the words "*not limited to*" adding after "*including*" in the first sentence. I do not consider the inclusion of the words "*not limited to*" assists in understanding the intent of the Policy. No change is recommended.

#### **4.54.3 Recommendation WTR 54**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.54.3.1 Recommended changes to provision**

- (a) Amend Policy 6-31 Essential and Beneficial Activities in accordance with the changes recommended in track changes for Policy 6-31.

## 4.55 Chapter 6 – Policy 6-32 Gravel extraction - Rivers and Lake Beds

### 4.55.1 Summary of submission points

#### Support

Fish and Game supports Policy 6-32. The support is noted.

#### Wording Changes

Ruapehu District Council seeks the following:

- (a) Gravel extraction should be subject to best practice guidelines and have permitted activity status.
- (b) The Environmental Code of Practice for River Works be expanded to cover District Councils and their agents.
- (c) Gravel extraction be considered to be of Regional importance in Policy 3-1.

The remaining territorial authorities want the Policy to be deleted and replaced with a regional aggregate strategy in either Chapter 3 or 5.

Noel Olsson wants gravel removal encouraged particularly in the vicinity of Ngawapurua Bridge.

Byford's Quarries raises the following:

- (a) Where a stretch has been allocated a certain quantity and that has not been taken can an existing consent be varied to take the additional volume?
- (b) It is preferable to allocate the total available quantity to an existing consent holder.
- (c) HRC should consider reducing consent costs and giving greater flexibility in quantities and duration of consents.

Rangitikei Aggregates opposes the intended reduction in volume to a fixed annual rate below that already allocated given the potential economic implications.

Taranaki Fish and Game wants the Waimarino River confluence to the Whanganui River deleted.

Federated Farmers wants the clause deleted and replaced with: *“The annual volume of gravel extracted from rivers shall not exceed the natural rate of replenishment except where extraction is necessary to decrease the risk of flooding or damage to property and structures.”*

LandLink wants clause (c) amended to include reference to *“accelerated erosion”*.

#### 4.55.2 Evaluation

I have concerns with the current wording and the framework of Policy 6-32.

Small scale gravel extraction (i.e. under 50m<sup>3</sup> in any 12 month period) is provided for as a Permitted Activity under Rule 16-15. Any other gravel extraction falls for consideration under the catch all rule as a Discretionary Activity (Rule 16-20). When an application is made for a Discretionary Activity regard will need to be given to the provisions of Policy 6-32.

Clause (a) in Policy 6-32 is worded as an absolute in that it states extraction in the water bodies listed in Table 6.3 shall be limited to the quantities stated in the Table. What happens when an application is made to exceed these limits? There is no policy framework to assist in determining what the likely adverse effects are that need to be considered.

Clause (b) states that the annual extraction from the water bodies listed in Table 6.4 shall be generally limited to the quantities stated in the table. The term “generally” is uncertain. It is unclear what effects need to be considered where an application is made either within or beyond the limits.

Clause (c) does provide some guidance as to the effects that need to be considered in all other situations but the Policy would be assisted by guidance on when it might be necessary to undertake extraction where it is necessary to decrease the risk of flooding or damage to structures. And LandLink has raised accelerated erosion as another time when extraction may be beneficial.

I have as an interim recommendation made suggested changes to the Policy to address the matters outlined above.

I want to work through these comments with the submitters and give further consideration to the re-wording of Policy 6-32. I will return to this matter in my Supplementary Report.

Whilst I have made recommendations on individual submissions within Attachment 1 in relation to this Policy I will in light of the above comments revisit the recommendations in my Supplementary Report.

#### 4.55.3 Recommendation WTR 55

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### 4.55.3.1 Recommended changes to provision

- (a) Amend Policy 6-32 Gravel Extraction in accordance with the changes recommended in track changes for Policy 6-32. I will however, return to this section in my Supplementary Report. I consider for reasons outlined in the evaluation section that this Policy potentially does not work with the Rule framework for gravel extraction and I want to consider fully the implications of changes. I will work further with the submitters in the development of any changed Policy.



## 4.56 Chapter 6 - Table 6.2 Water management zones and values – Water Quality

### 4.56.1 Summary of submission points

#### Deletion

Hopkins Farming Group is opposed to Table 6.2.

#### Wording Changes

Mr James seeks the following:

- (a) Streams where trout are absent because of barriers should be identified as such.
- (b) In terms of Sites of Significance Aquatic and Riparian they should account for sites of significance for rare, threatened or vulnerable species and not necessarily for biodiversity.
- (c) Sites of Significance Riparian should be re-named Sites of Significance Morphology for Dotterel.

Horizons Regional Council wants the value for “*native fish spawning*” altered to “Inanga Spawning” and the inclusion of a specific management objective.

TrustPower wants the Management Objective altered for Existing Infrastructure to refer to future uses for energy generation not being compromised.

The Minister of Conservation seeks:

- (a) In the Capacity to Assimilate management objective column replace “is not exceeded with *“without compromising the ecosystem, recreational and cultural and water use values.”*”
- (b) In the Flood Control management objective column state: “*The sustainable management of flood hazard controls is not compromised.*”
- (c) In the Drainage management objective column state: “*The purposes and effective functioning of existing land drainage structures is not compromised.*”
- (d) In the Existing Infrastructure management objective column state: “*The purpose and functioning of existing infrastructure is not compromised.*”

### 4.56.2 Evaluation

In response to Mr James submission I consider that the Management Objectives for Sites of Significance Aquatic and Riparian appropriately define what is being set out within the values. Where streams do not contain trout I understand from the Science Reports that they have not been identified as having this value. No change is recommended.

Horizons Regional Council wants the value for “*native fish spawning*” altered to “Inanga Spawning” and the inclusion of a specific management objective. I understand from the Science Reports that the reference to inanga spawning more accurately reflects the values of importance. I recommend that the submission be accepted.

TrustPower wants the Management Objective altered for Existing Infrastructure to refer to future uses for energy generation not being compromised. The value specifically states it relates solely to existing infrastructure. Future infrastructure needs to proceed through the resource consent application process whereby all effects can be considered. No change is recommended.

In response to the matters raised in the Minister of Conservation's submission I note:

- (a) I agree that within the Capacity to Assimilate management objective column the words *"is not exceeded"* should be replaced with *"without compromising the ecosystem, recreational and cultural and water use values."* The wording changes more accurately reflect the management objective being sought.
- (b) The changes sought in the Flood Control management objective column to state: *"The sustainable management of flood hazard controls is not compromised"* do not in my opinion clarify the intent of the Management Objective. No change is recommended.
- (c) The changes sought in the Drainage management objective column to state: *"The purposes and effective functioning of existing land drainage structures is not compromised"* do not in my opinion clarify the intent of the Management Objective. No change is recommended.
- (d) The changes sought in the Existing Infrastructure management objective column to state: *"The purpose and functioning of existing infrastructure is not compromised"* do not in my opinion clarify the intent of the Management Objective. No change is recommended.

#### **4.56.3 Recommendation WTR 56**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.56.3.1 Recommended changes to provision**

- (a) Amend Table 6.2 Water Management Values and Purposes in accordance with the changes recommended in track changes for Table 6.2.

## 4.57 Chapter 6 – Table 6.3 Annual allocable volumes of gravel - certain allocations - Rivers and Lake Beds

### 4.57.1 Summary of submission points

#### Wording Changes

Rangitikei Aggregates seeks the removal of Table 6.3 or alternatively an increase in the volume of gravel extraction when rivers are overburdened.

The Minister of Conservation seeks the deletion of the Manganui-o-te Ao River from the table and provide for as a Non-Complying Activity. The submitter also seeks that all stretches of rivers that pass through or are adjacent to Department of Conservation land or managed under Water Conservation Orders are provided for as a Non-Complying Activity.

Colin Bond considers that some of the amounts in Table 6.3 are unrealistic and have no relativity to the amounts being removed.

### 4.57.2 Evaluation

As outlined in section 4.55 I want to work through the comments with the submitters and give further consideration to the re-wording of Policy 6-32 and supporting tables. I will return to this matter in my Supplementary Report.

Whilst I have made recommendations on individual submissions within Attachment 1 in relation to the Table I will in light of the above comments revisit the recommendations in my Supplementary Report.

### 4.57.3 Recommendation WTR 57

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.57.3.1 Recommended changes to provision

- (a) For the reasons outlined in section 4.55 no changes are recommended at this stage. I will however, return to this section in my Supplementary Report.

[Note: Tables 6.3 and 6.4 have been combined and the volumes are specified as averages and the volume amounts altered in some situations. This is as I understand it, as a result of evidence from the Science Reports.]

## **4.58 Chapter 6 – Table 6.4 Annual allocable volumes of gravel - estimated allocations - Rivers and Lake Beds**

### **4.58.1 Summary of submission points**

Rangitikei Aggregates seeks the removal of Table 6.4 or alternatively an increase in the volume of gravel extraction when rivers are overburdened.

The Minister of Conservation seeks the deletion of the Manganui-o-te Ao River from the table and provide for as a Non-Complying Activity. The submitter also seeks that all stretches of rivers that pass through or are adjacent to Department of Conservation land or managed under Water Conservation Orders are provided for as a Non-Complying Activity.

### **4.58.2 Evaluation**

As outlined in section 4.55 I want to work through the comments with the submitters and give further consideration to the re-wording of Policy 6-32 and supporting tables. I will return to this matter in my Supplementary Report.

Whilst I have made recommendations on individual submissions within Attachment 1 in relation to the Table I will in light of the above comments revisit the recommendations in my Supplementary Report.

### **4.58.3 Recommendation WTR 58**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **3.58.3.1 Recommended changes to provision**

- (a) For the reasons outlined in section 4.55 no changes are recommended at this stage. I will however, return to this section in my Supplementary Report.

[Note: Tables 6.3 and 6.4 have been combined and the volumes are specified as averages and the volume amounts altered in some situations. This is as I understand it, as a result of evidence from the Science Reports.]

## 4.59 Chapter 6 – Method – General – Water Quality

### 4.59.1 Summary of submission points

The Bulloch's seek a new project within the methods to deal with sign posting of polluted swimming and recreational spots.

Royal Forest and Bird wants a new project aimed at enhancing the spawning areas and habitat for native fish.

### 4.59.2 Evaluation

The Bulloch's seek a new project within the methods to deal with sign posting of polluted swimming and recreational spots. The issue of signposting is something that the Regional Council already undertakes and will continue to undertake. I do not consider a specific method for this issue is necessary. No change is recommended.

Royal Forest and Bird wants a new project aimed at enhancing the spawning areas and habitat for native fish. I consider that the Method dealing with Trout Spawning Habitat can be broadened to cover native fish.

### 4.59.3 Recommendation WTR 59

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.59.3.1 Recommended changes to provision

- (a) Amend Method Trout Spawning Habitat in accordance with the changes recommended in track changes for Method 6-6.

## **4.60 Chapter 6 – Method - Large Water Abstractors - Ground and Surface Water Allocation**

### **4.60.1 Summary of submission points**

Fish and Game NZ supports the method. The support for the method is noted.

Horticulture NZ wants the method to specify a quantity threshold or range as to who are large abstractors.

### **4.60.2 Evaluation**

Horticulture NZ wants the method to specify a quantity threshold or range as to who are large abstractors. I am not clear what benefit would be achieved by specifying a quantity threshold within the Method. It would potentially unnecessarily restrict who the Regional Council could work with. No change is recommended.

### **4.60.3 Recommendation WTR 60**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **3.60.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.61 Chapter 6 – Method - Sewage Treatment Plant Upgrades – Water Quality

### 4.61.1 Summary of submission points

Water and Environmental Care Association and other supporting submitters, Taranaki Fish and Game and Fish and Game NZ support the Method. The support is noted.

Ngati Kahungunu wants iwi authorities added to the Method.

Wanganui District Council seeks clarification on what the expectations of this project are and the costs that will be incurred.

Rangitikei District Council wants the Method modified to obtain funding for sewage treatment plant upgrades via Regional Council rates.

### 4.61.2 Evaluation

Ngati Kahungunu wants iwi authorities added to the Method. I consider that iwi authorities have relevant concerns particularly in relation to discharges to water. I recommend that iwi authorities be added to those involved in the Method.

Wanganui District Council seeks clarification on what the expectations of this project are and the costs that will be incurred. The costs of the project are a matter that will be dealt with through the Councils' LTCCP process. I consider the project description outlines what the aim of the project is. No changes are recommended.

Rangitikei District Council wants the Method modified to obtain funding for sewage treatment plant upgrades via Regional Council rates. The Method clearly articulates that the project aims to seek central government assistance and that the Regional Council will work with territorial authorities. No change is recommended.

### 4.61.3 Recommendation WTR 61

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.61.3.1 Recommended changes to provision

- (a) Amend Method Sewage Treatment Plant Upgrades in accordance with the changes recommended in track changes for Method 6-2.

## **4.62 Chapter 6 – Method – On-site waste water System Forum – Water Quality**

### **4.62.1 Summary of submission points**

Taranaki Fish and Game and Fish and Game NZ and CPG NZ support the Method. The support is noted.

CPG NZ seeks that the Forum be provided for as a performance measure in annual plans.

### **4.62.2 Evaluation**

In response to the submission from CPG NZ that seeks that the Forum be provided for as a performance measure in annual plans, these comments are noted. The provision of the Forum through the annual plan process is not something that can be achieved through this Plan process but the comments have been noted by Regional Council management.

### **4.62.3 Recommendation WTR 62**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **3.62.3.1 Recommended changes to provision**

- (a) No change is recommended.



## 4.63 Chapter 6 – Method - Human Sewage Discharges to Water – Water Quality

### 4.63.1 Summary of submission points

Water and Environmental Care Association and other supporting submitters, Taranaki Fish and Game and Fish and Game NZ support the Method. The support is noted.

Ngati Kahungunu wants iwi authorities added to the Method.

### 4.63.2 Evaluation

Ngati Kahungunu wants iwi authorities added to the Method. I consider that iwi authorities have relevant concerns particularly in relation to discharges to water. I recommend that iwi authorities be added to those involved in the Method.

I have as a consequential amendment recommended that the words “*land use disposal*” be replaced with “*land treatment*” to be more accurate in the terminology used.

### 4.63.3 Recommendation WTR 63

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.63.3.1 Recommended changes to provision

- (a) Amend Method Human Sewage Discharges to Water in accordance with the changes recommended in track changes for Method 6-4.

## **4.64 Chapter 6 – Method - Stormwater System Discharge Upgrades – Water Quality**

### **4.64.1 Summary of submission points**

Taranaki Fish and Game and Fish and Game NZ support the Method. The support is noted.

Water and Environmental Care Association and other supporting submitters including Wanganui District Council want the method to be amended to refer to the Regional Council providing assistance to both District and City Councils.

Ngati Kahungunu wants iwi authorities added to the Method.

Rangitikei District Council wants a Memorandum of Understanding to clarify the responsibilities of the Councils.

### **4.64.2 Evaluation**

The inclusion of a reference to territorial authorities rather than District Councils and to iwi authorities assists in clarifying the method and the submissions that seek these changes are accepted.

In relation to the submission from Rangitikei District Council which seeks a Memorandum of Understanding to clarify the responsibilities of the Councils, I consider this is a matter that is beyond the scope of the Plan. No change is recommended.

I have as a consequential amendment recommended that the words “*land use disposal*” be replaced with “*land treatment*” to be more accurate in the terminology used.

### **4.64.3 Recommendation WTR 64**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.64.3.1 Recommended changes to provision**

- (a) Amend Method Stormwater System Discharge Upgrades in accordance with the changes recommended in track changes for Method 6-5.

## **4.65 Chapter 6 – Method - Trout Spawning Habitat – Water Quality**

### **4.65.1 Summary of submission points**

Taranaki Fish and Game, Fish and Game NZ and TrustPower support the Method. The support is noted.

The Taranaki Whanganui Conservation Board wants mention of native fish habitat.

### **4.65.2 Evaluation**

The issues raised by Taranaki Whanganui Conservation Board regarding native fish habitat have been addressed in section 4.59 dealing with the submission from Royal Forest and Bird. I have recommended that the Method dealing with Trout Spawning Habitat be broadened to cover native fish.

### **4.65.3 Recommendation WTR 65**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.65.3.1 Recommended changes to provision**

- (a) No further changes are recommended. The changes to this method are dealt with in section 4.59.

## **4.66 Chapter 6 – Method - Water Quality Improvement**

### **4.66.1 Summary of submission points**

Taranaki Fish and Game, Fish and Game NZ and NZ Pork Industry Board support the Method. The support is noted.

Ngati Kahungunu wants iwi authorities added to the Method.

Taranaki Fish and Game wants the section amended to refer to waterway owners.

The NZ Pork Industry Board seeks specific changes to provide a new project covering coordinated ICM initiatives in the Water Management Zones.

### **4.66.2 Evaluation**

In relation to the submission from Ngati Kahungunu seeking to include iwi authorities within the Method I note that the method already identifies two iwi bodies. No further change is recommended.

Taranaki Fish and Game wants the section amended to refer to waterway owners. Landowners is the term used within the Method and this more accurately reflects those parties that need to be included. Waterway owners is a misnomer. No change is recommended.

The NZ Pork Industry Board seeks specific changes to provide a new project covering coordinated ICM initiatives in the Water Management Zones. I consider the Method is well defined and I am not clear on specifically what is being sought by the submitter. At this time I have recommended the submission be rejected but I will work through the issues further with the submitter and return to this in the Supplementary Report.

### **4.66.3 Recommendation WTR 66**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.66.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.67 Chapter 6 – Method – Education in Schools – Water Quality

### 4.67.1 Summary of submission points

Taranaki Fish and Game and Fish and Game NZ support the Method. The support is noted.

The Bullocks' and the Manawatu Branch of the NZ Green Party want the project extended to cover workplaces and commercial premises.

Sustainable Whanganui seeks the inclusion of the Youth Environment Forum within the Method.

### 4.67.2 Evaluation

The Bullocks' and the Manawatu Branch of the NZ Green Party want the project extended to cover workplaces and commercial premises. The extension of the project to this degree has potential cost implications which I consider need to be dealt with through the LTCCP process. No change is recommended.

Sustainable Whanganui seeks the inclusion of the Youth Environment Forum within the Method. I consider the focus of the Forum means they are in a good position to assist with being involved in the Project. I consider the Youth Environment Forum should be added to the Who column.

### 4.67.3 Recommendation WTR 67

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.67.3.1 Recommended changes to provision

- (a) Amend Method Education in Schools - Water in accordance with the changes recommended in track changes for Method 6-8.

#### **4.68 Chapter 6 – Method - Water (Fluvial Resources, Quality and Quantity) Research, Monitoring and Reporting - Rivers and Lake Beds**

##### **4.68.1 Summary of submission points**

Taranaki Fish and Game, Fish and Game NZ and TrustPower support the Method. The support is noted.

Ngati Kahungunu wants iwi authorities added to the Method.

##### **4.68.2 Evaluation**

Ngati Kahungunu wants iwi authorities added to the Method. I consider that iwi authorities have contributions to make in relation to fluvial resources. I recommend that iwi authorities be added to those involved in the Method.

In broadening out those to be involved to cover iwi, I consider as a consequential change that Fish and Game should be added. In addition, the wording within the Method has been altered to provide greater clarity regarding what the Method will cover. This is a consequential change as a result of the submission made by Fish and Game to Rule 16-13 (Section 155).

##### **4.68.3 Recommendation WTR 68**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.68.3.1 Recommended changes to provision**

- (a) Amend Method Water (Fluvial Resources)... in accordance with the changes recommended in track changes for Method 6-9.

## 4.69 Chapter 6 – Anticipated Environmental Results –Table – Water Quality

### 4.69.1 Summary of submission points

Ngati Kahungunu supports the Anticipated Environmental Results. The support is noted.

Fish and Game NZ wants a reference to Policy 6-27 included.

Royal Forest and Bird wants the introductory sentence to refer to both maintenance and exceedance of the values set in the Plan.

### 4.69.2 Evaluation

In relation to the submission from Fish and Game NZ seeking a reference to Policy 6-27 I have recommended this be included within the Link to Policy column in the second row.

I consider that given the focus in the objectives and policies on maintenance and enhancement the submission from Royal Forest and Bird seeking that the introductory sentence refer to both maintenance and exceedance of the values set in the Plan, should be accepted.

### 4.69.3 Recommendation WTR 69

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.69.3.1 Recommended changes to provision

- (a) Amend the Anticipated Environmental Results in accordance with the changes recommended in track changes in Section 6.6 Anticipated Environmental Results.

## **4.70 Chapter 6 – Anticipated Environmental Results – Table – Row 1 – Water Quality**

### **4.70.1 Summary of submission points**

The Minister of Conservation seeks the addition of a new indicator within the Anticipated Environmental Results Table as follows:

*“Water quantity and flows of surface water are managed in accordance with the allocation and minimum flow regime developed in the Plan.”*

Taranaki Fish and Game supports the section but want the relevant objectives and policies to provide for the enhancement of groundwater quality in the Region where it is degraded.

### **4.70.2 Evaluation**

I agree with the suggestion made by the Minister of Conservation to include a new indicator to deal with water quantity and flows. This aspect of water management is missing currently from the Anticipated Environmental Results table.

The support of Taranaki Fish and Game is noted. As noted earlier the focus with groundwater is on maintenance for existing and future uses and values. No further change is recommended.

### **4.70.3 Recommendation WTR 70**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.70.3.1 Recommended changes to provision**

- (a) Amend the Anticipated Environmental Results in accordance with the changes recommended in track changes in Section 6.6 Anticipated Environmental Results.



## 4.71 Chapter 6 – Explanations and Principal Reasons – Water Quality

### 4.71.1 Summary of submission points

Aohanga Inc supports the Principal Reasons. The support is noted.

The New Zealand Pork Industry Board wants the references within the explanation dealing with agricultural land uses in targeted catchments to be deleted and instead seeks a focus on both point and non point sources of contamination to water bodies.

### 4.71.2 Evaluation

I consider the explanation covers the focus of the provisions of Chapter 6. Therefore I recommend that the submission from the New Zealand Pork Industry Board be rejected.

As a consequence of making changes within the groundwater policies to refer to “*properly constructed*” bores rather than using the words “*of good quality*” it is necessary to make the same terminology change within the Explanation covering groundwater.

### 4.71.3 Recommendation WTR 71

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.71.3.1 Recommended changes to provision

- (a) Amend the Anticipated Environmental Results in accordance with the changes recommended in track changes for Section 6.6 Anticipated Environmental Results.

## 4.72 Chapter 13 – General – Water Quality

### 4.72.1 Summary of submission points

#### Support

The Minister for the Environment endorses the recognition given to industry targets and considers the approach to control nitrogen leaching/run-off is consistent with sustainable management. The comments are noted.

Fish and Game support the policies in this chapter. The support is noted.

#### Wording Changes

Ruahine River Care Group seeks to have trout values excluded from some water bodies and other water bodies that do not support legal sized fish.

Higgins Group seeks changes being:

- (a) The inclusion of a Permitted Activity rule like DSW Rule 7 in the Land and Water Regional Plan to cover the discharge of water containing small amounts of sediment and other material.
- (b) The inclusion of a Restricted Discretionary Activity rule for large scale gravel extraction.
- (c) Better provisions for dealing with water quality and discharges to water.

Pritchard Group Ltd seeks to have any rules relating to discharges to land and water justified, required to achieve the purpose of the Act and not unnecessarily complicated or onerous. The submitter also seeks that any rules relating to the management of domestic wastewater discharges be able to be processed on a non-notified basis without the written approval of affected parties and not be categorised as Discretionary Activities.

Ichythus Consulting wants the new water balance criteria to be given consideration in the rules and consenting conditions.

Bert Judd wants no more large discharge consents being granted to water and wants the words “*may not be granted*” with “*will not be granted*” to ensure enforcement action can be taken.

Wayne Shailer wants to see scientific proof to support the approach taken in the Plan particularly in relation to pasture improvement and that the changes won't affect overall production.

The territorial authorities raise the following:

- (a) It is unreasonable that telemetry data has to be provided on stormwater flows.
- (b) Rural stormwater controls should be limited to earthworks at a site using sediment retention dams.
- (c) Urban stormwater should be restricted to areas with high traffic.
- (d) A Code of Practice be developed for farmers relative to activity and land use type.

- (e) Discharges of stormwater and wastewater from a local authority should be provided for as a Controlled Activity.
- (f) A new rule providing for cleanfill operations in excess of 2,500m<sup>3</sup> per year as a Controlled Activity.

Horizons Regional Council wants the Rules in Chapter 13 amended to include where appropriate the associated discharge to air in the activity column and appropriate standards included.

Mars Petcare seeks the insertion of a rule allowing the maintenance of existing discharge structures as a Permitted Activity. The submitter also seeks a rule making replacement consents for discharges to land and water a Controlled Activity with specified standards.

The Oil Companies want Policies 13-1 to 13-4 retained but seek a reference to industry standards and Codes of Practice and specific recognition for the Ministry for the Environment Guideline for Water Discharges from Petroleum Industry Sites in NZ (1998). The submitters also seek to have a clear statement in the Plan that only outputs from District Council infrastructure are being controlled.

Graham Sexton seeks to have the spreading of dairy and pig effluent made a Permitted Activity.

TrustPower wants the provisions in Chapter 13 to refer to infrastructure development and energy generation.

Environmental Working Party and Nga Pae o Rangitikei want a provision within Chapter 13 which refers to Chapter 4 Te Ao Maori.

Taranaki Fish and Game wants the section retained but seeks to have the lower Manganuiateao sub zone (Whai\_5e) added to Table 13.1 with a date of 1 April 2015.

Cuttriss Consultants objects to Rule 13-11 stating a minimum site area for lots where there is no reticulated sewage system available.

Landlink considers that references to sections of the Resource Management Act are unnecessary and will make the Plan inconsistent with the Act if changes are made.

#### 4.72.2 Evaluation

In response to the submission from Ruahine River Care Group where trout values are identified in Schedule D the Science research has determined that these water bodies do have value for trout. No change is recommended.

I respond to the matters raised by Higgins Group:

- (a) DSW Rule 7 in the Land and Water Regional Plan provides for the discharge of water containing small amounts of sediment and other material as a Permitted Activity. I consider the wording of this Rule to be uncertain i.e. what are small amounts of sediment? I acknowledge the supporting standards would limit the effects. I consider however,

that it is more approach to ensure that sediment discharge associated with gravel extraction is provided for in the Rules associated with gravel extraction. At this stage I have not proposed wording changes but as outlined in clause (b) below I will return to this matter in my Supplementary Report.

- (b) The inclusion of a Restricted Discretionary Activity rule for large scale gravel extraction. As I note in Section 4.55 I consider that Policy 6-32 and the gravel extraction rules are problematic and I have outlined that I will return to this matter in my Supplementary Report.
- (c) In terms of the provisions for dealing with water quality and discharges to water I do recommend some changes. Generally however, I have not recommended a wholesale change to the approach taken in the Plan as there is an absence of scientifically supported alternatives.

In response to the submission from Pritchard Group Ltd I would note that the Science Team Reports set out the rationale for the standards and rule framework. Generally new and upgraded discharges of domestic wastewater are Permitted Activities under Rule 13-11. Rule 13-12 states that where the Permitted Activity standards cannot be complied with that domestic wastewater discharges will be processed as a Restricted Discretionary Activity, on a non-notified basis without the written approval of affected parties. I think this meets the concerns of the submitter. No change is recommended.

Ichythus Consulting wants the new water balance criteria to be given consideration in the rules and consenting conditions. I will discuss this matter further with the submitter and return to it in my Supplementary Report.

In response to the submission from Bert Judd discharges of untreated human effluent into a water body is a Prohibited Activity meaning an application for resource consent cannot be made. In other situations an application can be made with the effects of each application needing to be assessed including against the values in Schedule D. The Compliance Team at the Council check compliance with consent conditions and take enforcement action as necessary. No change is recommended.

Wayne Shailer wants to see scientific proof to support the approach taken in the Plan particularly in relation to pasture improvement and that the changes won't affect overall production. I would refer Mr Shailer to the Science Reports that have been provided to the Hearing Panel. No change is recommended.

I respond to the matters raised by the territorial authorities as follows:

- (a) The submitters consider it is unreasonable that telemetry data has to be provided on stormwater flows. This is a matter that needs to be worked through the consent process. In terms of Rule 13-15 which deals with Discharges of Stormwater as a Permitted Activity there are no specific references to the need for telemetry data. No change is recommended.
- (b) In terms of stormwater controls I recommend a change to Rule 13-15 to delete standard (b) regarding a 2 hectare catchment limit. I consider this should meet the concerns of the submitters.

- (c) In relation to developing a Code of Practice for farmers relative to activity and land use type, I understand that Fonterra is working through such an approach. I will return to this matter in my Supplementary Report when I have had the opportunity to discuss the issues further with the submitters.
- (d) I do not consider it appropriate that discharges of wastewater from a local authority should be provided for as a Controlled Activity. Discharges of wastewater to land and water undertaken by a territorial authority should not be given any preferential treatment over any other discharge. No change is recommended.
- (g) The submitters seek a new rule providing for cleanfill operations in excess of 2,500m<sup>3</sup> per year as a Controlled Activity. The Plan provides for these operations as a Discretionary Activity under Rule 3-27. The effects of large volumes of cleanfill need to be considered carefully and as a Controlled Activity the consent would have to be approved. I consider it appropriate to retain discharges of cleanfill in excess of 2,500m<sup>3</sup> as a Discretionary Activity

I recommend that the submission from Horizons Regional Council which seeks to have the Rules in Chapter 13 include any associated discharge to air is rejected. I consider that the issues concerning discharges to air sit within Chapter 14 and that Chapter contains the appropriate standards that must be met by a range of activities.

In response to the submission from Mars Petcare seeking the insertion of a Permitted Activity rule allowing the maintenance of existing discharge, I consider that Rule 16-6 already provides for this. The submitter also seeks a rule making replacement consents for discharges to land and water a Controlled Activity with specified standards. I always struggle with the notion of a “replacement consent” as there really is no such thing. I consider that the rule structure generally appropriately tiers the consent categories depending on the potential and actual adverse effects of an activity. No further change is recommended.

The Oil Companies want Policies 13-1 to 13-4 retained but seek a reference to industry standards and Codes of Practice and specific recognition for the Ministry for the Environment Guideline for Water Discharges from Petroleum Industry Sites in NZ (1998). The submitters also seek to have a clear statement in the Plan that only outputs from District Council infrastructure are being controlled. I am not clear exactly why the submitter considers this to be an issue as I consider the Plan focus in terms of Council infrastructure focuses on outputs. I will work though both these issues further with the submitters.

Graham Sexton seeks to have the spreading of dairy and pig effluent made a Permitted Activity. Currently the Plan identifies dairy shed effluent and effluent from existing piggeries as a Controlled Activity under Rule 13-6. Effluent discharged from a new piggery is a Discretionary Activity under Rule 13-7. For the reasons outlined in the Science Reports where nutrient loadings are potentially going to be high the adverse effects of these activities need to be assessed. No change is recommended.

TrustPower wants the provisions in Chapter 13 to refer to infrastructure development and energy generation. The benefits of infrastructure including hydro electric power generation are recognised within Chapter 3 and Policy

13-1 refers to the provisions of Chapter 3. No further change is recommended.

Environmental Working Party and Nga Pae o Rangitikei wants a provision within Chapter 13 which refers to Chapter 4 Te Ao Maori. Policy 13-1 refers to the provisions of Chapter 4.

Taranaki Fish and Game wants the section retained but seeks to have the lower Manganuiateao sub zone (Whai\_5e) added to Table 13.1 with a date of 1 April 2015. I will discuss these issues further with the Submitter and return to these matters in the Supplementary Report.

Cuttriss Consultants objects to Rule 13-11 stating a minimum site area for lots where there is no reticulated sewage system available. The Science Reports outline how the 5000m<sup>2</sup> and 2500m<sup>2</sup> minimum areas for lots have been derived. Any standard that sets an area will be somewhat arbitrary. Also by setting a minimum lot size the Regional Plan will effectively be restricting the potential lots sizes that can occur across the Region. I recommend changes to Rule 13-11 which may meet the concerns of the Submitter. I will work through these issues further with the submitters.

In regard to the submission from Landlink which outlines that references to sections of the Resource Management Act are unnecessary, I consider that where a reference assists in understanding the link between the provision and the section of the Act then it is appropriate to make a reference. If the clauses in the Act change then it is reasonably straightforward to either make a Schedule 1 clause 16 amendment or if the issue is larger then a Plan Change may be required.

#### **4.72.3 Recommendation WTR 72**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.72.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.73 Chapter 13 – Policy 13-1 Consent decision making for discharges to water – Water Quality

### 4.73.1 Summary of submission points

#### **Support**

Ngati Kahungunu seeks to have the Policy retained and notes the need to have the Policy numbers re-arranged so they are consecutive. The support is noted and the change to the Policy numbering is recommended.

Transpower and Mighty River Power support Policy 13-1. The support is noted.

#### **Deletion**

The territorial authorities and NZ Pharmaceuticals seek the deletion of Policy 13-1(d) which provides a cross reference to objectives and policies in various other Chapters.

#### **Wording Changes**

Ruahine White Water Club and supported by NZ Recreational Canoeing Association want stronger non-compliance provisions and seek additional clauses to cover:

- (a) Situations where there have been two or more non-compliances then a surety or bond must be made prior to a consent being granted.
- (b) Conditions would terminate a consent where there have been two or more breaches.
- (c) That water quality reporting to the Regional Council be mandatory.

Ruahine White Water Club also seeks to have clause (b) amended to include: *“or be accumulated in or near the water body or at the terminus of the water body”*.

Horticulture NZ and Federated Farmers seek to have Policy 13-1 provide greater clarity as to the extent and scope of the relevant provisions in the Plan to consent applications.

The Minister of Conservation wants the word “and” adding between sub clauses (c)(i) and (ii).

Ravensdown seeks either the exclusion of fertiliser application from Policy 13-1 or the activity status for farming activities being changed to Permitted with compliance required with the Code of Practice for Fertiliser use.

Environmental Working Party and Nga Pae o Rangitikei wants a reference to Chapter 4 Te Ao Maori. Royal Forest and Bird wants a reference to Chapter 9 Coast.

Fonterra seeks to have dairy farms excluded from the requirement to achieve the values, management objectives and water quality standards in Schedule D. The submitter considers that the Policies need to state that the standards in Schedule D may not be achieved using presently available mitigation measures.

#### 4.73.2 Evaluation

I do not recommend the deletion of Policy 13-1(d) which provides a cross reference to objectives and policies in various other Chapters in the Plan as the provisions of these chapters are also relevant to a consideration of a consent application dealt with in Chapter 13.

I have recommended that the submissions from Ruahine White Water Club and NZ Recreational Canoeing Association seeking stronger non-compliance provisions, be rejected. The provisions of Policy 2-5 cover enforcement procedures. From an effects point of view it is difficult to justify that a consent cannot be granted because of previous non-compliance. No change is recommended.

In terms of the submissions that seek to have mandatory water quality reporting to the Regional Council I consider that the provisions of Policy 13-4 deal with monitoring and are adequate to deal with this issue. No change is recommended.

Ruahine White Water Club also seeks to have clause (b) amended to include: *“or be accumulated in or near the water body or at the terminus of the water body”*. The current wording is: *“avoiding discharges which contain any persistent contaminants that are likely to accumulate in the water body.”* I consider this wording is clear and the wording proposed by the submitter does not add any greater clarity to clause (b). No change is recommended.

The submissions from Horticulture NZ and Federated Farmers seek to have Policy 13-1 provide greater clarity as to the extent and scope of the relevant provisions in the Plan relevant to consent applications. I consider the provisions are clear and I am not certain what greater clarity is sought specifically. I will discuss this matter further with the submitter.

The Minister of Conservation wants the word “and” adding between sub clauses (c)(i) and (ii). I consider the inclusion of and links the two sub clauses and provides greater clarity. I recommend the submission be accepted.

Ravensdown seeks either the exclusion of fertiliser application from Policy 13-1 or the activity status for farming activities being changed to Permitted with compliance required with the Code of Practice for Fertiliser Use (2002). In situations where fertiliser is applied to farms other than those listed in Rule 13-1 the activity is Permitted under Rule 13-2. One of the standards in Rule 13-2 is compliance with the Code of Practice for Fertiliser Use (2002). For intensive farms Rule 13-1 triggers an application for a Controlled Activity. The performance standards applying to fertiliser application outlined in Rule 13-2 are not however, carried over into Rule 13-1. Fonterra seeks to have dairy farms excluded from the requirement to achieve the values and standards in Schedule D. I understand that Fonterra is in the process of preparing an alternative approach to Rule 13-1 which I have not seen the details of but



understand in general terms it would require compliance with certain Codes of Practice. I would like the opportunity to work through these issues further with the submitters and I will return to the provision in my Supplementary Report.

The submissions seeking cross references to Chapter 4 Te Ao Maori and Chapter 9 Coast are accepted. Clause (d) already refers to both of these Chapters.

#### **4.73.3 Recommendation WTR 73**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.73.3.1 Recommended changes to provision**

- (a) Amend Policy 13-1 Consent Decision Making for Discharges to Water in accordance with the changes recommended in track changes for Policy 13-1.

#### **4.74 Chapter 13 – Policy 13-4 Monitoring requirements for consent holders – Water Quality**

##### **4.74.1 Summary of submission points**

###### **Support**

Ngati Kahungunu seeks to have the Policy retained and notes the need to have the Policy numbers re-arranged so they are consecutive. The support is noted and the change to the Policy numbering is recommended.

Transpower, the Minister of Conservation and Royal Forest and Bird support Policy 13-4. The support is noted.

###### **Deletion**

The territorial authorities seek the deletion of Policy 13-4(c) regarding conductivity meters.

Affco NZ – Manawatu and Wanganui seek the deletion of Policy 13-4.

###### **Wording Changes**

The territorial authorities and NZ Pharmaceuticals seek clarification that clause (d) does not mean a consent holder is undertaking state of the environment monitoring that is required to be undertaken by the Regional Council.

Horizons Regional Council wants to amend clause (c) to take out the references to conductivity meters. And to amend clause (d) by inserting that the monitoring and reporting occur at the point of discharge before it enters surface water.

Ruahine White Water Club seeks the replacement of the words “*may also be required*” in clause (d) with: “*will be required at a minimum of once every 6 months or more often as required by the conditions of consent.*”

Winstone Pulp International wants the deletion of the Policy or the deletion of clauses (b) and (c) and the replacement of clause (a) to refer to monitoring equipment suitable for and at a frequency appropriate for the volume of discharge and clause (d) to refer to monitoring and reporting in general.

Horticulture NZ and Federated Farmers seek to have the Policy only apply to point source discharges. Fonterra wants the Policy to specifically exclude it being applied in relation to Rule 13-1.

##### **4.74.2 Evaluation**

I am not recommending that Policy 13-4 be deleted. I consider it assists in setting out the monitoring requirements. I agree that the wording proposed by Horizons Regional Council in relation to clauses (c) and (d) assists in clarifying

the intent of the clauses. The wording proposed is set out in the track changes for Policy 13-4.

These recommended changes cover the concerns raised by the territorial authorities and NZ Pharmaceuticals regarding clause (d) not meaning a consent holder is undertaking state of the environment monitoring and clause (c) not referring to conductivity meters.

I recommend the submission from Ruahine White Water Club seeking the replacement of the words *“may also be required”* in clause (d) be rejected. The wording the submitter seeks is: *“will be required at a minimum of once every 6 months or more often as required by the conditions of consent.”* I consider the frequency of monitoring and reporting need to be considered in the context of the consent application. This is not to say that the Consents Team may not continue to apply standard conditions regarding frequency of monitoring to the bulk of the consent decisions.

The wording changes proposed by Winstone Pulp International are too general and almost render the Policy useless as it would be unclear. No change is recommended.

Horticulture NZ and Federated Farmers seek to have the Policy only apply to point source discharges and Fonterra wants the Policy to specifically exclude Rule 13-1. Monitoring in this context is in relation to point source discharges. The change proposed by the submitters to have the Policy only refer to point source discharges is recommended to be accepted.

#### **4.74.3 Recommendation WTR 74**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.74.3.1 Recommended changes to provision**

- (a) Amend Policy 13-4 Monitoring Requirements for Consent Holders in accordance with the changes recommended in track changes for Policy 13-4.

## 4.75 Chapter 13 – Policy 13-2 Consent decision making discharges to land– Water Quality

### 4.75.1 Summary of submission points

#### **Support**

The Ministry of Education supports clause (c) within Policy 13-2. The support is noted.

Ngati Kahungunu seeks to have the Policy retained and notes the need to have the Policy numbers re-arranged so they are consecutive. The support is noted and the change to the Policy numbering is recommended.

#### **Deletion**

The territorial authorities and NZ Pharmaceuticals seek the deletion of Policy 13-2(f) which provides a cross reference to objectives and policies in various other Chapters. Federated Farmers wants the deletion of clause (b).

#### **Wording Changes**

Horizons Regional Council wants the reference to Chapter 11 Introduction to Rules deleted from clause (f).

Transpower wants clause (c) to also refer to regionally significant infrastructure.

Environment Network Manawatu and Royal Forest and Bird seek a Policy to outline how large or industrial discharges to land will be monitored.

Horticulture NZ and Federated Farmers seek to have Policy 13-2 provide greater clarity as to the extent and scope of the relevant provisions in the Plan to consent applications.

Fonterra wants the Policy to specifically exclude it being applied in relation to Rule 13-1 and seeks to have dairy farms excluded from the requirement to achieve the values, management objectives and water quality standards in Schedule D. The submitter considers that the Policies need to state the standards in Schedule D may not be achieved using presently available mitigation measures.

Landlink Ltd wants clause (f) to also refer to Chapter 5 Land and Royal Forest and Bird wants reference to Chapter 9 Coast.

### 4.75.2 Evaluation

I do not recommend the deletion of Policy 13-2(f) which provides a cross reference to objectives and policies in various other Chapters in the Plan as the provisions of these chapters are also relevant to a consideration of a consent application dealt with in Chapter 13.

Horizons Regional Council wants the reference to Chapter 11 Introduction to Rules deleted from clause (f). I recommend that Chapter 11 be deleted but I note that there is proposed to be a further section 10A as a result of the recommendations to the Hearing Panel on Administration which deals with broad Plan policies. I will return to whether reference will need to be made to section 10A.

Transpower wants clause (c) to also refer to regionally significant infrastructure. Discharges to land do have the potential to adversely affect roads, airports and power lines where the discharge crosses over these activities. I recommend the submission be accepted.

Environment Network Manawatu and Royal Forest and Bird seek a Policy to outline how large or industrial discharges to land will be monitored. I consider this to be a valid point as at the moment the Policies do not deal with monitoring in relation to discharges to land. This is a matter I will return to in my Supplementary Report.

Horticulture NZ and Federated Farmers seek to have Policy 13-2 provide greater clarity as to the extent and scope of the relevant provisions in the Plan to consent applications. I consider the provisions are clear and I am not certain what greater clarity is sought specifically. I will discuss this matter further with the submitter.

In relation to the submission from Fonterra I understand that Fonterra is in the process of preparing an alternative approach to Rule 13-1 which I have not seen the details of but understand in general terms it would require compliance with certain Codes of Practice. I would like the opportunity to work through these issues further with the submitters and I will return to the provision in my Supplementary Report.

Landlink Ltd wants clause (f) to also refer to Chapter 5 Land and Royal Forest and Bird wants reference to Chapter 9 Coast. I recommend these additional cross references be added to clause (f).

#### **4.75.3 Recommendation WTR 75**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.75.3.1 Recommended changes to provision**

- (a) Amend Policy 13-2 Consent Decision Making for Discharges to Land in accordance with the changes recommended in track changes for Policy 13-2.

## **4.76 Chapter 13 – Policy 13-3 Management of discharges of domestic wastewater – Water Quality**

### **4.76.1 Summary of submission points**

Ngati Kahungunu seeks to have the Policy retained and notes the need to have the Policy numbers re-arranged so they are consecutive. The support is noted and the change to the Policy numbering is recommended.

Transpower supports Policy 13-3. The support is noted.

Royal Forest and Bird seeks a reference to Chapter 9 Coast within Policy 13-3.

### **4.76.2 Evaluation**

Royal Forest and Bird seek a reference to Chapter 9 Coast within Policy 13-3. Policy 13-2 which deals with discharges to land generally and would be considered in relation to a resource consent application for a discharge of domestic wastewater and this Policy includes a cross reference to Chapter 9. No change to Policy 13-3 is recommended.

As a consequential change it is recommended that the references to the Manual for On-Site Wastewater Systems be updated to refer to the new manual. An additional clause is recommended for inclusion referring to the requirement for an area of land equal in size to the disposal area be set aside as a reserve area. This change reflects the requirements of the Manual and provides greater clarity.

### **4.76.3 Recommendation WTR 76**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.76.3.1 Recommended changes to provision**

- (a) Amend Policy 13-3 Management of Discharges of Domestic Wastewater in accordance with the changes recommended in track changes for Policy 13-3.

## 4.77 Chapter 13 – Rule Sub Heading - 13.2 Agricultural activities rules – Water Quality

### 4.77.1 Summary of submission points

#### Support

Ecologic Foundation supports the provisions of section 13.2. The support is noted.

#### Comment

Sandra Rogers wants to know whether the Regional Council will provide the contractors and materials to construct fences along water bodies. The Regional Council does operate a number of measures to assist farmers in fencing off water bodies. I would suggest Ms Rogers contacts the Regional Council to discuss this matter further.

#### Wording Changes

Colin Kay wants the application of dairyshed and piggery effluent made a Permitted Activity, and seeks that Horizons allow a trialling of new methods and technologies for the discharge of effluent. In response to the second matter I would suggest that Mr Kay contacts the Council Consents Team to work through specific proposals he might have.

Fonterra seeks a Permitted Activity rule authorising dairy farming prior to the dates provided in Table 13.1.

Federated Farmers and Almadale Produce Ltd want a Permitted Activity rule to allow for the discharge of poultry manure where it is immediately cultivated into the soil subject to conditions including that there is no direct discharge to a water body and a nutrient budget is prepared.

### 4.77.2 Evaluation

Colin Kay wants the application of dairyshed and piggery effluent made a Permitted Activity. Fonterra seeks a Permitted Activity rule authorising dairy farming prior to the dates provided in Table 13.1.

Currently the Plan identifies dairy shed effluent and effluent from existing piggeries as a Controlled Activity under Rule 13-6. Effluent discharged from a new piggery is a Discretionary Activity under Rule 13-7. For the reasons outlined in the Science Reports where nutrient loadings are potentially going to be high the adverse effects of these activities need to be assessed.

In relation to the comments made by Fonterra, Table 13.1 and the explanation above it signals that the provisions of the water management zones come into force at specified dates. Rule 13-1 links to the dates in Table 13.1 and states existing uses will be required to comply with 13-1 by the dates outlined in the table and new uses will need to comply by the date the rule becomes operative. Prior to these dates Rule 13-6 deals with the discharge of animal

effluent as a Controlled Activity which includes the requirement for a nutrient budget. I understand Fonterra wants the matters contained in Rule 13-6 to be re-framed as a Permitted Activity. My initial response is that the assessment of a nutrient budget can really only be achieved through a resource consent application process. I understand however, that Fonterra is developing an alternative approach and I will discuss this matter further with the submitter and return to this in my Supplementary Report. Rule 13-8 is a Permitted Activity Rule and covers other agricultural land uses not dealt with in other Rules including activities that occur before the dates come into force for Rule 13-1.

For the reasons outlined in the preceding paragraph I will return to the matters raised by Federated Farmers and Almadale Produce in relation to the discharge of poultry manure as a Permitted Activity, in my Supplementary Report.

#### **4.77.3 Recommendation WTR 77**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.77.3.1 Recommended changes to provision**

- (a) No changes are recommended.



## 4.78 Chapter 13 – Table 13.1 Water management zones – Water Quality

### 4.78.1 Summary of submission points

#### Support

Antony Watson supports the water management zone approach. The support is noted. Mr Watson seeks to have the Council fund the management plans to a level that improves water quality. The comments are noted.

#### Deletion

Horticulture NZ and Federated Farmers want Table 13.1 deleted and a non-regulatory approach adopted for nutrient management.

#### Wording Changes

Wanganui Province of Federated Farmers wants Mowhanau Catchment and Kaitoke Lakes deleted from Water Management Zones.

The Minister of Conservation wants all dates altered to 1 April 2009 or within one year of the plan becoming operative.

Environment Waikato wants the catchment boundary that services the Tongariro Power Development identified as a Target Water Management Zone and referenced in Table 13.1.

Ballance Agri-Nutrients wants a map indicating the zones in the Table and particularly the Lake Horowhenua zones.

### 4.78.2 Evaluation

The submissions from Horticulture NZ and Federated Farmers seek to have Table 13.1 deleted and a non-regulatory approach adopted for nutrient management. As I outlined in section 4.77 above, my initial response is that the assessment of a nutrient budget can really only be achieved through a resource consent application process. I will however, discuss this matter further with the submitters and return to this in my Supplementary Report, and particularly whether the approach being developed by Fonterra may assist with this matter.

Wanganui Province of Federated Farmers wants Mowhanau Catchment and Kaitoke Lakes deleted from the Water Management Zones. It is recommended that Mowhanau Catchment is deleted and Kaitoke Lakes is retained. The rationale for this is set out in the Science Reports. I understand there is only one dairy farm in the Mowhanau Catchment.

The Minister of Conservation wants all dates altered to 1 April 2009 or within one year of the plan becoming operative. The dates apply to existing farming operations and are triggered through Rule 13-1. For a new intensive farming activity Rule 13-1 states that the Rule applies one year after the Plan is made operative. I consider it appropriate to retain the different approach between

new and existing operations to provide existing operators with additional time to alter their nutrient practices. I do consider the dates in Table 13.1 that are before 1 April 2011 need to be amended given the Plan Hearing process is ongoing and not likely to be completed before mid 2010. I have recommended changes to the dates in Table 13.1.

Environment Waikato wants the catchment boundary that services the Tongariro Power Development identified as a Target Water Management Zone and referenced in Table 13.1. The identified catchments are those with existing nutrient issues. No change is recommended.

Ballance Agri-Nutrients want a map indicating the zones in the Table and particularly the Lake Horowhenua zones. The maps of the zones are contained in Schedule D. I accept that a cross reference to the maps would assist and I have recommended the inclusion of a sentence at the end of Table 13.1 to refer to the maps in Schedule D.

#### **4.78.3 Recommendation WTR 78**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.78.3.1 Recommended changes to provision**

- (a) Amend Table 13.1 Water Management Zones in accordance with the changes recommended in track changes for Table 13.1.

## 4.79 Chapter 13 – Table 13.2 Land use capability nitrogen leaching/run off values – Water Quality

### 4.79.1 Summary of submission points

#### Support

Ngati Kahungunu supports Table 13.2. The Minister for the Environment supports the setting of clear targets for nutrient budget outcomes where land use is contributing to degraded water quality and supports the staged approach being taken. The support is noted.

#### Deletion or Alteration of Approach

Whiripo Land Co and various other submitters seek the following:

- (a) A cost-benefit analysis to ensure that dairy farmer's livelihood and regional economy is not put at risk.
- (b) Undertake research to determine what the actual reductions are in relation to nitrate leaching without affecting farm production and profitability.
- (c) Acknowledgement for dairy farmers who are instigating mitigation factors to reduce nitrate leaching.
- (d) Do not want the FARM strategy approached adopted.
- (e) Overseer is not a panacea for nitrate leaching.
- (f) The Council should work with the dairy industry to understand what is being done.

Neville Pearson and other submitters want Table 13.2 deleted. Fonterra considers the table does not promote the sustainable management of natural and physical resources.

Murray Holdaway wants:

- (a) The Regional Council to invest in researching ways of effectively and efficiently measuring nutrient leaching and use the results to set clear guidelines.
- (b) Encourage investment in systems that reduce nitrate leaching.
- (c) Establish consistent monitoring systems.

Hopkins Farming Group and a number of other submitters seek the removal of the Land Use Capability (LUC) approach to dealing with nitrogen levels. And they seek an explanation of how the values were derived. Mr Hopkins considers that the Table does not relate to what is occurring on the land.

The Foundation for Arable Research Inc questions the applicability of two sub catchments to arable cropping catchments and considers that a data set representative of the different catchments, rainfall, topography, soil types and land use needs to be developed.

The Scotts seek:

- (a) Further research on Overseer and the impact of rainfall on predicted nitrogen loss from the system.
- (b) Further research on the implications of nitrogen concentrations on LUC I-VII under high rainfall conditions.
- (c) Adopt average nitrogen concentration in drainage as an alternative index.
- (d) Further refine the values in Table 13.2 by incorporating criteria such as rainfall to better reflect the environmental constraints.

Owen Bonnor wants the Nitrogen and Phosphorus levels lifted.

The Hoggard's want the table to include a margin of error accepting the fact that Overseer cannot be 100% accurate and that the average starting figures be calculated based on factual information.

Fish and Game NZ seeks:

- (a) No increase over current values.
- (b) Base target values after 5 years based on what can be achieved using current best management practices.
- (c) After 15 years the achievement of the SIN standards set in Table D.17.

#### **4.79.2 Evaluation**

Having considered the submissions on the issue of setting leaching or run off values I note the following:

- (a) I think there is a general acceptance that nitrogen leaching into water bodies is an issue that needs to be addressed in the Region.
- (b) It is the approach that is proposed that is being questioned for the following reasons:
  - (i) A non-regulatory approach should be followed.
  - (ii) A cost benefit analysis needs to be undertaken as to the cost implications for the farmers and the farming community including regional economy.
  - (iii) A Permitted Activity regime may be able to deal with the issues.
  - (iv) The science approach behind the Policy framework is questioned in terms of its robustness and coverage of issues i.e. there is a concentration on LUC classification without an assessment of other factors such as rainfall and topography.

I understand that the Science Reports provided to the Hearing Panel outline how the standards were derived. I also understand that Ms Marr is providing the Hearing Panel with an assessment of the likely costs and benefit implications of adopting the approach set out in Table 13.2 and supported by Rule 13-1.

At this point in time I understand that the Table and supporting Rule are the means proposed to deal with the acknowledged and I think accepted problem across the Region of nitrogen leaching. I accept that there may well be other means of dealing with these issues. I understand however, that the non-regulatory approach has not proven effective over a number of years and there is as yet no workable regulatory alternative provided by the submitters. I

do however, as I have already stated, understand that Fonterra is working through an alternative Rule approach and I will work with Fonterra and other submitters to more fully understand how an alternative may be able to fit within a Policy framework and provide certainty in terms of environmental outcome. I will return to this matter in my Supplementary Report.

#### **4.79.3 Recommendation WTR 79**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.79.3.1 Recommended changes to provision**

- (a) No change is recommended. I will return to the content of Table 13.2 in my Supplementary Report.

## **4.80 Chapter 13 – Rules – General – Water Quality**

### **4.80.1 Summary of submission points**

#### **Support**

Winstone Pulp International supports the rules and activity statuses in Chapter 13. The support is noted.

#### **Wording Changes or Changes in Approach**

Environmental Working Party and Nga Pae o Rangitikei want the following:

- (a) Account taken of the provisions of Chapter 4 Te Ao Maori.
- (b) Remedial action taken where there are adverse effects on the environment.
- (c) Constant monitoring of activities.
- (d) Lobbying legislative bodies regarding imposing penalties.
- (e) Iwi being notified of any disturbance to sites of significance to Maori and notification of any discovery.

### **4.80.2 Evaluation**

The matters raised by the submitters regarding monitoring and enforcement of resource consents are noted. The Compliance Team undertake these functions and take enforcement action as appropriate. Policies 13-1 and 13-2 both refer to Chapter 4 Te Ao Maori to provide the link to the relevant objectives and policies within that Chapter. The issue of a consideration as to who may be deemed to be potentially adversely affected is considered through the consent process. Chapter 4 provides guidance as to the issues of concern to Maori which assists in determining when iwi may be considered to be a potentially adversely affected party.

### **4.80.3 Recommendation WTR 80**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.80.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.81 Chapter 13 – Rule 13-1 Dairy farming, cropping, market gardening and intensive sheep and beef farming and associated activities – Water Quality

### 4.81.1 Summary of submission points

There are many submissions on Rule 13-1. Rather than specifically identify each submitter and the points they raise I will group the matters raised around issues. The recommendations on the individual submissions are contained within Appendix 1. There are a few submissions in support of the approach taken in Rule 13-1 with the remaining submissions either in total opposition or opposed to components of the Rule.

#### **FARM Strategy and Overseer Model**

- (a) Mr Clayton and Whiripo Land Co and others raise a number of issues with the content and detail of the FARM Strategy workbook. I have made the Science Team aware of the issues raised as they can then alter the workbook as appropriate.
- (b) The FARM strategy be a voluntary scheme funded by ratepayers and those who participate get a credit on their rates.
- (c) Delete all references to the FARM Strategy and develop a non-regulatory regime.
- (d) Questions the robustness of the science approach taken in the FARM Strategy.
- (e) The Overseer Model not be used as a nutrient modelling tool for market gardening.
- (f) Horizons Regional Council wants the Rule to refer to an updated version of the workbook when it is developed.

#### **Activity Status**

- (a) Market gardening should be a Permitted Activity.
- (b) Dairy farming remains a Permitted Activity.
- (c) More precision regarding the specific elements that control is being reserved over.
- (d) Insertion of a clause that would state the Rule would not apply where the use is not changing.
- (e) Horizons Regional Council wants the rule altered to allow farms outside of target catchments to get a FARM Strategy consent if they wish to.
- (f) The terms Dairy Farming etc in the Activity Column be replaced with threshold stocking rates, cultivations per year and or net fertiliser input regimes.
- (g) How is a “new use” determined e.g. does rotational cropping constitute a new use?

#### **Standards and Matters over Which Control is Reserved**

- (a) Intensive animal farming be required to comply with setbacks from waterways in the same manner as contained in Chapter 12.

- (b) Remove the requirement for a per property take to remove any limit on stock water and to provide for additional limits for specific agricultural activities e.g. farm dairy sanitation.
- (c) Delete condition (e) dealing with the limits on water takes below minimum flow.
- (d) No timeframes being set.
- (e) Amend the 30m<sup>2</sup> standard for surface water takes to 20m<sup>2</sup>.
- (f) Add a matter regarding the effects on matters of significance to tangata whenua.
- (g) Horizons Regional Council wants the Rule to provide for the trading of nutrients between properties in the same water management sub-zone.
- (h) Fix the nitrogen levels at 200kg/N per hectare or alternate specific limits.
- (i) Amend (d)(vii)(d) to refer just to poultry farm effluent not litter and effluent.
- (j) Remove all references to Table 3.2 within the Rule.

### **Other**

- (a) Remove groundwater controls and provide for sufficient water for domestic and stock needs based on 70 litres a day for milking cows, 45 litres for dry stock and 70 litres for milk cooling and dairy hygiene.
- (b) The costs associated with the implementation of the rules on the farms should be met by the rate payer.
- (c) The rules limit dairy production on better land.
- (d) Support the fencing off of water bodies.
- (e) Delay Strategy implementation until research shows the targets are necessary and viable. The regulatory controls be held in abeyance until 2020.
- (f) The reference to Table 13.2 in the Standards Column should state at the end: *“unless the effects of a specified higher value can be shown to be acceptable.”*
- (g) Non-regulatory controls could include a continued emphasis on the Clean Stream Accord.
- (h) Evaluate the wider economic, social and environmental implications of all possible solutions.
- (i) The Rule not apply to farms under 4 hectares in size.
- (j) Where the Rule is not rejected then long term consent durations should be provided.

### **4.81.2 Evaluation**

I understand that the Science Reports provided to the Hearing Panel outline how the standards were derived, how the FARM Strategy was developed and how it works. I also understand that Ms Marr is providing the Hearing Panel with an assessment of the likely costs and benefit implications of adopting the approach set out in Rule 13-1.

At this point in time I understand that the Table and supporting Rule are the means proposed to deal with the acknowledged and I think accepted problem across the Region of nitrogen leaching. I accept that there may well be other means of dealing with these issues. I understand however, that the non-regulatory approach has not proven effective over a number of years and there is as yet no workable regulatory alternative provided by the submitters. I do however, as I have already stated, understand that Fonterra is working



through an alternative Rule approach and I will work with Fonterra and other submitters to more fully understand how an alternative may be able to fit within a Policy framework and provide certainty in terms of environmental outcome. I will return to this matter in my Supplementary Report.

In terms of the submission from Horizons Regional Council I have recommended the rejection of the submission in relation to allowing farms outside the target catchments to apply for a Controlled Activity consent if they want to. Also in relation to an amendment to the Rule to allow for the trading of nutrients between properties in the same catchment sub-zone there is no Policy framework to support such an approach. I will however, work through this issue with the submitter.

I have recommended a number of changes to Rule 13-1 as follows:

- (a) Deletion of any references to the taking or use of water as these are covered in other Rules.
- (b) The inclusion of a matter of control to deal with offensive or objectionable odour, dust and the like.
- (c) The inclusion of the word “*wholly*” before “new use of land” as a first attempt to try and clarify what activities the Rule applies to. A submitter outlined that the current wording could potentially catch things such as crop rotation.
- (d) Refer to an updated version of the workbook which is attached to the evidence of Mr Andrew Manderson including definitions for Commercial Vegetable Growing, Cropping, Dairy Farming and intensive sheep and beef farming.

#### **4.81.3 Recommendation WTR 81**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.81.3.1 Recommended changes to provision**

- (a) Amend Rule 13-1 in accordance with the changes recommended in track changes for Rule 13-1.

## 4.82 Chapter 13 – Rule 13-2 Fertiliser – Water Quality

### 4.82.1 Summary of submission points

#### **Support**

The Deadman Partnership supports the Rule and notes that fertiliser use in Ruapehu District is not causing nitrogen leaching. Royal Forest and Bird support the rule. The support is noted.

#### **Comment**

J N Tripe wants to know if there are exceptions for clause (d) in relation to a requirement for a nutrient budget.

#### **Deletion**

Wanganui District Council seeks the deletion of clause (b). Balance Agri-Nutrients wants clause (e) deleted regarding objectionable odour as this matter is achieved through compliance with clause (c) regarding being in compliance with the Code.

#### **Wording Changes**

NZ Agricultural Aviation Association seeks:

- (a) Clauses (a) and (b) to refer to fertiliser not knowingly being discharged.
- (b) The term water body be defined and to exclude ephemeral streams.
- (c) Clause (c) be amended to refer to the Aerial Spreadmark Code of Practice 2006.

A number of submitters want the definition of at risk habitats altered or clause (b) deleted and a reference to a map showing these areas.

Ngati Kahungunu wants the addition of a clause that states the maximum rate of nitrogen application from all sources shall not exceed 120 kg N/h/yr.

NZ Groundspread Fertilisers Association wants:

- (a) Poultry manure included in Rule 13-2.
- (b) Compliance with Fertmark Product Classification for Poultry Manure as defined in the Fertmark Code of Practice for the Sale of Fertiliser in NZ.
- (c) That conditions (a) to (e) in Rule 13-6 apply to Rule 13-2.

P F Olsen Ltd and NZ Institute of Forestry note the Forestry Environmental Code also contains best management practices for the application of fertiliser. Rayonier NZ and NZ Institute of Forestry note forestry can as a Permitted Activity apply nitrogen fertiliser to rectify nutrient deficiencies once in a rotation.

Manawatu District Council seeks that the requirements for fertiliser application associated with intensive farming are the same as those associated with other forms of farming.

Environment Network Manawatu wants clarification as to what is “domestic purpose” in clause (c).

Horticulture NZ wants clause (c) to refer to the Nutrient Code of Practice for Nutrient Management (2007).

The Minister of Conservation wants the following words added to clause (b) :  
*“and are compatible with maintaining or enhancing the values for which the area has been identified.”*

Ravensdown Fertiliser wants Rule 13-2 to apply to all catchments and to have the rule amended to address aerial top dressing. The NZ Fertiliser Manufacturers Research Association wants the conditions to provide for aerial application similar to the conditions in Rule 14-2. The submitter notes that clause (c) should refer to the updated Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers Research Association, 2007). The submitter also seeks the wording within clause (d) to specify the clause applies where there is more than 60kg N/ha/yr being applied and that the nutrient budget be undertaken by a accredited nutrient advisor using the template set in the Code of Practice and using the OVERSEER Nutrient budget model. Federated Farmers wants clause (d) to specify that it applies where the rate exceeds 100kg N/ha/yr.

The NZ Pork Industry Board wants the Rule amended to apply to the application of fertiliser in all situations and across all catchments. They want the clauses amended to refer to application rather than discharge.

#### 4.82.2 Evaluation

I will evaluate the submissions by relating the particular points raised to the clauses within the Rule and then any additional matters are dealt with under Other Matters below.

##### **Clause (a)**

Clause (a) is certain and requires that there be no discharge into any water body. The inclusion of the phrase “not knowingly being discharged” introduces an element of uncertainty to the provision. If the Compliance Team is called to investigate a complaint then accidental release is one of the matters they would consider.

The term water body is defined in the Resource Management Act 1991 and it is appropriate that the definition apply.

No change to clause (a) is recommended.

##### **Clause (b)**

Clause (b) requires there to be no discharge to any rare habitat or threatened habitat. I consider it appropriate to retain the clause given the need to protect these habitats. The standard provides a link to recognising the habitats.

In terms of the definition for at risk habitats, I understand the Hearing Panel has already considered this issue in deliberations on the Land Chapters.

I consider the wording sought by the Minister of Conservation would not clarify the intent of clause (b) which is certain in relation to not having any discharge within these habitats.

No change to clause (b) is recommended.

### **Clause (c)**

Submitters want clause (c) to refer to the Aerial Spreadmark Code of Practice 2006, compliance with Fertmark Product Classification for Poultry Manure as defined in the Fertmark Code of Practice for the Sale of Fertiliser in NZ, the Forestry Environmental Code and the Nutrient Code of Practice for Nutrient Management (2007)

Clause (c) deals with the application of fertiliser which I understand to be covered by the Code of Practice for Nutrient Management. I appreciate that there may be other codes but this one is generic to cover all applications. I will however, return to the matter of the aerial application of fertiliser and whether the Aerial Spreadmark Code also needs to be referenced, in my Supplementary Report.

I accept that clause (c) should refer to the updated Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers Research Association, 2007) and I recommend this change be made.

Environment Network Manawatu wants clarification as to what is “*domestic purpose*” in clause (c). I consider the submitter raises a valid point in that domestic purpose is not defined. The common understanding would be that domestic relates to household activities i.e. the garden associated with a residence. I recommend the following wording be added to clause (c): “*domestic purposes meaning the gardens associated with a household.*” I would however, like to return to this matter in my Supplementary Report as to whether there may be other activities that should qualify as domestic.

### **Clause (d)**

Currently the way clause (d) is framed a nutrient budget is required in all situations including for domestic activities, as this clause does not have a similar qualifier to that contained in clause (c). I do not think this was the intent of the clause. Submitters want to know if there are exceptions to this clause and note that perhaps this could be achieved through specifying a rate (suggestions range from 60 to 120kg N/ha/yr). I agree that a rate is perhaps an appropriate way of managing the issue. I have at this time recommended the inclusion of a rate of 60 kg N/ha/yr and this is a matter I will discuss further with the submitters and return to in my Supplementary Report.

In terms of the suggestion that the nutrient budget be undertaken by a accredited nutrient advisor using the template set in the Code of Practice and using the OVERSEER Nutrient budget model, I consider this to be a more onerous requirement than the current wording. I am unsure what benefits this

would achieve and have recommended this submission be rejected although I will discuss this matter further with the submitter.

### **Clause (e)**

Clause (e) regarding objectionable odour is a clear standard and one that I consider is relevant in terms of managing potential adverse effects. I recommend that clause (e) be retained.

### **Other Matters**

In terms of poultry manure it is covered under Rule 13-6. I address the need to obtain a resource consent for the discharge of poultry manure under Section 4.86.

The submissions that want some consistency between fertiliser application associated with intensive farming and that associated with other forms of farming is a matter that crosses into the issues I have discussed in relation to Rule 13-1. I have noted in the section on Rule 13-1 that I will return to these issues in the Supplementary Report.

The NZ Pork Industry Board wants the Rule amended to refer to application rather than discharge. The issue is the discharge into areas or water where this may occur because of direct application or drift of the fertiliser. I consider the wording that refers to discharge more accurately reflects what is being controlled and I recommend no change.

## **4.82.3 Recommendation WTR 82**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

### **4.82.3.1 Recommended changes to provision**

- (a) Amend Rule 13-2 in accordance with the changes recommended in track changes for Rule 13-2.

## 4.83 Chapter 13 – Rule 13-3 Stock feed including feed pads – Water Quality

### 4.83.1 Summary of submission points

#### **Support**

Royal Forest and Bird supports Rule 13-3. The support is noted.

#### **Wording Changes**

Livestock Improvement Corp and Ag Research Ltd want “*agricultural research farm*” added after “*production land*” in clause (a) under the activity column.

Horizons Regional Council wants:

- (a) The rule to only refer to areas used as feed pads and not areas used for storing feed.
- (b) Amend the water body setback condition clause (c)(ii) to include reference to drains.

The Poultry Industry submitters want feed mill operations included in the activity column and want clause (e) dealing with objectionable odour deleted.

CPG NZ seeks a definition for feed pad and wants the Council to deal with all related consents in the same package.

Manawatu District Council wants the provisions for feed pads for intensive farming made consistent with the approach for other forms of farming. The submitter also wants the reference to district plan and the NZ Archaeological Association deleted from clause (c)(iii).

The New Zealand Pork Industry Board wants clause (a) to include the following statement at the end: “*and can generally be achieved through standard compaction procedures on soils with more than 8% clay.*”

Federated Farmers wants clause (e) regarding objectionable odour to apply beyond the property and take out the reference to boundary.

Angus Gordon wants setbacks from water bodies to apply to any instances where animals are concentrated.

### 4.83.2 Evaluation

I am not recommending the inclusion of “*agricultural research farm*” after “*production land*” in clause (a) as raised in the submissions from Livestock Improvement Corp and Ag Research Ltd. The term “*production land*” is clear and if research farms are included then other activities would question why they too are not included. It would lead to inconsistency.

I have recommended that Horizons Regional Council's suggestion that the water body setback condition clause (c)(ii) include reference to drains, be

accepted to provide greater clarity. In relation to their submission seeking that the condition (a) only refers to farm silage pits, I have recommended the submission be accepted. The change clarifies the intent of the standard.

I am recommending the submission from the Poultry Industry wanting feed mill operations included in the activity column be rejected but I will return to this matter in my Supplementary Report. I have recommended their submission seeking the deletion of clause (e) dealing with objectionable odour be rejected. The wording of this clause is consistent throughout the Chapter and should be retained. I have recommended some wording changes to the clause to make the wording consistent with Chapter 14 of the Plan.

I recommend that the submission from CPG NZ seeking a definition for feed pad is accepted. A definition will assist in understanding where the Rule applies. The definition proposed for feed pad is as follows:

*“An area of land to which animals are brought for supplementary feeding on a regular basis, where the activity precludes the maintenance of pasture or ground cover.”*

CPG NZ wants the Council to deal with all related consents in the same package. This is a matter that the Regional Council already provides as related consents are processed together. The Administration chapters of the Plan also provide the Policy framework to support the continuation of this approach.

Manawatu District Council wants the provisions for feed pads for intensive farming made consistent with the approach for other forms of farming. As noted in dealing with Rule 13-1 this is a matter I will come back to. In terms of the submitter also wanting the reference to district plan and the NZ Archaeological Association deleted from clause (c)(iii) I do not accept the change would assist. There needs to be some reference to establish what may be an archaeological site, waahi tapu or koiwi. I have recommended the deletion of the words “except where Historic Places Trust approval has been obtained” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. I also understand the Hearing Panel in its Provisional Determination have proposed wording for Historic Heritage and I have made the changes consistent with this wording.

I am not recommending the submission from the New Zealand Pork Industry Board be accepted which wants clause (a) to include: “*and can generally be achieved through standard compaction procedures on soils with more than 8% clay.*” I am aware that the permeability standard has raised questions. The Science Reports to the Hearing Panel set out why the standard has been recommended. I would like the opportunity to work through these issues further with the submitters and return to the matters in my Supplementary Report.

I am recommending the submission from Federated Farmers regarding objectionable odour applying beyond the property and not property boundary, be rejected. Property boundary is an easily understood standard that is used elsewhere in the Plan and is certain. No change is recommended.

I note that the submission from Angus Gordon seeking setbacks from water bodies is met in relation to this rule as there are standards relating to setbacks. I understand there are broader issues regarding Rule 13-1 and the potential need for setback standards and I will return to this in my Supplementary Report.

#### **4.83.3 Recommendation WTR 83**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.83.3.1 Recommended changes to provision**

- (a) Amend Rule 13-3 and add a definition for feed pad within the Glossary in accordance with the changes recommended in track changes for Rule 13-3.



## 4.84 Chapter 13 – Rule 13-4 Biosolids and soil conditioners – Water Quality

### 4.84.1 Summary of submission points

#### Support

Royal Forest and Bird support Rule 13-4. The support is noted.

#### Wording Changes

Livestock Improvement Corp and Ag Research Ltd want “*agricultural research farm*” added after “*production land*” in clause (a) under the activity column.

Ruapehu District Council wants clarification of the definition of Aa biosolids and how the Rule applies to land within the restricted catchments.

Visit Ruapehu wants sites of tourism value added to clause (d)(i).

Public Health Services and Friends of the Earth (NZ) Ltd want a consent to be required for the discharge of biosolids (e.g. as a Controlled Activity).

Stephanie Rollinson wants confirmation that lime and gypsum are not soil conditioners and would not get caught by the setback requirements of the Rule.

Horizons Regional Council wants the water body setback condition clause (d)(iv) to include reference to drains.

CPG NZ seeks:

- (a) An alteration to clause (b) to only state there shall be no run off into a surface water body and remove there shall be no ponding for more than five hours.
- (b) An alteration to clause (c) to state that human or animal pathogens shall not be allowed beyond the limits prescribed for Grade Aa biosolids.
- (c) An alteration to clause (d) to remove the 50m setback from property boundaries and rare and threatened habitats and to reduce the 150m setback for residences to 20m.
- (d) The deletion of clause (g) regarding record keeping.

Manawatu District Council wants the reference to district plan and the NZ Archaeological Association deleted from clause (d) and that clause (g) is not requiring the consent holder to monitor state of the environment matters.

Horticulture NZ wants the deletion of clauses (d)(i) and (ii) regarding separation distances from property boundaries and sensitive areas and wants the 20 metre setback from water bodies to be reduced to 10 metres. The submitter also seeks the removal of soil conditioner from Rule 13-4 and instead be covered as a fertiliser under Rule 13-2.

The Minister of Conservation supports the Rule and seeks a definition for the term “production land”.

The New Zealand Pork Industry Board wants:

- (a) The use of the word discharge replaced with application and that there be no cross reference in the Rule to Rule 13-1.
- (b) The removal of any setback requirements under clauses (d)(ii)(iii) and (v).
- (c) Clause (f) state beyond the property and not property boundary.

The Manawatu Branch of NZ Green Party wants the Rule to outline the procedure to distinguish situations which need to be classified as Discretionary rather than Permitted.

#### 4.84.2 Evaluation

In terms of the submission from the Minister of Conservation I note the Glossary does not contain a definition for “production land” but the term is defined in the Resource Management Act.

I am not recommending the inclusion of “*agricultural research farm*” after “production land” in the activity column as raised in the submissions from Livestock Improvement Corp and Aq Research Ltd.

In response to the submission from Ruapehu District Council I note that Aa biosolids is defined in the Glossary as:

*“Means biosolids which meet the criteria for grade Aa biosolids specified in the Guidelines for the Safe Application of Biosolids to Land in New Zealand, August 2003 (Ministry for the Environment and New Zealand Water and Waste Association).”*

In terms of how the Rule applies to land within the restricted catchments it would not if it is caught within Rule 13-1. I have noted earlier however, that I will be returning the matter of Rule 13-1 and how it meshes with the other Rules in the Supplementary Report.

In response to the submission from Visit Ruapehu I have recommended that sites of tourism value not be added to clause (d)(i). I consider the current wording which includes public buildings and public recreation areas would cover tourism activities and sites of tourism value has the potential to be an unclear term i.e. does it just have to have potential value for tourism activities or is it actual tourism activities?

I have recommended that the submissions from Public Health Services and Friends of the Earth (NZ) Ltd be rejected. The submissions want a consent to be required for the discharge of biosolids (e.g. as a Controlled Activity). It is unclear to me what effects would be of concern to these parties that would necessitate a Controlled Activity consent category being warranted.

Stephanie Rollinson wants confirmation that lime and gypsum are not soil conditioners and would not get caught by the setback requirements of the Rule. Soil conditioner is defined in the Glossary as:

*“Means a substance, excluding any substance or mix of substances derived from animal tissue, bone or blood whether processed or not, that is added to a fertiliser, or applied to land by itself, that alters the physical/structural characteristics of the soil by:*

- (a) altering the air or water retention capacity*
- (b) encouraging flocculation*
- (c) discouraging compaction*
- (d) increasing the biological activity of soil or*
- (e) facilitating air circulation and drainage.”*

I consider the definition would include lime and gypsum. It would appear that the submitter is concerned that domestic activities do not caught by this rule which they would not given the activity column specifies it applies to production land.

I have recommended that Horizons Regional Council's suggestion that the water body setback condition clause (d)(iv) include reference to drains, be accepted to provide greater clarity.

I respond to each of the matters raised by CPG NZ as follows:

- (a) Reject the suggestion that clause (b) does not include reference to a requirement for no ponding for more than five hours. I understand the standard is included because if there is ponding for a period of time there is then the chance for runoff to occur and an accumulation of the biosolids which adversely affects soil and potentially water bodies.
- (b) In relation to clause (c) stating that human or animal pathogens shall not be allowed beyond the limits prescribed for Grade Aa biosolids, I consider this matter is covered by the definition of Grade Aa biosolids. The definition requires that the criteria for grade Aa biosolids specified in the Guidelines for the Safe Application of Biosolids to Land in New Zealand are met. No change is recommended.
- (c) In relation to altering the setback provisions this is a matter I will return to in the Supplementary Report. Given some of the distances are not insignificant I want to work through these matters further with the submitters.
- (d) Reject the suggestion that clause (g) regarding record keeping be deleted. The record keeping will assist in being able to check any issues particularly in regard compliance with the standards, if there were ever any compliance issues that arose.

In response to the submission from Manawatu District Council regarding the deletion of the reference to district plan and the NZ Archaeological Association in clause (d) I do not accept the change would assist. There needs to be some reference to establish what may be an archaeological site, waahi tapu or koiwi. The wording is consistent with the Hearings Panel Provisional Determinations for Historic Heritage.

Manawatu District Council considers that clause (g) may be requiring the consent holder to monitor state of the environment matters. I do not consider the clause to be requiring this but rather as I stated above it enables a consent holder to record what is occurring on their property such that a check can

occur if there are any issues particularly in regard compliance with the standards.

Horticulture NZ wants the deletion of clauses (d)(i) and (ii) regarding separation distances from property boundaries and sensitive areas and wants the 20 metre setback from water bodies to be reduced to 10 metres. In relation to altering the setback provisions this is a matter I will return to in the Supplementary Report. Given some of the distances are not insignificant I want to work through these matters further with the submitters.

The submitter also seeks the removal of soil conditioner from Rule 13-4 and instead be covered as a fertiliser under Rule 13-2. Given the definition for soil conditioner is for substances that are different to fertiliser I consider it appropriate to leave soil conditioners in Rule 13-4.

In response to the matters raised by the New Zealand Pork Industry Board in its submission, I respond as follows:

- (a) I consider that the word discharge rather than application more accurately reflects the effects of concern. And it is appropriate to retain the cross reference to Rule 13-1 to ensure that the rule structure is clear. No change is recommended.
- (b) The removal of any setback requirements under clauses (d)(ii)(iii) and (v). In relation to altering the setback provisions this is a matter I will return to in the Supplementary Report. Given some of the distances are not insignificant I want to work through these matters further with the submitters.
- (c) I recommend that clause (f) state beyond the property boundary and not property as requested by the submitter. Property boundary is an easily understood standard that is used elsewhere in the Plan and is certain. No change is recommended.

In terms of the matter raised by the Manawatu Branch of NZ Green Party where the standards are not met then a consent will be required for a Discretionary Activity. I will return to the Activity Classification, where the Permitted Activity Standards are not met, in the Supplementary Report. No change is recommended.

#### **4.84.3 Recommendation WTR 84**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.84.3.1 Recommended changes to provision**

- (a) Amend Rule 13-4 in accordance with the changes recommended in track changes for Rule 13-4.

## 4.85 Chapter 13 – Rule 13-5 Offal holes and farm dumps – Water Quality

### 4.85.1 Summary of submission points

#### Wording Changes

Livestock Improvement Corp and Ag Research Ltd want “*agricultural research farm*” added after “*production land*” in the activity column.

Visit Ruapehu wants sites of tourism value added to clause (e)(i).

Horizons Regional Council wants the water body setback condition clause (e)(iv) to include reference to drains and the deletion of clause (e)(v) regarding a 10 m setback from the first floodplain terrace.

Ruapehu Federated Farmers wants the Rule to include inorganic waste.

Manawatu District Council wants the reference to district plan and the NZ Archaeological Association deleted from clause (d) and wants the rules for intensive farming made consistent with the approach for other forms of farming.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

Horticulture NZ wants the deletion of clauses (e)(i) and (ii) regarding separation distances from property boundaries and sensitive areas. The submitter also seeks that the Rule allow for the waste to be sourced from a property under the same management.

Federated Farmers seeks the following:

- (a) Clause (a) to also refer to biodegradable waste.
- (b) Reword clause (e) to state that the setback only applies to those activities that exist at the date of notification of the Plan.
- (c) Delete the reference to at risk habitats, rare habitats and threatened habitats.
- (d) That clause (e)(iv) require a 10 metre setback not a 100 metre setback.

### 4.85.2 Evaluation

I am not recommending the inclusion of “*agricultural research farm*” after “*production land*” in the activity column as raised in the submissions from Livestock Improvement Corp and Ag Research Ltd.

In response to the submission from Visit Ruapehu I have recommended that sites of tourism value not be added to clause (e)(i). I consider the current wording which includes public buildings and public recreation areas would cover tourism activities and sites of tourism value has the potential to be an unclear term i.e. does it just have to have potential value for tourism activities or is it actual tourism activities?

I have recommended that the submission from Horizons Regional Council seeking that the water body setback condition clause (e)(iv) include reference to drains be accepted, to provide greater clarity. I also recommend the deletion of clause (e)(v) regarding a 10 m setback from the first floodplain terrace. I am unclear why this standard was included as the issue is potential runoff into water bodies which is covered by clause (e)(iv).

Ruapehu Federated Farmers wants the Rule to include inorganic waste. Inorganic waste cannot break down and there is the potential for adverse effects to be created e.g. it would not be appropriate to dispose of asbestos or tyres in farm dumps, but the change being sought by the submitter could allow for this as a Permitted Activity. It is recommended the submission be rejected.

In response to the submission from Manawatu District Council regarding the deletion of the reference to district plan and the NZ Archaeological Association from clause (d) I do not accept the change would assist for the reasons outlined in Section 4.84.

Manawatu District Council also wants the rules for intensive farming made consistent with the approach for other forms of farming. As noted in dealing with Rule 13-1 this is a matter I will come back to.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi. I do not accept the change would assist. I have recommended the deletion of the words *“except where Historic Places Trust approval has been obtained”* as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The recommended wording is consistent with the Provisional Determination for Historic Heritage.

Horticulture NZ wants the deletion of clauses (e)(i) and (ii) regarding separation distances from property boundaries and sensitive areas. In relation to altering the setback provisions this is a matter I will return to in the Supplementary Report. Given some of the distances are not insignificant I want to work through these matters further with the submitters. The submitter also seeks that the Rule allow for waste to be sourced from a property under the same management. This was a matter the submitter also raised in regard to burning within Chapter 14 Air. There are situations where a number of farms can be held in the same ownership and I consider there is the potential that a significant amount of waste could be accumulated and disposed of at one property resulting in the potential for an increased risk of adverse effects. No change is recommended.

I respond to the matters raised by Federated Farmers as follows:

- (a) In terms of clause (a) referring to biodegradable waste I have recommended the submission be rejected although I note I will return to the matter in my Supplementary Report. My initial comment is that I consider that the term biodegradable potentially covers a range of waste some of which may be inappropriate in the context of a farm dump.
- (b) Reword clause (e) to state that the setback only applies to those activities that exist at the date of notification of the Plan. I consider this point has some validity but I am concerned that there is the potential for

an inconsistent approach across the Plan if the change was only made in this Rule. I will return to this matter and consider the scope to make changes across the Plan.

- (c) Delete the reference to at risk habitats, rare habitats and threatened habitats. I consider it appropriate to retain the clause given the need to protect these habitats. The standard provides a link to recognising the habitats.
- (d) I agree that clause (e)(iv) needs to be amended to state a 10 metre setback not a 100 metre setback. This is a typographical error that needs to be corrected.

#### **4.85.3 Recommendation WTR 85**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.85.3.1 Recommended changes to provision**

- (a) Amend Rule 13-5 in accordance with the changes recommended in track changes for Rule 13-5.

#### 4.86 Chapter 13 – Rule 13-6 Farm animal effluent including dairy sheds, poultry farms and existing piggeries – Water Quality

##### 4.86.1 Summary of submission points

###### Support

The Royal Forest and Bird Protection Society supports Rule 13-6. The support is noted.

###### Wording Changes

Neville Pearson and other submitters want:

- (a) The regulatory approach deleted and the development of a non-regulatory approach agreed in consultation with the industry.
- (b) Remove uncertainties regarding the permeability sealing layer for effluent storage facilities.
- (c) More precision as to the matter over which control is reserved.

Livestock Improvement Corp and Ag Research Ltd want “*agricultural research farm*” added after “*production land*” in the activity column.

Visit Ruapehu wants sites of tourism value added to clause (c)(i) and (ii).

Mountain Carrots and other submitters including Horticulture NZ want a Permitted Activity rule for the discharge of poultry manure to land where it is immediately cultivated into the soil. NZ Groundspread Fertilisers Association wants effluent from poultry to be deleted from the Rule.

Osflo Spreading Industries seeks to have clause (d) in the Activity Column changed to delete the reference to poultry farm litter. Inghams wants clause (d) in the Activity column changed to remove reference to poultry effluent and replace it with effluent wash water.

The Poultry Industry submitters want the deletion of clause (f) concerning objectionable odour and replacement with alternate wording.

Ngati Kahungunu wants:

- (a) The wording within the Rule column altered to read: “*Farm Animal effluent including effluent from dairy sheds, poultry farms and existing piggeries.*”
- (b) Make the activity status Restricted Discretionary rather than Controlled. This is also supported by Landlink Ltd.
- (c) Add a maximum rate of nitrogen application being 120kg N/ha/yr.
- (d) That applications shall be served on affected persons.

Horizons Regional Council wants:

- (a) The water body setback condition in clauses (a) and (c)(iv) to include reference to drains.



- (b) Amend the wording within clause (b) to read: *“All effluent storage and treatment facilities newly established or extended (including deepening) after this rule comes into effect.”*.
- (c) Amend clause (f) within the Control Column to state: *Contingency measures (including but not limited to, effluent storage)...*

Murray Holdaway wants clause (b) regarding sealing only to apply to facilities that are shown to be seeping and wants clause (d) dealing with stormwater to be deleted.

Manawatu District Council wants the reference to district plan and the NZ Archaeological Association deleted from clause (c)(v). The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

The New Zealand Pork Industry Board seeks the following:

- (a) Amend the rule to refer to farm animal manure.
- (b) Amend the Activity Column to refer to: *“The application of solid manure, bedding and composted material...”* and provide for this as a Permitted Activity.
- (c) Wants standards to cover the following matters:
  - (i) A nutrient budget;
  - (ii) Setbacks only in relation to water bodies and bores and residences or public amenities.
  - (iii) Storage facilities shall be sealed to restrict seepage.
  - (iv) The application shall not result in any objectionable odour.
- (d) Insert a second activity classification regarding liquid animal manure and provide for this as a Permitted Activity.

Federated Farmers wants clause (c)(i) regarding distances to residences etc to specify those that exist at the date of notification of the Plan.

### **Other Matters**

Jeffrey Cooley makes the comment that he would still have his pig farm if he had not been victimised. The comment is noted.

## **4.86.2 Evaluation**

I am not recommending the inclusion of *“agricultural research farm”* after *“production land”* in the activity column as raised in the submissions from Livestock Improvement Corp and Ag Research Ltd.

In response to the submission from Visit Ruapehu I have recommended that sites of tourism value not be added to clause (e)(i). I consider the current wording which includes public buildings and public recreation areas would cover tourism activities and sites of tourism value has the potential to be an unclear term i.e. does it just have to have potential value for tourism activities or is it actual tourism activities.

In response to the submission from Neville Pearson and other submitters I note:

- (a) As I have outlined in regard to Rule 13-1, I consider the regulatory approach is appropriate. I have however, noted that the particulars need to be worked through with the submitters and I will return to this matter in my Supplementary Report.
- (b) Remove uncertainties regarding the permeability sealing layer for effluent storage facilities. As I stated in section 4.83 I am aware that the permeability standard has raised questions. The Science Reports to the Hearing Panel set out why the standard has been recommended. I would like the opportunity to work through these issues further with the submitters and return to the matters in my Supplementary Report.
- (c) I consider that the matters over which control are reserved are certain and precise. No change is recommended.

In response to the submitters who want changes to the approach of dealing with the discharge of poultry manure to land I am at this time recommending no change be made. I will however, work through the issues further with the submitters with a view to returning to the matter in my Supplementary Report. I understand that poultry effluent like other discharges of effluent can, if not appropriately managed, result in adverse effects including odour and run-off issue to water bodies. It is a matter of ensuring the Rules appropriately target the effects of concern and it is this I will return to in my Supplementary Report.

The submission from the Poultry Industry wants the deletion of clause (f) concerning objectionable odour and replacement with alternate wording. I consider the standard should be retained. The recommended wording is consistent with the wording used elsewhere in the Plan and is both certain and enforceable in terms of referring to both the offensive and objectionable tests. These terms are defined in the Plan.

I respond to the submissions from Ngati Kahungunu and Landlink Ltd as follows:

- (a) I consider the wording proposed within the Rule column to read: “*Farm Animal effluent including effluent from dairy sheds, poultry farms and existing piggeries*”, provides greater clarity and I recommend the change be accepted.
- (b) I do not recommend making the activity status Restricted Discretionary and then requiring service on affected parties. The conditions are specific and can be managed through the Controlled Activity status. Where the standards are not met then an application is required as a Discretionary Activity under Rule 3-27.
- (c) The submitters want a maximum rate of nitrogen application of 120kg N/ha/yr being added. The purpose of the nutrient budget is to assess the particulars of the activity. A specific limit is not therefore appropriate in the Controlled Activity Rule as the assessment can occur through the nutrient budget process.

In terms of the matters raised by Federated Farmers regarding setbacks, I will return to this matter in the Supplementary Report.

In relation to the submission from Horizons Regional Council I respond as follows:

- (a) I recommend that the water body setback condition in clauses (a) and (c)(iv) to include reference to drains, be accepted to provide greater clarity.
- (b) In terms of the amended wording within clause (b) which is proposed to read: *“All effluent storage and treatment facilities newly established or extended (including deepening) after this rule comes into effect.”*, I recommend the change be accepted in part. The additional wording clarifies the intent of the standard and I consider it appropriate to be included. I note that a similar submission was not made by the Regional Council in relation to 13-3 for stock feed areas. I will consider this matter in terms of potential consistency and return to it in my Supplementary Report.
- (c) Amend clause (f) within the Control Column to state: *Contingency measures (including but not limited to, effluent storage)...*” This wording assists in understanding the intent of the matter of control and should therefore be accepted.

I recommend the submission from Murray Holdaway regarding having clause (b) regarding sealing only apply to facilities that are shown to be seeping and the deletion of clause (d) dealing with stormwater, be rejected.

In response to the submission from Manawatu District Council regarding the reference to district plan and the NZ Archaeological Association being deleted, I do not accept the change would assist. There needs to be some reference to establish what may be an archaeological site, waahi tapu or koiwi.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to require consultation to be undertaken with iwi for waahi tapu or koiwi matters. The recommended wording is consistent with the Provisional Determinations for Historic Heritage.

In response to the submission from Federated Farmers to reword clause (c)(i) to state that the setback only applies to those activities that exist at the date of notification of the Plan. I consider this point has some validity but I am concerned that there is the potential for an inconsistent approach across the Plan if the change was only made in this Rule. I will return to this matter and consider the scope to make changes across the Plan.

The submission from the NZ Pork Industry Board raises a number of very specific matters. I will discuss these further with the Submitter and return to them in the Supplementary Report.

#### **4.86.3 Recommendation WTR 86**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.86.3.1 Recommended changes to provision**

- (a) Amend Rule 13-6 in accordance with the changes recommended in track changes for Rule 13-6.

## **4.87 Chapter 13 – Rule 13-7 Effluent from new piggeries – Water Quality**

### **4.87.1 Summary of submission points**

Colin Kay seeks to have the discharge from new piggeries a Controlled Activity.

NZ Pork Industry Board wants Rule 13-7 to be deleted.

### **4.87.2 Evaluation**

I am not recommending any change to Rule 13-7. The potential adverse effects associated with piggery operations in terms of effluent disposal need to be carefully considered with site particulars being critical e.g. the land area available for disposal, proximity to existing sensitive activities, soil type, type of effluent disposal system proposed. The variables are different across the Region and in terms of the particulars being proposed. I consider that retaining new piggeries as a Discretionary Activity provides the opportunity for all potential and actual adverse effects to be appropriately considered.

### **4.87.3 Recommendation WTR 87**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.87.3.1 Recommended changes to provision**

- (a) No changes are recommended to Rule 13-7.

## 4.88 Chapter 13 - Rule 13-8 Agricultural land uses not covered by other rules – Water Quality

### 4.88.1 Summary of submission points

Rayonier NZ Ltd wants the discharge of contaminants to land and water associated with production forestry to be a Permitted Activity.

NZ Fertiliser Manufacturers Research Association and Ravensdown Fertiliser support the intention of the Rule and requests that all agricultural activities be permitted.

Horowhenua District Growers Association and other submitters want Rule 13-8 to apply to both agricultural and horticultural land uses.

### 4.88.2 Evaluation

NZ Fertiliser Manufacturers Research Association and Ravensdown Fertiliser support the intention of the Rule and request that all agricultural activities be permitted. Given the approach taken to recognising that more intensive activities within problem catchments need greater control than other activities the approach being taken by the submitters will not work within the current Policy framework. For the reasons outlined in previous sections I will work through the issues with the submitters and return to this matter in my Supplementary Report.

In response to the matters raised by the Horowhenua District Growers Association and other submitters regarding Rule 13-8 applying to both agricultural and horticultural land uses, and the submission from Rayonier NZ Ltd wanting production forestry to be a Permitted Activity, I consider they make a valid point. Currently cropping and market gardening are dealt with through Rule 13-1 as a Controlled Activity. Activities such as viticulture and flower production are not covered by Rule 13-1 and it is unclear whether the term agricultural land uses would apply to these activities in which case they become Discretionary Activities. I will return to this matter in relation to the broader considerations I have raised in relation to Rule 13-1.

### 4.88.3 Recommendation WTR 88

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.88.3.1 Recommended changes to provision

- (a) No changes are recommended to Rule 13-8.

## **4.89 Chapter 13 – Rule 13-9 Discharges of water to water – Water Quality**

### **4.89.1 Summary of submission points**

#### **Support**

Mighty River Power supports Rule 13-9. The support is noted.

#### **Wording Changes**

Genesis Power wants a Controlled Activity rule for the discharges of water to water from hydro electricity schemes not able to comply with the standards within the Permitted Activity Rule 13-9.

CPG NZ wants a new condition requiring that the discharge shall not increase the concentration or loading of any contaminant in the receiving water.

Landlink Ltd notes that the reference to Rule 12-2 should be to 12-8.

### **4.89.2 Evaluation**

I recommend that the submission from Genesis Power wanting a Controlled Activity rule for the discharges of water to water from hydro electricity schemes not able to comply with the standards, be rejected. The rule structure would require a consent for a Discretionary Activity under Rule 13-27 where the Permitted Activity standards are not met. I consider that the full potential and actual adverse effects of the activity should be considered through the Discretionary Activity consent category.

CPG NZ wants a new condition requiring that the discharge shall not increase the concentration or loading of any contaminant in the receiving water. The Rule is not intended to cover contaminants as it is just the discharge of water to water. Therefore the addition of a standard along the lines of that suggested by the submitter would not be relevant.

I agree with the submission from Landlink Ltd which correctly notes that the reference to Rule 12-2 should be to 12-8.

### **4.89.3 Recommendation WTR 89**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.89.3.1 Recommended changes to provision**

- (a) Amend Rule 13-9 in accordance with the changes recommended in track changes for Rule 13-9

## 4.90 Chapter 13 – Rule Sub heading - 13.4 Sewage rules – Water Quality

### 4.90.1 Summary of submission points

Sharn Hainsworth and other submitters seek the following:

- (a) Composting toilets and separate grey water systems should be encouraged not discouraged through any rule structure.
- (b) A staged approach to the implementation of the rules to allow people time to afford to make the required changes.
- (c) Have fewer limitations on wastewater systems on sites less than 2,500m<sup>2</sup> that existed prior to the notification of the Plan.
- (d) There should be a five year moratorium before the rules are implemented.
- (e) Does a developer have to obtain consent prior to obtaining a section 224 certificate in relation to subdivision from the territorial authority?
- (f) Water reduction measures need to be installed e.g. water saving washing machines.
- (g) A one size fits all approach regarding standards for all soil types has not worked.

The territorial authorities want section 13.4 removed from the Plan and a statement in Part I of the Plan that territorial authorities must deal with the matter of the disposal of wastewater.

Horizons Regional Council considers the title for Section 13.4 should refer to Sewage and Wastewater.

### 4.90.2 Evaluation

In response to the submission from Sharn Hainsworth and other submitters I note the following:

- (a) I do not consider that composting toilets and separate grey water systems are discouraged through the rule structure. Indeed if there is no discharge then the activity is Permitted as it is not caught through the rule structure.
- (b) The rule structure recognises that lawfully established wastewater systems can continue to operate which assists in recognising that existing operations do not need to incur additional costs.
- (c) The constraints around the land area of 2,500m<sup>2</sup> are to outline that below this size there may well be an insufficient land area for disposal and the potential and actual adverse effects need to be considered. I do however, recommend specific changes around land areas within Rule 13-11.
- (d) In terms of a five year moratorium before the rules are implemented, I consider the current wording within Rule 13-11 recognises that the Rules will come into effect when the Plan is made Operative. This in effect will be a five year moratorium.
- (e) The rules will kick in when a system is proposed to be installed so this will either be undertaken by a developer or the subsequent land owners.

- (f) In terms of water reduction measures I consider this is a non-regulatory matter that the Regional Council acknowledges needs to occur. The Method covering the On Site wastewater System Forum in Chapter 6 will assist.
- (g) It is agreed that a one size fits all approach regarding standards for all soil types is difficult. The Rules aim to focus on the potential and actual adverse effects that are at issue. No change is recommended.

I recommend the submissions from the territorial authorities be rejected. Section 13.4 clearly outlines what needs to be achieved in relation to wastewater disposal and the removal of this section would mean the Regional Council would be abdicating its functions in terms of dealing with the issues associated with the disposal of wastewater. No change is recommended.

I recommend the submission from Horizons Regional Council be accepted. Altering the title heading for Section 13.4 to Sewage and Wastewater more accurately reflects the contents of the section.

#### **4.90.3 Recommendation WTR 90**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.90.3.1 Recommended changes to provision**

- (a) Amend the Heading for Section 13.4 in accordance with the changes recommended in track changes for Section 13.4.



## 4.91 Chapter 13 – Rule 13-10 Existing discharges of domestic wastewater\* – Water Quality

### 4.91.2 Summary of submission points

#### Support

The Ministry of Education, Cuttriss Consultants, Manawatu On-Site Wastewater Users Group and Transpower NZ support Rule 13-10. The support is noted.

#### Wording Changes or Comment

The Ministry of Education seeks clarification as to how large school sewage discharges would be dealt with.

Horizons Regional Council wants clause (h) to include reference to: “*or if no manufacturers instructions exist, in accordance with part 3.A5.2 of AS/NZS 1547:2000 “On Site Domestic Wastewater Management”*”.

CPG NZ wants:

- (a) A provision added to prioritise improvement to small community systems based on environmental effects.
- (b) That clause (h) is amended to either refer to the manufacturer’s instructions or by a suitably qualified person.
- (c) A minimum performance standard is specified in the Rule with a ten year timeframe for compliance requirement.
- (d) The flows specified in clause (b) be reconsidered in light of current industry information.
- (e) A specified separation between adjacent disposal fields be excluded.
- (f) That the separation distance from bores be reduced from 30m to 20m.

Drainaway Ltd wants a provision relating to water saving devices and that a warrant of fitness approach be adopted to the monitoring of wastewater systems.

Manawatu On-Site Wastewater Users Group seeks:

- (a) In relation to clause (b) a review of the water volumes used in the Plan.
- (b) In relation to clause (h) there should be a minimum requirement for existing systems in terms of a maintenance schedule.
- (c) There should be a provision whereby system owners can get maintenance instructions where maintenance businesses are no longer operating.

### 4.91.2 Evaluation

I will return to the matter of School sewage systems in the Supplementary Report.

The submission from Horizons Regional Council wanted a reference within clause (h) to: *“or if no manufacturers instructions exist, in accordance with part 3.A5.2 of AS/NZS 1547:2000 “On Site Domestic Wastewater Management”*. I have recommended the reference be to the Manual for on-site Wastewater Systems – Design and Management rather than AS/NZS 1547 as the Manual is designed for the Region and covers the same matters as in the standard. I also recommend that the references to disposal systems be replaced with land application system to more accurately reflect what occurs. The setback requirement from bores in clause (e) has been amended to reduce the setback from 30 metres to 20 metres. This change provides greater consistency with the setbacks from water provided elsewhere in the Plan.

These changes address the concerns raised in the submissions from CPG NZ, Drainaway Ltd and Manawatu On-Site Wastewater Users Group and clarifies what is required where a system owner does not have any manufacturer’s instructions.

I respond to the matters raised in the submission from CPG NZ as follows:

- (a) The rule refers to domestic wastewater systems not community systems. No change is recommended.
- (b) The intention is that the Rule comes into force when the Plan is made operative which provides a time buffer as sought by the submitter. I do recommend that the wording in the Activity column be altered to replace *“the time the rule comes into effect”* with *“the time the rule is made operative”* to provide greater clarity.
- (c) In relation to the flows specified in clause (b) being reconsidered in light of current industry information I wish to work through these issues further with the submitter so I can understand exactly what the issues are. I will return to this matter in my Supplementary Report.
- (d) There is no specified separation between adjacent disposal fields and so I consider the concerns of the submitter are met.

The submission from Drainaway Ltd wanting a provision relating to water saving devices is noted. This matter is a non-regulatory method which the Regional Council can work towards.

In response to the matters raised by the Manawatu On-Site Wastewater Users Group I comment as follows:

- (a) I am unclear exactly what the submitter is seeking in relation to clause (b) and a review of the water volumes used in the Plan. I will return to this matter in my Supplementary Report.
- (b) I consider that clause (h) clearly outlines that maintenance shall be undertaken in accordance with the Manual. No change is recommended.

#### **4.91.3 Recommendation WTR 91**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.91.3.1 Recommended changes to provision**

- (a) Amend Rule 13-10 in accordance with the changes recommended in track changes for Rule 13-10.

## 4.92 Chapter 13 – Rule 13-11 New and upgraded discharges of domestic wastewater\* – Water Quality

### 4.92.1 Summary of submission points

#### **Support**

TransPower supports Rule 13-11. The support is noted.

Cuttriss Consultants supports clauses (a), (e) to (l) within Rule 13-11. The support is noted.

Manawatu On-Site Wastewater Users Group supports clauses (d)(i) and (ii). The support is noted.

#### **Wording Changes**

Manawatu District Council wants a definition of “*clay or silt predominant soils*” and “*sand and gravel predominant soils*” under Rule 13-11.

Horizons Regional Council seeks the following:

- (a) Clause (a) to refer to newly established being after the rule comes into effect or clarify what upgraded means or delete clause (a).
- (b) Delete clause (d) and replace with provisions which deal with discharges occurring on sites less than 10 ha and greater than 5000m<sup>2</sup> and then separate provisions for sites which are less than 5000m<sup>2</sup> in area.
- (c) Amend clause (h) to read “*there shall be at least a 50% reserve disposal area*” rather than a 100% reserve area.
- (d) Amend clauses (b) and (l) to refer to the “Manual for On-Site Wastewater Systems – Design and Management (Horizons Regional Council, 2007).”

Garry Philpott wants LPED substrata dripper fields in areas that are impractical for RAAM subsurface fields.

CPG NZ wants the rule to be re-worked to reflect local constraints and the rule should differentiate between system design, installation, maintenance/management and system certification.

Pirie Consultants and other submitters want disposal systems to be Permitted Activities and not have to adhere to prescriptive rules. The submitters want no reserve areas as this can be achieved by the replacement of the entire system. The minimum area requirements should be aligned with minimum subdivision lot sizes and the requirements of a suitable system.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

Drainaway Ltd suggests:

- (a) The reporting requirements within the Manual should not be compulsory in all cases.
- (b) Consideration should be given to regulation/certification of wastewater systems and manufacturers instructions.

Cuttriss Consultants seeks to have the Manual document changed. The submitter is opposed to clause (d)(i) requiring a minimum property size and seeks the following standards be included to deal with cumulative effects:

- (a) The disposal area needs to be located 20 metres away from a bore and 50 metres from a water body.
- (b) The disposal field be located 20 metres away from a property boundary.
- (c) The bottom of the field drain is elevated above the top groundwater level.
- (d) All systems include a filter to remove nitrogen.

Manawatu On-Site Wastewater Users Group seeks the following:

- (a) Clause (d)(iii). There should be guidelines based on soils and the loading rate of 3mm needs to be justified.
- (b) Clause (e). Reword from a dripline system to a system that evenly distributes water.
- (c) Clause (f)(i) and (g)(i). The condition is too restrictive if it is designed to protect groundwater given the level of treatment and discharge methods outlined in the Plan.
- (d) Define the term groundwater.
- (e) Reduce the reserve area in clause (h) from 100% and to have a value based on system type.
- (f) Have a fixed schedule of maintenance and a list of required maintenance activities.
- (g) Recognise standards other than TP 58 including reference to AS/NZS 1547.
- (h) An approval process is required to verify if wastewater treatment supplies and systems are meeting the minimum performance standards outlined in the Plan.
- (i) Whilst the controls are supported there is the potential for over-regulation resulting in additional administrative costs and time delays.
- (j) Consider the implications of the Rule.
- (k) Provide flexibility in the wording for clause (b) to allow support documents to be referenced without making the document legally binding.
- (l) Clause (c)(i) and (ii). Relax the loading rate or the method of discharge for larger properties.
- (m) Clause (d)(ii). Review the performance standard to reflect environmental impacts.

Landlink Ltd states that minimum lot sizes are inappropriate because they may constrain the territorial authorities from pursuing specific land use objectives.

#### 4.92.2 Evaluation

It is recommended that Rule 13-11 be altered to provide an additional tier for properties that are between 1 and 4 hectares in size. In addition, the requirements for treatment are proposed to be relaxed for allotments over 10

hectares in size. Changes are proposed to provide further references to the Manual for On-Site Wastewater Systems and to add clauses that link the requirements for design to soil types as outlined in the Manual.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi. I do not accept the change would assist. I have recommended the deletion of the words “*except where Historic Places Trust approval has been obtained*” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The recommended wording is the same as that contained in the Provisional Determinations for Historic Heritage.

In terms of the submission from Horizons Regional Council I have recommended that the submission be accepted in part to the extent that if the Activity column is amended by deleting clauses (a) and (b) and including the following wording it will meet the intent of the submission whilst providing greater clarity:

*“The discharge of domestic wastewater into or onto land from a new or upgraded on-site wastewater treatment and land application ~~disposal~~ system that is not controlled by Rule 13-10.”*

I have recommended that clause (h) be amended to read: “*For secondary treatment systems there shall at least be a 50% reserve disposal area allocation. For primary treatment systems this reserve area allocation shall be not less than 100%.*” The revised wording more appropriately targets the effects of the different systems.

I have recommended that clauses (b) and (l) be amended to refer to the “Manual for On-Site Wastewater Systems – Design and Management (Horizons Regional Council, 2009). The submission from the Regional Council referred to the 2007 version which I understand has been updated in 2009.

Horizons Regional Council submitted that clause (d) should be deleted and replaced with provisions which deal with discharges occurring on sites less than 10 hectares (ha) and greater than 5000m<sup>2</sup> and then separate provisions for sites which are less than 5000m<sup>2</sup> in area. Since the submission was lodged further work has been undertaken and the Science Reports are now recommending an additional tier be added to deal with allotments between 1 and 4 hectares in size. This additional tier then provides for the standards to be more accurately targeted to the effects which depend on soil type and land area. The specific wording changes are outlined in the track changes for Rule 13-11.

Manawatu District Council wants a definition of “*clay or silt predominant soils*” and “*sand and gravel predominant soils*” under Rule 13-11. Soil classification is relatively straightforward and I do not think that a definition in the Plan will assist. I have however, recommended some additional clauses within the Rule to assist in clarifying the standards that need to apply within the different soil type areas.

The submission from Garry Philpott seeks LPED substrata dripper fields in areas that are impractical for RAAM subsurface fields. I understand that the RAAM system is pressure dosed and provides for accurate application. LPED is a low pressure system and is placed in a trench and then either pumped or gravity fed with dosing rates not being as accurate. The Rules recognise the need for different application rates for lots less than 1 ha and those over 1 ha. No change is recommended.

CPG NZ, Cuttriss Consultants, Landlink Ltd, Manawatu On-Site Wastewater Users Group and Pirie Consultants and other submitters want: less prescriptive rules that reflect local constraints; setback requirements from water bodies; no reserve areas or a reduced reserve area; minimum area requirements aligned with minimum subdivision lot sizes or the requirements not aligning to a minimum property size; and justification for the loading rates.

I understand that the Science Reports outline the potential adverse effects that can occur from nitrogen leaching associated with domestic wastewater systems and clarify that land areas particularly below 1 hectare in size need more restrictive loading rates to mitigate potential adverse effects.

I have recommended some changes to the wording within Rule 13-11 in response to the submission from Horizons Regional Council and as outlined in the previous paragraphs. I consider these changes focus on the adverse effects at issue. No further changes are recommended.

Drainaway Ltd and Cuttriss Consultants want the requirements of the Manual to not be compulsory in all cases and have provisions within the Manual changed. I understand there have been recent changes to the Manual in consultation with the Industry which are now reflected in the 2009 version which I propose be referenced in the Rule. The requirement to comply with the provisions of the Manual is in my view a practical approach to dealing with more detailed matters regarding system design, installation and operation as otherwise there would be the need for a suite of standards within the Rule to cover these matters. No change is recommended.

#### **4.92.3 Recommendation WTR 92**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.92.3.1 Recommended changes to provision**

- (a) Amend Rule 13-11 in accordance with the changes recommended in track changes for Rule 13-11.

#### **4.93 Chapter 13 – Rule 13-12 Discharges of domestic wastewater\* not complying with Rules 13-10 and 13-11 – Water Quality**

##### **4.93.1 Summary of submission points**

Landlink Ltd support Rule 13-12. The Support is noted.

Visit Ruapehu wants recreation sites or sites of tourism value added as a new clause (g).

##### **4.93.2 Evaluation**

In response to the submission from Visit Ruapehu I have recommended that sites of tourism value not be added as a specific clause. One of the matters over which discretion is restricted is the environmental effects arising from the location in which case all effects on adjoining sensitive activities can be considered. I consider it inappropriate to list one or two potentially sensitive activities. No change is recommended.

##### **4.93.3 Recommendation WTR 93**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.93.3.1 Recommended changes to provision**

- (a) Amend Rule 13-12 in accordance with the changes recommended in track changes for Rule 13-12.  
The changes are to achieve consistency with the Provisional Determinations.



## 4.94 Chapter 13 – Rule 13-13 Human effluent storage and treatment facilities – Water Quality

### 4.94.1 Summary of submission points

The territorial authorities seek the deletion of clause (a) regarding the permeability standard.

Visit Ruapehu wants sites of tourism value added to clause (c)(i).

Horizons Regional Council wants the cross references to other Rules within the Activity Column corrected to refer to the correct rules which are 13-10, 13-11 and 13-12.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

### 4.94.2 Evaluation

I am not recommending that clause (a) regarding the permeability standard be deleted. As I have stated above I am aware there have been concerns raised about the ease of understanding of this standard and the best means of achieving the standard. I consider however, it to be a certain standard and I understand it is supported by the science research presented in the Science Reports to the Hearing Panel. There are potential adverse effects associated with leakage through the bottom of ponds and the standard is designed to mitigate those effects.

In response to the submission from Visit Ruapehu I have recommended that sites of tourism value not be added to clause (c)(i). I consider the current wording which includes public buildings and public recreation areas would cover tourism activities and sites of tourism value has the potential to be an unclear term i.e. does it just have to have potential value for tourism activities or is it actual tourism activities.

I consider the submission from Horizons Regional Council should be accepted as the change will ensure the correct rules are referenced.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to require consultation to be undertaken with iwi for waahi tapu or koiwi matters. I do not accept the change would assist. I have recommended the deletion of the words “*except where Historic Places Trust approval has been obtained*” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The wording changes are consistent with the Provisional Determinations for Historic Heritage.

### 4.94.3 Recommendation WTR 94

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.94.3.1 Recommended changes to provision**

- (a) Amend Rule 13-13 in accordance with the changes recommended in track changes for Rule 13-13.

## **4.95 Chapter 13 – Rule 13-14 Discharges of untreated human effluent directly into surface water – Water Quality**

### **4.95.1 Summary of submission points**

Ngati Kahungunu supports Rule 13-14. The support is noted.

### **4.95.3 Recommendation WTR 95**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.95.3.1 Recommended changes to provision**

- (a) No change is recommended in relation to Rule 13-14.

## **4.96 Chapter 13 – Rules Sub Heading - 13.5 Stormwater rules – Water Quality**

### **4.96.1 Summary of submission points**

Pirie Consultants Ltd and other submitters want any reference to catchment areas deleted from the Rules and no reference to 10% annual exceedence probability.

### **4.96.2 Evaluation**

I recommend the deletion of clause (b) within Rule 13-15 which refers to a catchment area of 2 hectares. I am not recommending the deletion of clause (f)(ii) relating to annual exceedence probability as in these rain events there would be an overland flow and it would be difficult to avoid.

### **4.96.3 Recommendation WTR 96**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.96.3.1 Recommended changes to provision**

- (a) No change is recommended to sub-heading 13.5.

## 4.97 Chapter 13 – Rule 13-15 Discharges of stormwater to surface water and land – Water Quality

### 4.97.1 Summary of submission points

#### Support

Inghams Enterprises and Ravensdown Fertiliser support Rule 13-15. The support is noted.

#### Wording Changes

Affco NZ Wanganui wants clause 13-15(b) regarding catchment area to be calculated to exclude roof surfaces.

The territorial authorities seek:

- (a) A timeframe for the achievement of the water quality standards set out in Schedule D. This is also supported by NZ Pharmaceuticals.
- (b) Deletion or amendment to clause (b) dealing with catchment area.
- (c) The deletion of clause (d) relating to erosion. This is also supported by Transpower NZ.
- (d) Deletion of the word “*cause*” from clause (c).
- (e) Clarification that clause (a) does not mean that all stormwater from a site where hazardous substances are stored would be required to apply for resource consent.

Horizons Regional Council wants clause (f)(iii) amended to delete the words “or render unsuitable for human consumption after treatment” and replace with “*or accumulate in the soil*”.

Transpower NZ and the Oil Companies want clauses (a)(i) and (ii) to specify that they only apply where the discharge may be entrained by stormwater. The submitters also want clause (e) dealing with rare habitat to be deleted.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

The Minister of Conservation either seeks an additional clause requiring that the stormwater does not contain sewage or other contaminants or a definition for stormwater to exclude such matters.

Meridian Energy wants clause (a) deleted and a non-notification clause added.

### 4.97.2 Evaluation

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to require consultation to be undertaken with iwi for waahi tapu or koiwi matters. I do not accept the change would assist. I have recommended the deletion of the words “*except where Historic Places Trust approval has been obtained*” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And

for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The wording is consistent with the Provisional Determinations for Historic Heritage.

In regard to the submissions from Affco NZ Wanganui and the territorial authorities concerning clause 13-15(b), I have recommended that this standard be deleted. There does not appear to be any clear understanding as to the link between catchment area and effects or why the standard was required so I have recommended it be removed.

In response to the submission from the territorial authorities and NZ Pharmaceuticals regarding a timeframe for the achievement of the water quality standards set out in Schedule D, I note that I have recommended that Objective 6-1 be amended to include reference to a timeframe being 2030. The Objective then sets a guide as to when the standards as articulated through Schedule D can be achieved or at least worked towards. No further change is recommended.

I am not recommending that clause (d) relating to erosion be deleted or amended to remove the word “cause”. The standard is related to both causing and exacerbating erosion and therefore both words need to be retained. I have however, recommended the removal of the words *“unless written approval is obtained from the affected property owner”*. As a Permitted Activity standard it is inappropriate to require the approval of a third party.

Clause (a) as worded does mean that all stormwater from an industrial or trade premise where hazardous substances are used or stored would be required to:

- (a) Install an interceptor system to be Permitted; or
- (b) Apply for resource consent for either a Controlled Activity if it is a discharge to land or a Restricted Discretionary .

In relation to the issue of whether clause (a) should apply to all industrial and trade premises I have considered the submissions from Transpower NZ and the Oil Companies to specify that they only apply where the discharge may be entrained by stormwater. The issue I have is that the current wording of the Permitted Activity standard is certain and the introduction of the word “entrained” provides less certainty as there has to be a judgement made by someone on the ground as to whether it is or not. The approach taken in the One Plan is, in part, less restrictive than the approach taken in the Land and Water Regional Plan which requires any stormwater from an industrial or trade premises to be considered as a Controlled Activity under DL Rule 15. In relation to discharges of stormwater to water the Land and Water Plan likewise automatically requires these discharges to be considered as a Controlled Activity under DSW Rule 4. No change is recommended and I do not recommend the clause be deleted as sought by Meridian Energy.

Horizons Regional Council wants clause (f)(iii) amended to delete the words “or render unsuitable for human consumption after treatment” and replace with *“or accumulate in the soil”*. As the focus of the Rule is both discharges of stormwater to water and land the standard currently does not deal with the issue of land I consider the change is appropriate and more accurately focuses the standard on the issues of concern.

Transpower NZ and the Oil Companies want clause (e) dealing with rare habitats to be deleted. I recommend that clause (e) be retained as it is a necessary Permitted Activity standard to ensure the potential adverse effects on these habitats can be dealt with through a resource consent application process as necessary.

In terms of the submission from the Minister of Conservation to clarify that stormwater does not contain sewage or other contaminants I consider that once stormwater were to contain sewage or other contaminants it is no longer a discharge of stormwater. It would be considered under the sewage or contaminant rules. No change is recommended.

#### **4.97.3 Recommendation WTR 97**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.97.3.1 Recommended changes to provision**

- (a) Amend Rule 13-15 in accordance with the changes recommended in track changes for Rule 13-15.

## 4.98 Chapter 13 – Rule 13-16 Discharges of stormwater to land not complying with Rule 13-15 – Water Quality

### 4.98.1 Summary of submission points

The territorial authorities seek:

- (a) A timeframe for the achievement of the water quality standards set out in Schedule D. This is also supported by NZ Pharmaceuticals.
- (b) The deletion of clause (d) dealing with rare habitats. Transpower NZ and the Oil Companies also seek this be deleted.
- (c) Clarification that clause (a) does not mean that all stormwater from a site where hazardous substances are stored would be required to apply for resource consent.

Transpower NZ and the Oil Companies want clauses (a)(i) and (ii) to specify that they only apply where the discharge may be entrained by stormwater.

Meridian Energy opposes Rule 13-17.

CPG NZ wants either the definition of hazardous substances or the reference in clause (a)(i) to be clarified.

### 4.98.2 Evaluation

In response to the submissions from the territorial authorities and NZ Pharmaceuticals regarding a timeframe for the achievement of the water quality standards set out in Schedule D, I note that I have recommended that Objective 6-1 be amended to include reference to a timeframe being 2030. The Objective then sets a guide as to when the standards as articulated through Schedule D can be achieved or at least worked towards. No further change is recommended.

Transpower NZ and the Oil Companies want clause (e) dealing with rare habitats to be deleted. I recommend that clause (e) be retained. Where the standard is not met then a resource consent for a Discretionary Activity under Rule 13-27 is required. I consider it appropriate that the potential adverse effects on these habitats are carefully considered. As a Controlled Activity the consent could not be declined and it may be appropriate to be able to do this. Therefore I consider the current standard be retained and where it cannot be complied with a resource consent application for a Discretionary Activity would be required.

The Rule contains as a Standard the same wording as contained in Rule 13-15 that the discharge does not contain stormwater from a site where hazardous substances are stored unless there is an interceptor system in place. Clause (a) within the Controlled Activity Rule is the same as the Permitted Activity Rule. If an activity is unable to meet the Permitted Activity Standard then it will not be able to meet the Controlled Activity Standard and therefore the Controlled Activity Rule is redundant. I want to consider carefully the re-framing of this Rule in conjunction with Rules 13-15 and 13-17. I will return to the submissions of the territorial authorities and Transpower NZ



and the Oil Companies. I am not recommending the deletion of the Rule as sought by Meridian.

CPG NZ wants either the definition of hazardous substances or the reference in clause (a)(i) to be clarified. I am unclear as to exactly what the submitter seeks and so I propose to work through their concerns with them and return to this matter in my Supplementary Report.

#### **4.98.3 Recommendation WTR 98**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.98.3.1 Recommended changes to provision**

- (a) Amend Rule 13-16 in accordance with the changes recommended in track changes for Rule 13-16.

## 4.99 Chapter 13 – Rule 13-17 Discharges of stormwater to surface water not complying with Rule 13-16 – Water Quality

### 4.99.1 Summary of submission points

#### **Support**

Landlink Ltd supports Rule 13-17. The support is noted.

#### **Wording Changes**

The territorial authorities seek:

- (a) A timeframe for the achievement of the water quality standards set out in Schedule D. This is also supported by NZ Pharmaceuticals.
- (b) The deletion of clause (a) regarding rare habitats and the inclusion of a non-notification clause. This is also supported by Meridian Energy and Transpower.
- (c) The inclusion of a non-notification clause.

Ngati Kahungunu wants an additional clause added to the Control/Discretion column to state: “*The relationship of tangata whenua with the receiving water body.*” The submitter also seeks that affected parties be notified.

Horizons Regional Council seeks that the Rule column specify that discharges to surface water and land are covered by this Rule where discharges to land cannot comply with Rule 13-16..

### 4.99.2 Evaluation

In response to the submissions from the territorial authorities and NZ Pharmaceuticals regarding a timeframe for the achievement of the water quality standards set out in Schedule D, I note that I have recommended that Objective 6-1 be amended to include reference to a timeframe being 2030. The Objective then sets a guide as to when the standards as articulated through Schedule D can be achieved or at least worked towards. No further change is recommended.

I recommend that clause (a) regarding rare habitats be retained. Where the standard is not met then a resource consent for a Discretionary Activity under Rule 13-27 is required. I consider it appropriate that the potential adverse effects on these habitats are carefully considered. Therefore I consider the current standard be retained and where it cannot be complied with a resource consent application for a Discretionary Activity would be required.

I am not recommending the addition of either a notification or non-notification clause. I consider the particulars need to be assessed on a case by case basis.

In terms of the submission from Horizons Regional Council I consider that the Rule needs to refer to Rule 13-15 not 13-16 as currently worded and 13-17. I consider the separation of discharges to land and water within the two

different rules with their own targeted matters of control or discretion to be appropriate. The split between the Controlled and Restricted Discretionary Activity categories recognises that generally the effects of discharges to land will potentially be less than discharges to surface water. No further change is recommended although I note in section 4.98 that I will return to this matter.

I do recommend a consequential change to the Rule Guide under the second clause (b) regarding "*Activities that do not Comply*". Currently the Rule Guide does not reference to Restricted Discretionary Activities and to be complete the Guide should provide this reference.

#### **4.99.3 Recommendation WTR 99**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.99.3.1 Recommended changes to provision**

- (a) Amend Rule 13-17 in accordance with the changes recommended in track changes for Rule 13-17.

#### **4.100 Chapter 13 – Rules Sub Heading - 13.7 Cleanfill, composting, landfills and solid waste rules – Water Quality**

##### **4.100.1 Summary of submission points**

Pirie Consultants and other submitters want any reference to the volume of cleanfill deleted and the inclusion of a definition for floodplain.

##### **4.100.2 Evaluation**

I deal with the matter of the volume of cleanfill within Rule 13-19 and conclude that the volume should be retained.

There is no definition for floodplain but I am unclear where the submitters are referring to in terms of the use of the word floodplain. I will return to this matter in my Supplementary Report.

##### **4.100.3 Recommendation WTR 100**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.100.3.1 Recommended changes to provision**

- (a) No change is recommended.

## 4.101 Chapter 13 – Rule 13-19 Discharges of cleanfill – Water Quality

### 4.101.1 Summary of submission points

Higgins Group and other Aggregate Industry submitters want the Rule not to apply to cleanfill associated with gravel extraction and the rehabilitation of extraction sites which they want to be a Permitted Activity. The submitters seek a larger volume of cleanfill being able to be deposited per property and the deletion of clause (d) regarding recording the source and composition of the material.

Horizons Regional Council seeks to have added to the Rule an exclusion clause for the discharge of cleanfill that is undertaken by the Regional Council in accordance with the Environmental Code of Practice for River Works and a cross reference to the Permitted Activity Rule 16-13.

Transit wants condition (b) amended to add the following after the word “property”: *“Except where the discharge of cleanfill is required for state highway works undertaken in accordance with Transit NZ Industry based standards and codes of practice which are approved by Horizons Regional Council.”*

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

The Minister of Conservation wants material that contains pest plants excluded from cleanfill and a definition for pest plant included.

The Manawatu Branch of the NZ Green Party wants the activity classification altered to Controlled rather than Permitted.

The territorial authorities either want no restrictions on the volume of cleanfill, the permitted volume to be increased to 7,500 m<sup>3</sup>/year or that cleanfill operations in excess of 2,500m<sup>3</sup>/year be a Controlled Activity.

Meridian Energy wants clauses (b) and (c)(i) deleted.

### 4.101.2 Evaluation

The submissions from Higgins Group and other Aggregate Industry submitters, Transit NZ and Horizons Regional Council are seeking that the activities they undertake be excluded from the Permitted Activity Rule in order that they can undertake cleanfill operations in excess of the standards included in Rule 13-19.

Where quarry industries are undertaking cleanfill operations associated with gravel extraction and the rehabilitation of extraction sites in excess of 2,500m<sup>3</sup> then I consider the nature of their activity is no different to any other generating this amount of earthworks and the effects need to be considered.

The submission from the Regional Council seeks an exclusion for the discharge of cleanfill undertaken by the Regional Council and then references

Rule 16-13. That Rule only deals with activities undertaken in flood control and drainage schemes and then only covers the disturbance of any bed of a river. I recommend that an additional clause be added to the Activity column to state: *“except as regulated by other Rules in this Plan”*, but I am recommending that the submission be rejected.

I consider the wording proposed by Transit to be problematic. The wording would make state highway works different to other activities and again as I outlined in relation to the submission from the Quarry Industries the nature of their activity is no different to any other generating this amount of earthworks and the effects need to be considered. The reference within the wording proposed by the submitter to being *“undertaken in accordance with Transit NZ Industry based standards and codes of practice which are approved by Horizons Regional Council”* is uncertain. What are the standards and codes? How is the approval of the Regional Council provided? I consider the wording to be too uncertain for a Permitted Activity standard. No change is recommended.

I recommend that clause (d) regarding recording the source and composition of the material be retained. I am aware of instances where cleanfill operations have been undertaken in the Region and later it was difficult to ascertain what was in the cleanfill. This has potential implications should the material contain hazardous substances and the like. The standard provides a safeguard for managing potential effects and I recommend clause (d) be retained.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to require consultation to be undertaken with iwi for waahi tapu or koiwi matters. I do not accept the change would assist. I have recommended the deletion of the words *“except where Historic Places Trust approval has been obtained”* as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The wording is consistent with the Provisional Determinations for Historic Heritage.

In terms of those submitters who seek a larger volume of cleanfill being able to be deposited per property I consider that whilst any number can be somewhat arbitrary a volume in excess of 2,500m<sup>3</sup> is not insignificant and has the potential to create adverse effects. No change is recommended.

I have considered the definition of cleanfill and the definition states *“cleanfill means a landfill that accepts”*. Landfill is defined as *“a site where waste is disposed of...”* My concern is that the two definitions suggest that Rule 13-19 would only apply to cleanfill disposed of at a landfill. I had understood the intent of the Rule to be broader than that and I want time to consider this matter further. In addition, the Land and Water Regional Plan specifically excludes farm or domestic waste disposal areas from the term landfills. I will return to this matter in my Supplementary Report.

I will return to the matters raised by the territorial authorities regarding the restrictions on the volume of cleanfill and the activity classification for cleanfill in excess of 2,500m<sup>3</sup>/year when I deal with the potential issues with the definition.

The Minister of Conservation wants material that contains pest plants excluded from cleanfill and the inclusion a definition for pest plant. I consider the definition is clear that it only applies to certain materials. I accept however, that there may be scope to say because pest plants are not specifically listed as an exclusion that it could be implied that pest plants could be included within cleanfill. Given my concerns with the definition as noted above I will return to this matter when I consider the definition as a whole.

I recommend that the submission from the Manawatu Branch of the NZ Green Party be rejected as I consider it appropriate to classify a specific volume of cleanfill as a Permitted Activity. I will however, return to this matter in considering the potential implications of the definition.

Meridian Energy wants clauses (b) and (c)(i) deleted. I do not recommend these clauses be deleted but I will return to the issue of what constitutes cleanfill and therefore what is triggered by the Rule in relation to considering the definition.

#### **4.101.3 Recommendation WTR 101**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.101.3.1 Recommended changes to provision**

- (a) Amend Rule 13-19 in accordance with the changes recommended in track changes for Rule 13-19.

## 4.102 Chapter 13 – Rule 13-20 Composting operations – Water Quality

### 4.102.1 Summary of submission points

Ruapehu District Council considers the Rule should not be limited to green waste.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

The Minister of Conservation wants material that contains pest plants excluded.

### 4.102.2 Evaluation

In response to the submission from Ruapehu District Council the standards within the Rule limit the material to be composted to green waste. The definition for green waste was deleted from the glossary as a result of the Air officers report (Air 44). The term green waste appears within the rules for water within chapter 13 (Rule 13-20) and I will need to consider further whether a definition is required or not.

I will consider the linkages to the definitions within the Rule and return to this matter in my Supplementary Report. At that time I will also return to the matters raised by the Minister of Conservation regarding the exclusion of material containing pest plants.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to require consultation to be undertaken with iwi for waahi tapu or koiwi matters. I do not accept the change would assist. I have recommended the deletion of the words “*except where Historic Places Trust approval has been obtained*” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The wording is consistent with the Provisional Determinations for Historic Heritage.

### 4.102.3 Recommendation WTR 102

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.102.3.1 Recommended changes to provision

- (a) Amend Rule 13-20 in accordance with the changes recommended in track changes for Rule 13-20.



## 4.103 Chapter 13 – Rule 13-21 Closed landfills – Water Quality

### 4.103.1 Summary of submission points

The Minister of Conservation supports the Rule but seeks to have material that contains pest plants excluded.

Environment Network Manawatu wants to see conditions specified within the Conditions and Standards Column.

The Manawatu Branch of the NZ Green Party wants the word “not” where it appears three times in the Control/Discretion column deleted.

### 4.103.2 Evaluation

The Manawatu Branch of the NZ Green Party wants the word “not” deleted where it appears three times in the Control/Discretion column. This would change the intent of the wording to mean the application would be notified which is not appropriate in relation to a Controlled Activity. No change is recommended.

In relation to the submission from the Minister of Conservation as I noted above I will consider the issue of pest plants and return to this in my Supplementary Report.

Environment Network Manawatu wants to see conditions specified within the Conditions and Standards Column. I consider that the provisions within the Control/Discretion Column outline the matters that will be considered and are adequate to deal with potential and actual adverse effects. No change is recommended.

### 4.103.3 Recommendation WTR 103

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.103.3.1 Recommended changes to provision

- (a) No changes are recommended.

#### **4.104 Chapter 13 – Rule 13-22 Discharges of persistent and harmful contaminants – Water Quality**

##### **4.104.1 Summary of submission points**

The submissions from the Minister of Conservation and Royal Forest and Bird support Rule 13-22. The support is noted.

The Manawatu Branch of the NZ Green Party wants an additional provision under the Activity column to refer to any other materials or chemicals that are shown to be persistent and harmful through government studies.

LandLink Ltd wants the activity status changed from Non-Complying to Discretionary.

##### **4.104.2 Evaluation**

In response to the submission from the Manawatu Branch of the NZ Green Party I consider that the wording proposed by the submitter is uncertain. What studies would this include and by what agencies? If future research shows that there are other persistent and harmful contaminants that should be added then this should occur by way of a Plan Change.

The discharge of persistent and harmful contaminants is a Non-Complying Activity under DL Rule 6 of the Land and Water Regional Plan and is essentially the same as Rule 13-22 except that tributyl tin has been added to Rule 13-22. Given the rule is a carry over from the existing Operative Plan and the effects of these contaminants can potentially be significant I recommend the submission from LandLink Ltd be rejected and the activity status remain as Non-Complying.

##### **4.104.3 Recommendation WTR 104**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.104.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.105 Chapter 13 – Rule 13-23 Discharges to Natural State water management zones, Sites of Significance - Aquatic and lakes and wetlands – Water Quality

### 4.105.1 Summary of submission points

The submissions from the Minister of Conservation and Royal Forest and Bird support Rule 13-23. The support is noted.

Genesis Power and TrustPower want the Rule not to apply to minor discharges and discharges associated with the maintenance of authorised structures and existing stormwater discharges.

Environment Network Manawatu wants to see conditions specified within the Conditions and Standards Column.

LandLink Ltd, Mighty River Power and Meridian Energy want the activity status changed from Non-Complying to Discretionary.

### 4.105.2 Evaluation

Rule 13-23 deals with the discharge of contaminants into Natural State Water Management zones and Sites of Significance Aquatic and lakes and wetlands. To clarify that the Rule applies to the discharge of contaminants I have recommended that the Rule Title in Section 13.8 and the Rule Column both refer to “*Discharges of Contaminants*” rather than just “*discharges*”.

Environment Network Manawatu wants to see conditions specified within the Conditions and Standards Column. As the activity status is Non-Complying all effects can be considered and it would be inappropriate to restrict the matters that can be considered.

LandLink Ltd, Mighty River Power and Meridian Energy want the activity status changed from Non-Complying to Discretionary. Given the significance of the values that are set out in the Plan around these activities and the potential adverse effects of discharges of contaminants on those values I consider it appropriate to retain the Non-Complying Activity status.

### 4.105.3 Recommendation WTR 105

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.105.3.1 Recommended changes to provision

- (a) No changes are recommended.

## **4.106 Chapter 13 – Rules Sub heading 13.9 Generic discharge rules – Water Quality**

### **4.106.1 Summary of submission points**

Hancock Forest Management seeks to have discharges associated with production forestry specifically provided for.

### **4.106.2 Evaluation**

Discharges regardless of what activity creates them should be dealt with in the same way unless there is a specific adverse effect that could occur from the activity that would necessitate a different approach being taken. I am not clear why production forestry activities should be treated any differently on the basis of the adverse effects that may result. No change is recommended.

### **4.106.3 Recommendation WTR 106**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.106.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.107 Chapter 13 – Rule 13-24 Discharges of contaminants to surface water – Water Quality

### 4.107.1 Summary of submission points

#### Support

Mighty River Power supports Rule 13-24. The support is noted.

#### Wording Changes and Deletion

TransPower and Meridian Energy want the deletion of clause (f) dealing with rare habitats. Meridian Energy also seeks the deletion of clause (a) covering the rate of discharge.

Meridian Energy seeks to have clause (h) amended to delete the reference to Schedule D and want a specific rule relating to sediment laden discharges similar to DSW Rule 7 in the Land and Water Regional Plan.

Horowhenua District Council seeks the deletion of the word “cause” from clause (c).

The Minister of Conservation wants an additional standard to state that: “*The discharge shall not be toxic to aquatic ecosystems, including native fish.*”

I will contact Mr Gordon to discuss his issues with him.

### 4.107.2 Evaluation

Transpower NZ and Meridian Energy want clause (f) dealing with rare habitats to be deleted. I recommend that clause (f) be retained as it is a necessary Permitted Activity standard to ensure the potential adverse effects on these habitats can be dealt with through a resource consent application process, where the standard is not met.

In terms of the submission from Meridian Energy which seeks the deletion of clause (a) covering the rate of discharge, I consider that as a Permitted Activity standard it is appropriate to set a rate of discharge. It is a certain standard that sets a benchmark which acts to limit the potential effects through a Permitted Activity standard. No change is recommended.

I am recommending that the submission from Meridian Energy seeking to have clause (h) amended to delete the reference to Schedule D be rejected. The reference to Schedule D allows for the values set out in that Schedule to be assessed. In terms of the submission seeking a specific rule relating to sediment laden discharges similar to DSW Rule 7 in the Land and Water Regional Plan, I consider that I need to work through this issue further with the submitter. I can understand that there may be an identified gap in the rule structure and I will return to this matter in my Supplementary Report.

I am recommending that the submission from Horowhenua District Council regarding deleting the word “cause” from clause (c) be rejected. The standard

is related to both causing and exacerbating flooding and therefore both words need to be retained. I have however, recommended the removal of the words *“unless written approval is obtained from the affected property owner”*. As a Permitted Activity standard it is inappropriate to require the approval of a third party.

In terms of the submission from the Minister of Conservation I consider that clause (h) which refers to meeting the standards set out in Schedule D is adequate in that the Schedule covers potential effects on ecosystem values including fish. No change is recommended.

#### **4.107.3 Recommendation WTR 107**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.107.3.1 Recommended changes to provision**

- (a) Amend Rule 13-24 in accordance with the changes recommended in track changes for Rule 13-24.

## 4.108 Chapter 13 – Rule 13-25 Discharges of contaminants to land that will not enter water – Water Quality

### 4.108.1 Summary of submission points

Horizons Regional Council wants an exclusion added to the rule for discharges undertaken by the Regional Council in relation to river works and notes these activities are provided under Rule 16-13.

NZ Defence wants clause (a) to specify a discharge volume per hectare rather than per property i.e. related to size. The submitter also wants activities involving military training using live ammunition excluded from clauses (c)(i) and (iii) i.e. rare habitats and on sites with a slope greater than 20°.

TransPower and Meridian Energy want the deletion of clause (c)(i) dealing with rare habitats. Meridian Energy also seeks the deletion of clause (a) covering the rate of discharge and a specific Permitted Activity rule to provide for discharges from construction works.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

The Minister of Conservation wants the words “*within a 20 metre margin of*” added at the beginning of (c)(i).

### 4.108.2 Evaluation

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to require consultation to be undertaken with iwi for waahi tapu or koiwi matters. I do not accept the change would assist. I have recommended the deletion of the words “*except where Historic Places Trust approval has been obtained*” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The wording is consistent with the Provisional Determinations for Historic Heritage.

Transpower NZ and Meridian Energy want clause (c)(i) dealing with rare habitats to be deleted. I recommend that clause (c)(i) be retained as it is a necessary Permitted Activity standard to ensure the potential adverse effects on these habitats can be dealt with through a resource consent application process as necessary.

The submissions from Horizons Regional Council and NZ Defence are seeking that the activities they undertake be excluded from the Permitted Activity Rule or from specific clauses in order that they can undertake their operations without needing to meet the standards included in Rule 13-25.

The submission from the Regional Council seeks exclusions for discharges undertaken by the Regional Council and then references Rule 16-13. That Rule deals with activities undertaken in flood control and drainage schemes and only covers the discharge of water or sediment. There is a sentence

within the Activity column in Rule 13-25 which states: “*except as regulated by other Rules in this Plan*” and for matters other than the discharge of water or sediment in a flood control or drainage scheme then the activities should be treated as other activities with similar effects are.

In terms of the matters raised by NZ Defence I can understand that they want to be able to fire rounds of ammunition and that clauses (c)(i) and (iii) prevent this in certain areas. I have recommended an exclusion provision for the discharge of live ammunition under the Defence Act 1990 where it is undertaken for NZ Defence purposes. Whilst an exclusion provision goes against my statement in the previous paragraph I consider that it is not the intent of the rule to deal with ammunition where it will not enter water.

Meridian Energy also seeks the deletion of clause (a) covering the rate of discharge. I am not recommending the deletion of the standard as it sets a limit for a Permitted Activity to cover potential adverse effects. I am however, mindful of the submission from NZ Defence which seeks a discharge volume per hectare rather than per property. I can understand where the property is large in size that 100m<sup>3</sup> may be a small discharge volume. I will work through this matter further with the submitter and return to it in my Supplementary Report.

Meridian Energy also seeks a specific Permitted Activity rule to provide for discharges from construction works. As I noted in relation to my evaluation of the submissions on Rule 13-24 sediment laden discharges are covered in DSW Rule 7 in the Land and Water Regional Plan, and I consider that I need to work through this issue further with the submitter. I can understand that there may be an identified gap in the rule structure and I will return to this matter in my Supplementary Report.

In relation to the submission from the Minister of Conservation I consider that the words “*within a 20 metre margin of*” a rare habitat etc. is not necessary. The clause is clear that the discharge must not occur within a rare habitat, or threatened habitat or at risk habitat. The rule only applies to discharges to land that will not enter water. I consider the standards deal with the potential adverse effects at issue and no change is recommended.

#### **4.108.3 Recommendation WTR 108**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.108.3.1 Recommended changes to provision**

- (a) Amend Rule 13-25 in accordance with the changes recommended in track changes for Rule 13-25.



## 4.109 Chapter 13 – Rule 13-26 Discharges of contaminants to land that may enter water – Water Quality

### 4.109.1 Summary of submission points

#### **Support**

Federated Farmers supports Rule 13-26. The support is noted.

#### **Wording Changes**

Ngati Kahungunu wants the activity status changed to Controlled and specific matters of control added to deal with the nature and characteristics of the discharge, tangata whenua and soil retention time.

Horizons Regional Council wants an exclusion added to the rule for discharges undertaken by the Regional Council in relation to river works and notes these activities are provided under Rule 16-13.

The Manawatu Branch of NZ Green Party want further separation distance standards to cover sloping sites, existing vegetation, land management and soil type. In addition, that clause (f) refer to surface water as well as groundwater.

Meridian Energy wants clause (a) dealing with the need to comply with the standards in Rule 13-24 deleted.

### 4.109.2 Evaluation

Ngati Kahungunu wants the activity status changed to Controlled and specific matters of control added to deal with the nature and characteristics of the discharge, tangata whenua and soil retention time. I consider that the performance standards are clear and I understand they will deal with the potential and actual adverse effects at issue. I therefore recommend the activity status remain as Permitted.

The Manawatu Branch of NZ Green Party want further separation distance standards to cover sloping sites, existing vegetation, land management and soil type. The standards regarding setbacks apply regardless of the matters raised by the submitters. Whilst they may be blanket standards they are certain and enforceable and deal with the effects at issue. In relation to the part of the submission that sought the addition in clause (f) to surface water as well as groundwater, I recommend no change to the clause. The reference within clause (a) to Rule 13-24 (h) means that the discharge shall not breach the water quality standards set out in Schedule D which covers surface water. No change is recommended.

Meridian Energy wants clause (a) deleted dealing with the need to comply with the standards in Rule 13-24. The cross reference to the standards within Rule 13-24 removes the need to duplicate those standards within Rule 13-26. The standards are relevant to discharges of contaminants to land that may enter water and should therefore be retained. No change is recommended.

The submission from Horizons Regional Council seeks that the activities they undertake be excluded from the Permitted Activity Rule in order that they can undertake their operations without needing to meet the standards included in Rule 13-26.

The submission from the Regional Council seeks exclusions for discharges undertaken by the Regional Council and then references Rule 16-13. That Rule deals with activities undertaken in flood control and drainage schemes and only covers the discharge of water or sediment. There is a sentence within the Activity column in Rule 13-25 which states: “*except as regulated by other Rules in this Plan*” and for matters other than the discharge of water or sediment in a flood control or drainage scheme then the activities should be treated as other activities with similar effects are.

#### **4.109.3 Recommendation WTR 109**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.109.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.110 Chapter 13 – Rule 13-27 Discharges of contaminants to land or water not covered by other rules in this Plan – Water Quality**

### **4.110.1 Summary of submission points**

Mighty River Power supports Rule 13-27. The support is noted.

Environment Network Manawatu wants to see conditions, standards and terms included.

Landlink Ltd wants the activity status to be changed from Discretionary to Non-Complying.

### **4.110.2 Evaluation**

Environment Network Manawatu wants to see conditions, standards and terms included. As the activity status is Discretionary all effects can be considered and it would be inappropriate to restrict the matters that can be considered.

Landlink Ltd wants the activity status to be changed from Discretionary to Non-Complying. Rule 13-23 covers discharges to Natural State water management zones, Sites of Significance Aquatic and lakes and wetlands and is a Non-Complying Activity. This activity status recognises the particular sensitivities of these water bodies. In relation to the less sensitive environments it is appropriate that the activity status be less and I consider the retention of the activity as a Discretionary Activity is appropriate.

### **4.110.3 Recommendation WTR 110**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.110.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.111 Chapter 15 – General - Ground and Surface Water Allocation

### 4.111.1 Summary of submission points

The territorial authorities seek the addition of a new rule providing for community water supplies recognised under Policy 3-1 as a Controlled Activity.

Himatangi Station Ltd opposes the proposals for water charges and water use and Paul Barber considers the current water charges are unfair and unreasonable.

NZ Defence Force wants an alternative approach which sets Permitted Activity standards in relation to property size.

The Hydro Electricity Companies want provision for infrastructure supply and energy development and provision for non-consumptive takes.

Environmental Working Party and Nga Pae o Rangitikei want a policy that cross references to Chapter 4 Te Ao Maori.

LandLink considers that specific references to sections in the Resource Management Act are unnecessary.

Taranaki Fish and Game support the Chapter and want to see the inclusion of the word “temporary” within Rule 15-11(a)(iv) dealing with diversions in the bed of a river and the maximum width and length of the diversion.

### 4.111.2 Evaluation

Issues associated with water charges and the question of them being fair and reasonable are matters that cannot be dealt with through the Plan but need to be taken up through the LTCCP process. The comments are noted.

I have recommended the submission be rejected from the territorial authorities seeking that a new Controlled Activity rule be added providing for community water supplies. I consider that these takes should be subject to the same rule structure as other activities with the same or similar effects. That said there is a policy framework within Chapter 3 which covers public infrastructure and also within Policy 6-19 there is specific recognition for essential takes including public water supplies. I will return to this matter in my Supplementary Report as I am going to propose a re-organisation of the Policy framework so that some of the Chapter 6 provisions are relocated to Chapters 13 and 15. This re-organisation is likely to assist in setting out clearly what can be considered in regard to public water takes.

I agree with the comments made by NZ Defence Force that the standards regarding permitted takes for water apply regardless of property size. And this will lead to situations where a small property is able to take the same Permitted amount of water as a larger property. The existing Land and Water Regional Plan ties the take to land held in a particular certificate of title. This approach too has problems in that a larger holding may be in the same

ownership but be split into a number of titles meaning there could be a number of Permitted takes which cumulatively cause effects. I will discuss this matter further with the submitter and return to it in my Supplementary Report.

The Hydro Electricity Companies want provision for infrastructure supply and energy development and provision for non-consumptive takes. I consider the cross reference to Chapter 3 within the Policy provides a link to the matters of concern to these companies. The issue of non-consumptive takes should be considered in relation to potential effects and be put through the rigour of the rule framework. No further change is recommended.

I have recommended the inclusion of a cross reference to Chapter 4 within Policy 15-1 (c) to address the matters raised by Environmental Working Party and Nga Pae o Rangitikei.

In regard to the submission from Landlink which outlines that references to sections of the Resource Management Act are unnecessary, I consider that where a reference assists in understanding the link between the provision and the section of the Act then it is appropriate to make a reference. If the clauses in the Act change then it is reasonably straightforward to either make a Schedule 1 clause 16 amendment or if the issue is larger then a Plan Change may be required.

The support of Taranaki Fish and Game is noted. In terms of their suggestion that the word “temporary” be added within Rule 15-11(a)(iv), I consider this to be inappropriate as it is not intended to cover just temporary diversions.

#### **4.111.3 Recommendation WTR 111**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.111.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.112 Chapter 15 – Policy 15-1 Consent decision-making for takes and uses of surface water and groundwater - Ground and Surface Water Allocation

### 4.112.1 Summary of submission points

#### Support

Environment Network Manawatu and Fish and Game NZ support Policy 15-1. The support is noted.

TrustPower supports the reference to Chapter 3. The support is noted.

#### Wording Changes

Ngati Kahungunu and other submitters want a reference to Chapter 4 within the Policy and seek an additional clause to deal with cumulative effects.

Horticulture NZ and Federated Farmers of NZ want the Policy to ensure there is greater clarity as to the extent and scope of relevant provisions in the Plan to consent applications. Federated Farmers also seek to have the following wording added to the end of clause (b) “*and Section 14(3)(b) takes*”.

Mighty River Power wants the Policy to state Chapter 3 will be given effect to. The submitter and Meridian Energy also seek to have additional points added to cover: benefits to people and communities; maintaining the value of the investment and enabling reuse and recycling of water. Meridian Energy wants all references to Schedule D deleted.

The Minister of Conservation wants an additional clause added to manage the effects on rare habitats.

### 4.112.2 Evaluation

I have recommended the inclusion of a cross reference to Chapter 4 within Policy 15-1 (c) to address the matters raised by Ngati Kahungunu and other submitters.

I am going to propose a re-organisation of the Policy framework within my Supplementary Report so that some of the Chapter 6 provisions are relocated to Chapters 13 and 15. This re-organisation is likely to assist in setting out clearly what can be considered and meet the concerns raised by Horticulture NZ and Federated Farmers of NZ.

The Section 14(3)(b) takes referred to by Federated Farmers are provided through the Permitted Activity rules. Clause (b) within Policy 15-1 outlines that effects on other lawful activities need to be avoided which would include those takes that meet the Permitted Activity Rules. I consider clause (b) is clear and adequate to deal with the issues raised by the submitter.

In terms of the submission from Mighty River Power I consider the reference within clause (c) to Chapter 3 provides for a link to those objectives and

policies and is adequate and appropriate. The submitter and Meridian Energy also seek to have additional points added to cover: benefits to people and communities; maintaining the value of the investment and enabling reuse and recycling of water. As a result of the re-organisation of the Policy framework that will be included within my Supplementary Report some of the concerns raised by the submitter may be met e.g. the Policy 6-31 which deals with Essential and Beneficial Activities would then be contained within Part II of the Plan. Meridian Energy wants all references to Schedule D deleted. I am not recommending the deletion of references to Schedule D as this would result in an unclear policy framework in terms of what adverse effects need to be considered. As a consequence of the changes recommended within Chapter 6 regarding properly constructed bores, I consider it appropriate to carry over similar wording for Policy 15-1. In addition, the heading for Policy 15-1 refers to both surface and ground water. Both terms need to be included in the text within Policy 15-1.

The Minister of Conservation wants an additional clause added to manage the effects on rare habitats. I consider that this issue is dealt with in Policy 15-2 and no change is required to Policy 15-1. I have recommended the deletion of the reference to Chapter 7 Living Heritage within clause (c) as I consider that the Living Heritage provisions are not relevant to takes and uses of water.

#### **4.112.3 Recommendation WTR 112**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.112.3.1 Recommended changes to provision**

- (a) Amend Policy 15-1 in accordance with the changes recommended in track changes for Policy 15-1.

## **4.113 Chapter 15 – Policy 15-2 Consent decision-making for diversions and drainage - River and Lake Beds**

### **4.113.1 Summary of submission points**

#### **Support**

Environment Network Manawatu, Fish and Game NZ and TrustPower support Policy 15-2. The support is noted.

#### **Wording Changes**

Ngati Kahungunu and other submitters want a reference to Chapter 4 within the Policy and seek an additional clause to deal with cumulative effects. Powerco wants specific provisions to refer to Chapter 3.

Horticulture NZ and Federated Farmers of NZ want the Policy to ensure there is greater clarity as to the extent and scope of relevant provisions in the Plan to consent applications.

Mighty River Power wants the Policy to state Chapter 3 will be given effect to. The submitter and Meridian Energy also seek to have additional points added to cover benefits to people and communities and use and development at a local, regional and national level.

### **4.113.2 Evaluation**

In response to all of the submissions, as noted under Policy 15-1, the re-organisation of the Policy framework within my Supplementary Report will go some way to meeting their concerns. Within this re-organisation I will provide a consistent approach to dealing with cross referencing and consider the matter of cumulative effects. This re-organisation is also likely to assist in setting out clearly what can be considered and meet the concerns raised by Horticulture NZ and Federated Farmers of NZ.

I have recommended a consequential change to clause (b) to refer to Chapter 12 which also deals with biodiversity issues and assists in clarifying the other objectives and policies that need to be considered.

### **4.113.3 Recommendation WTR 113**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.113.3.1 Recommended changes to provision**

- (a) Amend Policy 15-2 in accordance with the changes recommended in track changes for Policy 15-2.



#### **4.114 Chapter 15 – Policy 15-3 Consent decision making for bores - Ground and Surface Water Allocation**

##### **4.114.1 Summary of submission points**

Environment Network Manawatu and Fish and Game NZ support Policy 15-3. The support is noted.

Environmental Working Party and Nga Pae o Rangitikei want a reference to Chapter 4 within the Policy.

##### **4.114.2 Evaluation**

As noted under Policy 15-1, the re-organisation of the Policy framework within my Supplementary Report will go some way to meeting the concerns and I will provide a consistent approach to dealing with cross referencing.

##### **4.114.3 Recommendation WTR 114**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.114.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.115 Chapter 15 – Policy 15-4 Monitoring requirements of consent holders - Ground and Surface Water Allocation

### 4.115.1 Summary of submission points

#### **Support**

Environment Network Manawatu supports Policy 15-4. The support is noted.

#### **Wording Changes**

The Department of Corrections wants to understand when telemetry systems and pulse count capable meters would be applied and considers the term “generally” is vague and lacks certainty.

Mountain Carrots NZ Ltd and other submitters including Horticulture NZ want changes to clause (a) to delete pulse count capable and to refer to takes in excess of 1000m<sup>3</sup>. These submitters also seek that clause (b) be amended to change 750m<sup>3</sup> to 2000m<sup>3</sup> per day in surface water bodies which are near fully allocated.

Horticulture NZ and Federated Farmers want clause (d) amended so that monitoring requirements for groundwater takes near the coast reflect the potential for seawater intrusion. The submitters also want clause (e) to only apply in near fully allocated catchments.

CPG NZ wants clause (c) amended to require telemetry on groundwater takes greater than 1500m<sup>3</sup> per day rather than 4000m<sup>3</sup> as contained in the Policy. The submitter also wants clause (d) amended to require telemetering of flow as well as conductivity on bores within 5km of the coast.

Winstone Pulp International wants Policy 15-4 deleted or amended to include a clause which states: *“Water takes shall generally be subject to the following monitoring and reporting requirements utilising monitoring equipment suitable for, and at a frequency appropriate for, the volume of the take.”*

Environmental Working Party and other submitters want cross references to Chapter 4.

Fonterra wants clause (a) amended to include the words: *“In appropriate circumstances.”*

### 4.115.2 Evaluation

My approach to dealing with Policies is to ensure they are as certain as possible and to this end I agree that words that add uncertainty should be removed. One example that comes to mind is *“as far as practicable”*. The Department of Corrections identifies that the word “generally” is vague and lacks certainty. I would ordinarily agree that the word “generally” is vague. However, generally is a word that is used in a number of places within the policies and in the context of this Policy does not unduly introduce a degree of uncertainty regarding the intent of the Policy. I have recommended that the

submission be rejected but note that I will return to the matter in my Supplementary Report.

I consider that the wording proposed by Winstone Pulp International in relation to Policy 15-4 is vague and uncertain and I have recommended the submission be rejected. Similarly, the amendment sought by Fonterra in relation to clause (a) regarding the insertion of the words: “*In appropriate circumstances*” introduces an element of uncertainty. What will those appropriate circumstances be?

There are a number of changes sought by various submitters to the volume numbers contained within the Policy. I am at this stage recommending the submissions be rejected except in relation to clause (c) where I recommend that the number be altered from 4000m<sup>3</sup> to 750m<sup>3</sup>. I understand the Science Reports, particularly the report of Mr Roygard, address the reasoning for the change to clause (c). I will work through the other issues further with the submitters and return to these matters in my Supplementary Report.

Mountain Carrots NZ Ltd and other submitters including Horticulture NZ want changes to clause (a) to delete pulse count capable. I am unclear why this is of concern to the submitters as these water meters are a standard requirement on consent conditions. I will discuss the matter further with the submitters and return to it in my Supplementary Report. Horticulture NZ and Federated Farmers want clause (d) amended so that monitoring requirements for groundwater takes near the coast reflect the potential for seawater intrusion. I consider that clause (d) sets out what is required in terms of monitoring along the coast and is clear. No change is recommended. In terms of the comments made by the submitter that clause (e) only apply in near fully allocated catchments again I am unclear why this is being sought. The policy applies for activities that will want to take water that need to be monitored and then controlled during low flow conditions. No change is recommended.

In terms of the submission from CPG NZ which seeks to have clause (d) amended to require telemetering of flow as well as conductivity on bores within 5km of the coast, I consider telemetering is addressed through the other clauses. No change is recommended.

In undertaking the re-organisation of the Policy framework within my Supplementary Report I will provide a consistent approach to dealing with cross referencing which is a matter raised by Environmental Working Party and other submitters.

#### **4.115.3 Recommendation WTR 115**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.115.3.1 Recommended changes to provision**

- (a) Amend Policy 15-4 in accordance with the changes recommended in track changes for Policy 15-4.

#### **4.116 Chapter 15 – Policy 15-5 Consent review and expiry - Ground and Surface Water Allocation**

##### **4.116.1 Summary of submission points**

###### **Support**

The NZ Fire Service seeks to have Policy 15-5 retained as it relates to fire fighting purposes. The support is noted.

Ruahine River Care Group do not oppose the use it or lose it provisions. The comment is noted.

Fish and Game NZ supports policy 15-5. The support is noted.

###### **Delete**

Winstone Pulp International wants Policy 15-5 deleted.

###### **Wording Changes**

Neville Pearson and other submitters want clause (b)(iv) altered to refer to food manufacturing.

The territorial authorities want the Policy to be amended to identify community water supplies managed by territorial authorities.

Horizons Regional Council wants clause (b)(iv) amended to refer to the essential takes identified in Policy 6-19(b).

Palmerston North City Council wants the reference to the number of resource users deleted from clause (a).

CPG NZ wants a clause added that exceptions to common catchment expiry dates will be considered where the term is short and otherwise investment decisions would be compromised.

Environment Network Manawatu questions why freezing works are an essential take.

Horticulture NZ wants the common catchment expiry dates to be reviewed to provide for flexibility in terms of duration. The submitter also wants the Policy to state that current consents for takes which are due to expire are factored into the allocation availability.

Federated Farmers wants the Policy to recognise the reasonable needs for stock and human drinking and the inclusion of perishable food processing within the list in clause (b)(iv).

TrustPower and Mighty River Power want consents for hydro electricity takes to not be subject to common catchment expiry dates and to have clause (a) deleted. The submitters also want clause (b) amended to specifically include

existing and new resource consents for hydro electric generation as items two and three in the list.

The Minister of Conservation wants the first sentence to be amended to remove the words “*shall generally*” and replace with “*apart from in exceptional circumstances*”. The submitter also seeks to have the following wording added to clause (a) “*and minimum flow provisions*”.

Environmental Working Party and other submitters want cross references to Chapter 4.

Fonterra wants the first sentence deleted which refers to common catchment expiry and freezing works deleted from clause (b)(iv).

#### 4.116.2 Evaluation

I have recommended the wording within clause (b)(iv) be altered to align with the wording for essential takes within Policy 6-19. The wording changes clarify that the reasonable needs of human and stock drinking water is to be provided. The wording changes also remove the reference to freezing works which is sought by some submitters. The inclusion of a specific clause for public water supplies is also recommended in response to the submissions from the territorial authorities. I consider the inclusion of public water supplies provides a clear link to Policy 6-19 where they are identified as an essential take.

I have recommended that the submissions that seek an amendment to clause (b)(iv) to refer to food manufacturing or perishable food processing, be rejected. These activities are not identified as essential takes within Policy 6-19. I will however, consider the issue of whether lawfully established takes for the operation of industry identified in Policy 6-19 also needs to be brought over into Policy 15-5. These are the matters I will be considering in undertaking the re-organisation of the Policies from Part I to Part II of the Plan.

I am recommending that the submission from Fonterra which seeks the deletion of references to common catchment expiry dates be rejected. Similarly I am recommending that the submissions from CPG NZ which seeks exceptions to common catchment expiry dates and Horticulture NZ regarding the review of common catchment expiry dates be rejected. As I have outlined earlier the approach taken in the Plan relies on reference to these dates. To the extent that the reporting on the Administration Chapters proposes clarifying the intent of the common catchment expiry and review dates then some of the concerns of the submitters may be met.

I have recommended that the words: “*as many resource users as possible*” be deleted from clause (a) in response to the submission from the Palmerston North City Council, as I don’t consider the words assist in clarifying the intent of the clause.

TrustPower and Mighty River Power want consents for hydro electricity takes to not be subject to common catchment expiry dates and to have clause (a) deleted. The submitters also want clause (b) amended to specifically include existing and new resource consents for hydro electric generation as items two and three in the list. I have recommended that these submissions be rejected.

Hydro electricity takes are not listed as an essential take under Policy 6-19 and it is unclear why they should be singled out and given special treatment over any other infrastructure or industrial activity.

The Minister of Conservation wants the first sentence to be amended to remove the words “*shall generally*” and replace with “*apart from in exceptional circumstances*”. The submitter also seeks to have the following wording added to clause (a) “*and minimum flow provisions*”. I agree that the addition of the words: “*and minimum flow provisions*” assists in clarifying the intent of the Policy. I however, do not recommend that the words “*shall generally*” be replaced. “*Generally*” is a word that is used in a number of places within the policies and in the context of this Policy does not unduly introduce a degree of uncertainty regarding the intent of the Policy. I have recommended that the submission be rejected but note that I will return to the matter in my Supplementary Report.

In undertaking the re-organisation of the Policy framework within my Supplementary Report I will provide a consistent approach to dealing with cross referencing which is a matter raised by Environmental Working Party and other submitters.

#### **4.116.3 Recommendation WTR 116**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.116.4.1 Recommended changes to provision**

- (a) Amend Policy 15-5 in accordance with the changes recommended in track changes for Policy 15-5.

## 4.117 Chapter 15 – Policy 15-6 Transfer of water permits - Ground and Surface Water Allocation

### 4.117.1 Summary of submission points

#### Support

Fish and Game NZ supports Policy 15-6. The support is noted.

#### Wording Changes

Ngati Kahungunu wants an additional clause to state: *“The effects of the water take and water use shall be of a similar scale and intensity.”*

CPG NZ wants a new rule added to give effect to Policy 15-6. The submitter wants transfers to be able to be transferred within seasons and at short notice.

Horticulture NZ and Federated Farmers wants clause (a) amended to refer to catchment rather than water management zone.

Environmental Working Party and other submitters want cross references to Chapter 4.

### 4.117.2 Evaluation

I consider that the change sought by Ngati Kahungunu regarding an additional clause to state: *“The effects of the water take and water use shall be of a similar scale and intensity”* will not add any greater clarity to the intent of the Policy. Existing clause (a) regarding transfers within the same water management zone will address effects being of a like nature. It is for this reason that I have recommended the submissions from Horticulture NZ and Federated Farmers which seek to have clause (a) amended to refer to catchment rather than water management zone, be rejected. The approach taken in the Plan focuses on water management zones as a mechanism to set out the values within each zone which if met will in turn avoid, remedy or mitigate adverse effects. I will address the matter of avoiding, remedying or mitigating adverse effects further in my Supplementary Report. I will also return to this issue in relation to the use of the word catchment within section 136(2)(b) and whether there is potential inconsistency because of the reference to *“water management zone”* within the Policy.

CPG NZ wants a new rule added to give effect to Policy 15-6. I wish to consider the content of the Oroua Plan carefully and work through this issue further with the submitter. I will return to this matter in my Supplementary Report. The submitter wants transfers to be able to be transferred within seasons and at short notice. This comment is noted. The transfer process is established at the Council and can be undertaken at short notice.

In undertaking the re-organisation of the Policy framework within my Supplementary Report I will provide a consistent approach to dealing with cross referencing which is a matter raised by Environmental Working Party and other submitters.

#### **4.117.3 Recommendation WTR 117**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.117.3.1 Recommended changes to provision**

- (a) Amend Policy 15-6 in accordance with the changes recommended in track changes for Policy 15-6.



## **4.118 Chapter 15 – Rules – General - Ground and Surface Water Allocation**

### **4.118.1 Summary of submission points**

Winstone Pulp International seeks the retention of the rules and activity statuses within Chapter 15 for Rules 15-1, 15-4, 15-7 and 15-14. The comments are noted.

### **4.118.2 Recommendation WTR 118**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.118.2.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.119 Chapter 15 – Rule Sub Heading 15.2 Takes and uses of water rules - Ground and Surface Water Allocation**

### **4.119.1 Summary of submission points**

NZ Defence wants the ambiguity relating to the Local Water Conservation Notice removed.

Environmental Working Party and Nga Pae o Rangitikei want the following:

- (a) Account taken of the provisions of Chapter 4 Te Ao Maori.
- (b) Remedial action taken where there are adverse effects on the environment.
- (c) Constant monitoring to activities.
- (d) Lobbying to legislative bodies regarding imposing penalties.
- (e) Iwi being notified of any disturbance to sites of significance to Maori and notification of any discovery.

### **4.119.2 Evaluation**

I have through Chapter 6 recommended the removal of references to Local Water Conservation Notices as these no longer exist. The values of these water bodies are reflected in Schedule C. Whilst I am not clear exactly where NZ Defence's reference is within the Plan I consider the submitters concerns are met as a result of the references to the Notices being removed.

The matters raised by the submitters regarding monitoring and enforcement of resource consents are noted. The Compliance Team undertake these functions and take enforcement action as appropriate. Policy 15-1 refers to Chapter 4 Te Ao Maori to provide the link to the relevant objectives and policies within that Chapter. The issue of a consideration as to who may be deemed to be potentially adversely affected is considered through the consent process. Chapter 4 provides guidance as to the issues of concern to Maori which assists in determining when iwi may be considered to be a potentially adversely affected party

### **4.119.3 Recommendation WTR 119**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.119.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.120 Chapter 15 – Rule 15-1 Minor takes and uses of surface water - Ground and Surface Water Allocation

### 4.120.1 Summary of submission points

#### Support

Mighty River Power wants the approach of specifying a reasonable amount of water for domestic supply and stock drinking water retained. The support for the approach is noted.

Horticulture NZ and Fish and Game NZ support clauses (a) to (e). The support is noted.

#### Wording Change

Ronald Frew notes the following:

- (a) Surface and groundwater takes in the Mangawhero and Makotuku Catchment be defined as the same.
- (b) Takes less than 50m<sup>3</sup> be permitted.
- (c) That the end use of water not be confined to drinking water for livestock.

Neville Pearson and other submitters want no limits for stock water, the per property restriction changed to relate to land area and the reasonable water requirements for specific agricultural activities permitted. The submitters also want clause (b), relating to the take not exceeding 0.5 l/s, deleted.

Ruahine River Care Group wants the limits set on a per farm basis not per property.

AgResearch and Livestock Improvement Corp want a limit of 15m<sup>3</sup> and want the reasonable needs of human and stock drinking water excluded from the limits.

Ngati Kahungunu wants an additional clause to outline that cumulative effects will be taken into account.

Horizons Regional Council wants:

- (a) Rule 15-1 altered to read:
  - (i) 15m<sup>3</sup>/d per property for any use
  - (ii) Another 15m<sup>3</sup>/d per property where this is required for an individuals reasonable domestic needs and/or the reasonable needs of an individuals animals for drinking water.

*The maximum allowable take under this rule is 30m<sup>3</sup>/d per property.*
- (b) Amend clause (b) to refer to a rate of 2 l/s rather than 0.5 l/s or delete the clause.

Inghams requests clarification on the rules as they apply to limits on daily takes.

CPG NZ seeks either that the threshold values are raised or incorporate a streamlined consent process at modest cost and with minimal time requirement.

Environmental Working Party and other submitters want the rule to provide for more than one domestic dwelling i.e. where it is a marae or for papakainga housing and for access to a water source on another property where agreements are in place. Murray Lowe wants marae and small communities recognised in the Rule.

Fonterra wants controls based on a per property basis altered to a more equitable approach and wants stock water to be calculated as 70 litres per cow, 45 litres for dry stock and 70 litres per cow for milk cooling and farm dairy hygiene.

Federated Farmers seeks to have takes provided for under section 14(1) of the Act recognised and wants the limits for other uses not apply to milk shed operations and piggeries.

Landlink Ltd considers the rule to be complex and a maximum should be set for all uses.

Angus Gordon wants the rule to allow for a more equitable distribution of the permitted allocation of water.

#### **4.120.2 Evaluation**

I respond to the points raised by Ronald Frew as follows:

- (a) Surface and groundwater takes and the inter-relationship between the two are outlined in Policy 6-25. Where the groundwater take is considered riparian then it is considered to be a surface water take. No change is recommended. When the sections are re-organised Policy 6-25 will sit within Chapter 15 and assist in understanding the issues.
- (b) I am recommending the rate of take be changed to 2l/s.
- (c) Section 14 of the Act requires that the reasonable needs for drinking water for livestock be provided. This is what the rule sets out to provide for.

I respond to the points raised by Neville Pearson and a number of other submitters as follows:

- (a) Section 14 of the Act requires that the reasonable needs for drinking water for livestock be provided. The Act does not state that there is to be an unrestricted amount of water taken. The rule sets out to provide for reasonable needs. I will consider carefully the issues of the rate of take and return to these matters in my Supplementary Report.

- (b) The existing Land and Water Regional Plan ties the take to land held in a particular certificate of title. This approach has problems in that a larger holding may be in the same ownership but be split into a number of titles meaning there could be a number of Permitted takes which cumulatively cause effects. I will discuss the matter of the restriction relating to per property with the submitters considering in particular the issues that may be posed for marae and return to this in my Supplementary Report.
- (c) I recommend the alteration of clause (b), relating to the take not exceeding 2 l/s. This was relief sought by Horizons Regional Council.

I would like the opportunity to work through the implications of the changes sought by Horizons Regional Council to Rule 15-1 regarding restricting the total take to 30m<sup>3</sup>/d per property. A number of submitters have sought changes to the permitted rate of take. I want to work through these issues further with the submitters and return to this matter in my Supplementary Report. I am not however, suggesting that the general approach be changed in terms of limiting the rate to reasonable needs for stock and human drinking water with a further amount for other uses. I do consider there needs to be restrictions, it is more a matter of where the limits are set.

The submission from Fonterra seeks that stock water is calculated as 70 litres per cow and 45 litres for dry stock. Policy 6-19 provides for 70 litres per day for stock drinking water and does not differentiate between different stock.

In terms of the submissions that seek either a rate of take or no limit for water for milk cooling and farm dairy hygiene, I have recommended these submissions be rejected. As noted above I consider the general approach to limiting the rate to reasonable needs for stock and human drinking water with a further amount for other uses to be appropriate.

Ngati Kahungunu wants an additional clause to outline that cumulative effects will be taken into account. Cumulative effects have been taken in to account in the allocation framework and to that extent an additional clause regarding cumulative effects is not required. No change is recommended.

I am unclear exactly what Inghams is unclear about in terms of how the rules apply to limits on daily takes, but I will work this through further with the submitter.

For the reasons stated above I consider it appropriate to split the rule to specify a rate of take for reasonable needs for stock and human drinking water with a further amount for other uses. I have therefore recommended that the submission from Landlink Ltd be rejected.

#### 4.120.3 Recommendation WTR 120

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.120.3.1 Recommended changes to provision**

- (a) Amend Rule 15-1 in accordance with the changes recommended in track changes for Rule 15-1.

## 4.121 Chapter 15 – Rule 15-2 Minor takes and uses of groundwater - Ground and Surface Water Allocation

### 4.121.1 Summary of submission points

#### Support

Fish and Game NZ supports Rule 15-2. The support is noted.

#### Deletion

Mike and Lynette Hoggard do not support the imposition of regulatory controls.

#### Wording Changes

Whiripo Land Co and other submitters want an allocation to be based on 420 litres per hectare.

Neville Pearson and other submitters want the limit for stock water to be removed and the requirement for takes to be based on land area and for requirements such as specific agricultural activities or stock unit. These submitters also seek to have clause (c) regarding takes not being within 100 metres of a river or 200 metres of a wetland to be made consistent with Policy 6-25.

Livestock Improvement Corp and AgResearch Ltd do not want restrictions placed on takes for an individual's reasonable domestic needs or animals for drinking water.

Charlie Pederson wants all bores to have a water meter installed and checked annually to ensure it does not exceed the Permitted Activity rate.

Ngati Kahungunu wants two additional clauses added to deal with cumulative effects and ensuring the groundwater level does not fall below a sustainable level.

Horizons Regional Council seeks to have clause (b) altered to remove the need to obtain approval from a bore owner of the removal of the clause altogether.

Horowhenua District Council wants an exclusion of 500 metres from landfills that have been closed for less than 30 years.

Michael Burmeister considers that flow meters should be required in every situation and that there can be no set distance to deal with rivers.

John Batley wants the rates to be increased.

Horticulture NZ wants clause (g) to be deleted which requires the Regional Council to be informed of the location of the take.

Mighty River Power wants a further standard added to specify that the take will not reduce the amount of surface water available to existing consented takes or uses.

Environmental Working Party and other submitters want water to be available to Marae and a water source on another property to be available with agreement for use on another property.

Federated Farmers wants the taking and use of ground water pursuant to section 14(1) of the Act to be provided for and that the rates of take not apply to milking shed operations.

Angus Gordon wants rules 15-1 and 15-2 aligned to have the same rate.

#### 4.121.2 Evaluation

I understand that the rate of 50m<sup>3</sup> for groundwater, which is more than for surface water, is because more groundwater is available. The rate is set at a limit which allows for the sustainable management of the resource.

A number of submitters want the rate removed, altered or that it not apply to specific activities e.g. agricultural activities. Section 14 of the Act requires that the reasonable needs for drinking water for livestock be provided. The Act does not state that there is to be an unrestricted amount of water taken. The rule sets out to provide for reasonable needs. I consider the general approach in terms of limiting the rate which allows for the reasonable needs for stock and human drinking water is appropriate. As outlined above in relation to Rule 15-1, I have noted I will consider carefully the issues of the rate of take and return to these matters in my Supplementary Report.

As noted in relation to the evaluation for Rule 15-1 I will discuss the matter of the restriction relating to per property rather than an alternative approach with the submitters considering in particular the issues that may be posed for marae and return to this in my Supplementary Report.

A number of submitters seek to have clause (c) regarding takes not being within 100 metres of a river or 200 metres of a wetland to be made consistent with Policy 6-25. Horowhenua District Council wants an exclusion of 500 metres from landfills that have been closed for less than 30 years. I consider that there is merit in assessing the issues carefully. For example, the Permitted Activity does not specify a setback from the coast and this may be a matter that needs to be considered in relation to potential sea water intrusion. I will return to these matters in my Supplementary Report.

Policy 15-4 sets out that the requirements for monitoring that applies to consented takes which addresses in part the matters raised by Charlie Pederson and Michael Burmeister. The Permitted Activity standards do not include a requirement for water meters as the levels are set at a sustainable level. The requirement for water meters on permitted takes would be considerable and not necessary.

In relation to the submission from Ngati Kahungunu seeking two additional clauses to deal with cumulative effects and ensuring the groundwater level



does not fall below a sustainable level, I consider the level set for the rate of take achieves these outcomes. No change is recommended.

I recommend that the submission from Horizons Regional Council to alter clause (b) to remove the need to obtain approval from a bore owner be accepted. It is inappropriate to require the approval of a third party as a Permitted Activity standard. In terms of the part of the submission that sought the removal of clause (b) in its entirety I need to consider this more carefully and discuss the matter further with the submitter. Policy 6-24 deals with the potential effects on other groundwater takes and if there is no corresponding standard to deal with the matter raised in the Policy then there is the potential for a gap to be created. I will return to the issue in my Supplementary Report.

I recommend the submission from Horticulture NZ seeking the deletion of clause (g) be rejected. The information that would be obtained would be helpful should there be compliance issues with the rate of actual take meeting the Permitted Activity standards.

The standards regarding setbacks from surface water features are intended to meet the concerns raised by Mighty River Power regarding potential effects on surface water available to existing consented takes or uses.

#### **4.121.3 Recommendation WTR 121**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.121.3.1 Recommended changes to provision**

- (a) Amend Rule 15-2 in accordance with the changes recommended in track changes for Rule 15-2.

## **4.122 Chapter 15 – Rule 15-3 Use of heat and energy from surface water - Ground and Surface Water Allocation**

### **4.122.1 Summary of submission points**

Mighty River Power and Fish and Game NZ support Rule 15-3. The support is noted.

### **4.122.2 Recommendation WTR 122**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.122.2.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.123 Chapter 15 – Rule 15-4 Bore groundwater testing - Ground and Surface Water Allocation

### 4.123.1 Summary of submission points

Fish and Game NZ supports Rule 15-4. The support is noted.

CPG NZ wants either the promotion of improvements to NZS 4411 or that a reporting standard be included. Landlink Ltd wants the reference to be to any current or relevant standard for soil and rock drilling.

NZ Defence wants the rule to provide for well development.

### 4.123.2 Evaluation

CPG NZ wants either the promotion of improvements to NZS 4411 or that a reporting standard be included. I am unclear how the submitter wishes improvements to the Standard to be achieved. I will discuss this matter further with the submitter and return to it in my Supplementary Report.

I recommend that the submission from Landlink Ltd be rejected. The standard clearly sets out that testing needs to be undertaken in accordance with NZS 4411. There is no certainty by referencing any current or relevant standard for soil and rock drilling.

I am unclear exactly what is sought by NZ Defence so I will discuss the issues further with the submitter and return to this in my Supplementary Report.

To achieve consistency with the changes to Chapter 6, it is recommended that the activity column be changed to refer to *“the taking and discharge of groundwater”*.

### 4.123.3 Recommendation WTR 123

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.123.3.1 Recommended changes to provision

- (a) No change is recommended.

#### **4.124 Chapter 15 – Rule 15-5 Takes and uses of surface water complying with core allocations - Ground and Surface Water Allocation**

##### **4.124.1 Summary of submission points**

###### **Support**

Ngati Kahungunu, Reginald James, Environment Network Manawatu, Fish and Game and Genesis Power support Rule 15-5. The support is noted.

###### **Wording Changes**

Reginald James wants the Plan to promote the economic well-being of people.

Neville Pearson and other submitters seek the deletion of clause (b).

Livestock Improvement Corp and AgResearch Ltd do not want restrictions placed on takes for an individual's reasonable domestic needs or animals for drinking water.

The territorial authorities want clauses (c) and (d) deleted from the Conditions column and instead be matters over which the Regional Council reserves control.

Horizons Regional Council wants an addition to clause (g) in the Control/Discretion Column to refer to sites of Significance Aquatic. The submitter also seeks an amendment to clause (b) to refer to public water supply and the reasonable needs for stock drinking water and domestic supply.

CPG NZ seeks a definition for the term “*efficiency*”. Horticulture NZ wants changes regarding efficiency.

Winstone Pulp International wants certainty in relation to the amount of core allocation already allocated.

TrustPower and Mighty River Power want a new condition added to the Rule to state the take shall not reduce the amount of water available to existing lawfully established takes and uses.

The Minister of Conservation wants clause (b) to refer to “*above*” minimum flow rather than “*at or above*”. In addition, the submitter seeks altered wording to clauses (a) and also to (d) to refer to avoiding, remedying or mitigating adverse effects on the values of the water body.

Horticulture NZ and Federated Farmers support the Rule but want changes as sought in relation to Policy 6-13.

Ministry of Education seeks that Rule 15-5 provide for Schools as essential water takes.

#### 4.124.2 Evaluation

I have recommended the deletion of clause (a) as Rule 15-7 is proposed to be deleted.

I am not recommending the deletion of clause (b) but have recommended the submission from the Minister of Conservation that the clause refers to above minimum flow. This wording will then be consistent with Policy 6-19(c).

I have recommended that the submission from Horizons Regional Council be accepted regarding specifying that reasonable stock drinking water and an individual's drinking water and public water supplies be excluded from complying with Schedule B above minimum flow. I will however, consider the other essential takes identified in Policy 6-19 and whether they need to be included and return to this matter in my Supplementary Report.

I recommend that the submissions from the territorial authorities regarding the deletion of clauses (c) and (d) from the Conditions column be rejected. These clauses are standards that need to be met and should be retained as standards/conditions.

I recommend the submission from Horizons Regional Council seeking an addition to clause (g) in the Control/Discretion Column to refer to sites of Significance Aquatic, be accepted. The reference more accurately reflects the issues that need to be considered.

I note that Policy 6-13 deals with efficient use of water. I will include in the Supplementary Report the relocation of the Policies into the relevant chapters within Part II of the Plan. To the extent that the Policy move will provide more guidance regarding efficiency I consider the submissions from CPG NZ and Horticulture NZ will be met. I will return to this matter in my Supplementary Report.

Winstone Pulp International wants certainty in relation to the amount of core allocation already allocated. The provisions of Schedule B account for current water allocation within the core allocation limits. I would refer the submitter to the Science Reports for more information.

I consider that clause (f) in the Control/Discretion Column regarding effects on other water takes meets the concerns raised by TrustPower and Mighty River Power. No change is recommended.

I have recommended that the submission from the Minister of Conservation seeking altered wording to clauses (a) and (d) be rejected. I have recommended the deletion of clause (a). In terms of clause (g) referring to avoiding, remedying or mitigating adverse effects on the values of the water body, I have at this time recommended no change. Schedule B has taken into account potential and actual adverse effects.

Horticulture NZ and Federated Farmers support the Rule but want changes as sought in relation to Policy 6-13. I will discuss what is being specifically sought by the submitters and return to the issues in my Supplementary Report.

Ministry of Education seek priority takes for schools. I will return to this matter in the supplementary report.

#### **4.124.3 Recommendation WTR 124**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.124.3.1 Recommended changes to provision**

- (a) Amend Rule 15-5 in accordance with the changes recommended in track changes for Rule 15-5.

## 4.125 Chapter 15 – Rule 15-6 Takes of surface water not complying with core allocations - Ground and Surface Water Allocation

### 4.125.1 Summary of submission points

#### Support

Fish and Game supports Rule 15-6. The support is noted.

#### Wording Changes

Horizons Regional Council wants specific changes to the Rule to separate takes which exceed the core allocation or are below minimum flow. In addition the submitter wants a reference to takes for reasonable drinking needs.

CPG NZ, TrustPower, LandLink Ltd, Meridian Energy and Winstone Pulp International want the Rule have a Discretionary Activity status rather than Non-Complying. Mighty River Power wants a more favourable activity status for new hydro electric schemes. Genesis wants a Controlled Activity Rule to cover new and existing hydro electricity schemes.

Winstone Pulp International wants certainty in relation to the amount of core allocation already allocated. TrustPower wants the reference to Schedule B deleted.

Fonterra wants the Rule to be revised to remove any special treatment for hydro electricity generation.

### 4.125.2 Evaluation

I have recommended that the submission from Horizons Regional Council be accepted as the specific wording changes to the Rule assist in clarifying the intent of the Rule and provide linkages to the Policy intent that supports the Rule. I will return to the issue of the provision for reasonable drinking needs for stock and human consumption in the Supplementary Report.

I am not recommending that the Activity status be changed from Non-Complying. This activity status provides the opportunity for all effects to be considered and sends the signal as to the importance of a careful consideration of all effects.

I have recommended that the submissions from Mighty River Power and Genesis wanting a more favourable Activity status for new and existing hydro electricity schemes, be rejected. The approach in terms of the core allocation has recognised the water that is allocated to existing hydro electricity schemes. The Science Reports address this matter. I consider that these activities should be subject to the same requirements as other activities that may create similar effects. I note the submission from Fonterra wants the Rule to be revised to remove any special treatment for hydro electricity generation.

Winstone Pulp International wants certainty in relation to the amount of core allocation already allocated. The provisions of Schedule B account for current water allocation within the core allocation limits. I would refer the submitter to the Science Reports for more information.

I am recommending that the submission from TrustPower wanting the deletion of the reference to Schedule B is rejected. Schedule B sets out the allocation limits and is a mechanism used to support the rule structure. No change is recommended.

#### **4.125.3 Recommendation WTR 125**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.125.4.1 Recommended changes to provision**

- (a) Amend Rule 15-6 in accordance with the changes recommended in track changes for Rule 15-6.



## **4.126 Chapter 15 – Rule 15-7 Takes from rivers protected by water conservation orders - Ground and Surface Water Allocation**

### **4.126.1 Summary of submission points**

The NZ Fire Service and Fish and Game supports the Rule.

TrustPower seeks removal of the Prohibited Activity Status and altered to Discretionary and also specific wording changes.

Landlink Ltd questions the necessity for the Rule.

NZ Defence wants an additional rule to cover rivers protected by water conservation notices.

### **4.126.2 Evaluation**

I am recommending the deletion of Rule 15-7. I understand that Ms Hurndell has taken account of takes within rivers protected by water conservation orders in the core allocation limits. I will consider further the implications of the removal of the Rule on the Policy framework and return to this matter in the Supplementary Report. The scope of the submissions from TrustPower and LandLink are considered broad enough to enable the recommended deletion of the Rule.

I recommend the submission from NZ Defence is rejected as water conservation notices no longer exist. The values of the rivers covered by these notices are reflected in Schedule C.

### **4.126.3 Recommendation WTR 126**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.126.3.1 Recommended changes to provision**

- (a) Delete Rule 15-7 in accordance with the changes recommended in track changes for Rule 15-7.

## **4.127 Chapter 15 – Rule 15-8 Other takes and uses of water - Ground and Surface Water Allocation**

### **4.127.1 Summary of submission points**

Fish and Game and Ngati Kahungunu supports Rule 15-8. The support is noted.

Mountain Carrots NZ and other submitters seek to have the Activity status altered from Discretionary to Restricted Discretionary. Horticulture NZ wants the matters of discretion being those as set out in Rule 15-5 a, b, d, l, j and k.

TrustPower wants the Activity status altered to Permitted or Controlled or the Rule to have an exclusion clause for infrastructure development or energy generation.

### **4.127.2 Evaluation**

I am not recommending that the Activity status be altered from Discretionary. I consider the Rule hierarchy to be logical and the Activity statuses appropriately reflect the likely adverse effects on the environment and the consideration that needs to be given to the effects.

I consider that infrastructure development and energy generation activities should be subject to the same requirements as other activities that may create similar effects. No change is recommended.

### **4.127.3 Recommendation WTR 127**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.127.4.1 Recommended changes to provision**

- (a) No change is recommended.

## 4.128 Chapter 15 – Rules Sub Heading 15.3 Diversions of water including drainage rules - River and Lake Beds

### 4.128.1 Summary of submission points

Woodhaven Gardens wants the water from the Ohau River diverted into Lakes Horowhenua and Papaitonga.

Environmental Working Party and Nga Pae o Rangitikei want the following:

- (a) Account taken of the provisions of Chapter 4 Te Ao Maori.
- (b) Remedial action taken where there are adverse effects on the environment.
- (c) Constant monitoring to activities.
- (d) Lobbying of legislative bodies regarding imposing penalties.
- (e) Iwi being notified of any disturbance to sites of significance to Maori and notification of any discovery.

### 4.128.3 Evaluation

The matters raised by the submitters regarding monitoring and enforcement of resource consents are noted. The Compliance Team undertake these functions and take enforcement action as appropriate. Policy 15-1 refers to Chapter 4 Te Ao Maori to provide the link to the relevant objectives and policies within that Chapter. The issue of a consideration as to who may be deemed to be potentially adversely affected is considered through the consent process. Chapter 4 provides guidance as to the issues of concern to Maori which assists in determining when iwi may be considered to be a potentially adversely affected party.

The comments made by Woodhaven Gardens are noted. This is not a matter that can be dealt with directly through the Plan albeit that if such a scheme were mooted it would be subject to the rules set out in the Plan.

### 4.128.3 Recommendation WTR 128

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.128.4.1 Recommended changes to provision

- (a) No change is recommended.

## **4.129 Chapter 15 – Rule 15-9 Lawfully established diversions, including existing drainage - River and Lake Beds**

### **4.129.1 Summary of submission points**

TrustPower, CPG NZ and Federated Farmers support Rule 15-9. The support is noted.

Genesis Power wants existing lawfully established diversions to be excluded under clause (a).

Transit wants conditions that prevent the diversion or discharge of surface or ground water from land adjoining state highways.

TrustPower wants clause (c) deleted and Mighty River Power and Meridian Energy seek the deletion of clause (a).

### **4.129.2 Evaluation**

Genesis Power wants existing lawfully established diversions to be excluded under clause (a). I will discuss this matter further with the submitter and return to it in my Supplementary Report.

Transit wants conditions that prevent the diversion or discharge of surface or ground water from land adjoining state highways. I will discuss this matter further with the submitter and return to it in my Supplementary Report.

I am recommending that the submissions from TrustPower, Mighty River Power and Meridian Energy seeking the deletion of clauses (a) and (c) be rejected. The clauses are necessary to deal with potential adverse effects and should be retained.

### **4.129.3 Recommendation WTR 129**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.129.3.1 Recommended changes to provision**

- (a) No change is recommended.

## 4.130 Chapter 15 – Rule 15-10 New drainage- River and Lake Beds

### 4.130.1 Summary of submission points

#### Support

Fish and Game and Federated Farmers support Rule 15-10. The support is noted.

#### Wording Changes

Horizons Regional Council seeks the deletion of clause (a) and an alteration to clause (b) to remove the reference to obtaining written approval from an affected property owner.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi.

TrustPower wants the deletion of the Rule, the deletion of clauses (d), (e), (f) and (g) or an exclusion clause for infrastructure development or energy generation.

### 4.130.2 Evaluation

I have recommended that clause (a) be deleted as it is unclear what effect it is intended to deal with. I recommend that clause (b) be altered to remove the reference to obtaining written approval from an affected property owner, because as a Permitted Activity standard it is inappropriate to obtain approval from a third party.

The New Zealand Historic Places Trust (NZ HPT) wants the reference to the approval of NZ HPT to also require the approval of iwi for waahi tapu or koiwi. I do not accept the change would assist. I have recommended the deletion of the words “*except where Historic Places Trust approval has been obtained*” as I consider this wording is inappropriate in the context of a Permitted Activity as it is requiring approval of a third party. And for the same reasons it is inappropriate to add unless the approval of iwi is obtained. The wording is consistent with the Provisional Determinations for Historic Heritage.

I consider that infrastructure development and energy generation activities should be subject to the same requirements as other activities that may create similar effects. The clauses sought to be deleted are necessary to deal with potential adverse effects and should be retained. No change is recommended.

### 4.130.3 Recommendation WTR 130

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.130.3.1 Recommended changes to provision**

- (a) Amend Rule 15-10 in accordance with the changes recommended in track changes for Rule 15-10.

## 4.131 Chapter 15 – Rule 15-11 New diversions - River and Lake Beds

### 4.131.1 Summary of submission points

Ngati Kahungunu wants the Activity status changing to Controlled and the Control/Discretion Column note that the application will be publicly notified.

Genesis seeks to have man made lakes e.g. Otamangakau, Te Whaiiau and Moawhango excluded from Rule 15-11 as they are not naturally occurring habitats.

TrustPower wants new diversions outside of the beds of rivers to be Permitted or amend the Discretionary Activity status of Rule 15-12 to Permitted.

Mighty River Power wants the use of water added to clause (f).

Fish and Game wants the word “temporary” inserted before diversion in clause (a)(iv) and the reference to Section 16.2 in clause (l) to also refer to Table 16.1

Federated Farmers considers that clause (h) which refers to the approval of a third party is ultra vires and seeks an amendment to state that infrastructure authorities within 500m of the diversion shall be notified prior to the commencement of works.

### 4.131.2 Evaluation

I do not recommend that the Activity status be changed from Permitted. The standards, subject to amendment, are certain and deal with adverse effects.

In terms of the submission from Genesis regarding having man made lakes excluded from the Rule this is a matter I will return to in the Supplementary Report after having considered the habitat provisions and the implications of making such a change.

I will discuss the matters raised by TrustPower further with them and return to the matter of new diversions outside of the beds of rivers in my Supplementary Report.

Mighty River Power wants the use of water added to clause (f). I am unclear why the change is being sought and I will discuss this further with the submitter.

Fish and Game wants the word “temporary” inserted before diversion in clause (a)(iv). The insertion of the word “temporary” is inappropriate as the Rule does not relate to just temporary diversions. I consider that the reference to Section 16.2 in clause (l) is broad enough and Table 16.1 sits within this section so will be captured through the reference to the Section.

I agree with Federated Farmers that clause (h) which refers to the approval of a third party is ultra vires. I have recommended the wording be altered to remove reference to approval of authorities. In terms of the remainder of the submission which seeks an amendment to state that infrastructure authorities

within 500m of the diversion shall be notified prior to the commencement of works, this is a matter I will return to in my Supplementary Report. The wording change I have recommended may result in an unnecessarily onerous requirement in terms of a 1km distance being specified but I want to more fully consider the need for any further changes to clause (h).

#### **4.131.3 Recommendation WTR 131**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.131.3.1 Recommended changes to provision**

- (a) Amend Rule 15-11 in accordance with the changes recommended in track changes for Rule 15-11.



## **4.132 Chapter 15 – Rule 15-12 Diversions that do not comply with permitted and controlled activity rules - River and Lake Beds**

### **4.132.1 Summary of submission points**

Mighty River Power supports Rule 15-12. The support is noted.

### **4.132.2 Recommendation WTR 132**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.132.4.1 Recommended changes to provision**

- (a) No change is recommended.

#### **4.133 Chapter 15 – Rules Sub Heading 15.4 Bore drilling and bore sealing rules - Ground and Surface Water Allocation**

##### **4.133.1 Summary of submission points**

Environmental Working Party and Nga Pae o Rangitikei want the following:

- (a) Account taken of the provisions of Chapter 4 Te Ao Maori.
- (b) Remedial action taken where there are adverse effects on the environment.
- (c) Constant monitoring to activities.
- (d) Lobbying of legislative bodies regarding imposing penalties.
- (e) Iwi being notified of any disturbance to sites of significance to Maori and notification of any discovery.

##### **4.133.3 Evaluation**

The matters raised by the submitters regarding monitoring and enforcement of resource consents are noted. The Compliance Team undertake these functions and take enforcement action as appropriate. Policy 15-1 refers to Chapter 4 Te Ao Maori to provide the link to the relevant objectives and policies within that Chapter. The issue of a consideration as to who may be deemed to be potentially adversely affected is considered through the consent process. Chapter 4 provides guidance as to the issues of concern to Maori which assists in determining when iwi may be considered to be a potentially adversely affected party.

##### **4.133.3 Recommendation WTR 133**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.133.3.1 Recommended changes to provision**

- (a) No change is recommended.

#### **4.134 Chapter 15 – Rule 15-13 Drilling and bore construction - Ground and Surface Water Allocation**

##### **4.134.1 Summary of submission points**

Ruapehu District Council, Meridian Energy and Rangitikei District Council want the Rule to be deleted or amended to exclude geotechnical investigation work and an exclusion for activities undertaken by territorial authorities for the purpose of managing roading and other infrastructure.

Horizons Regional Council seeks a number of specific wording changes to the Rule.

CPG NZ want the Activity status changed from Discretionary to Controlled.

LandLink wants clause (a) to refer to any current or relevant standard for soil and rock drilling. The submitter supports the non-notification clause.

##### **4.134.2 Evaluation**

I have recommended that Rule 15-13 be altered to become a Permitted Activity Rule. I cannot understand what adverse effects the Restricted Discretionary Rule is trying to control and I am no clearer after having considered the Science Reports. The Rule appears to only trigger a requirement to log the bore location, diameter and screened depth. This appears to be for information only purposes. I will consider however, the need for an additional rule where the Permitted Activity Standards are not met. I will return to this matter in my Supplementary Report.

##### **4.134.3 Recommendation WTR 134**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.134.3.1 Recommended changes to provision**

- (a) Amend Rule 15-13 in accordance with the changes recommended in track changes for Rule 15-13.

## 4.135 Chapter 16 – General - River and Lake Beds

### 4.135.1 Summary of submission points

Taranaki Fish and Game express their support for the policies in Chapter 16.

Landlink Ltd generally support the permissive approach taken in Chapter 16 but feel that references to specific section of the RMA are unnecessary.

Janita Stuart seeks for clear charts to be added to ensure that landowners are clear about what they can and can not do on their land in relation to stopbanks. Ms Stuart also outlines her thoughts on stopbanks being a hazard.

ICHYTHUS Consulting asks that consideration be given to the Net Water Balance criteria

Palmerston North City Council asks that consequential changes are made to the regional plan to give effect to its submission to the Regional Policy Statement part of the plan.

Transpower requests that the operation, upgrading and maintenance of existing overhead transmission lines which do not affect water quality or disturb river beds can continue as a permitted activity.

The New Zealand Defence Force ask that temporary bridges for military training be a permitted activity or be allowed subject to a code of practice.

Environment Network Manawatu wish to see a new rule which specifically provides for large gravel extractions and clearer links to the policies in chapter 6.

Mighty River Power wish to see a rule which lists dams which exceed the small dam's criteria a discretionary activity. They also want a rule which enables lawfully established structures to continue as a permitted activity.

### 4.135.2 Legislative Assessment

Section 13 of the Resource Management Act 1991 (RMA) covers activities taking place in the beds of rivers and lakes, irrespective of the water bodies ownership.

Section 13(1) is a restrictive section covering such as use and erection of structures, bed disturbance (including reclamation) plants and substance use. Its restrictive nature means that activities which affect the beds of rivers and lakes are prohibited unless they are either:

- Permitted by a rule in the regional plan; or
- Allowed subject to resource consent.

Section 13(2) is a permissive section covering activities such as crossings and disturbance or removal of plants or plant and animal habitats. Its permissive nature means that activities listed in this section of the act are permitted unless:

- A resource consent is required by a regional plan; or
- The activity is permitted by a regional plan subject to conditions.

The restrictions in section 13 do not apply to artificial watercourses as they have been specifically excluded from the definition of 'river' in the RMA.

Section 14 of the RMA contains restrictions relating to water including the taking, use, damming or diverting of water. Some of these activities may occur in association with section 13(1) activities (use of a river or lake bed) such as the diversion of water around structures. Section 9 activities (use of land) and Section 15 activities (discharges of water and contaminants) must also be considered when assessing the resource consent requirements for activities associated with the bed of rivers or lakes.

For further evaluation of the Regional Councils functions in relation to River control works please refer to the s42A report of Allan Cook.

#### 4.135.3 Evaluation

In some instances throughout the officers report in sections relating to the beds of rivers and lakes there may be discussion referring to consultation with submitters.

A variety of consultation took place with submitters who submitted to parts of the plan relating to the beds of rivers and lakes. Some submitters were contacted individually to clarify matters and others responded throughout June and July of 2009 with feedback to a draft version of Chapter 16 sent to all Beds of rivers and lakes submitters.

The feedback received was in many cases been positive and in all cases helpful in aiding further understanding about the wants and needs of the plan users. For transparency all of the written feedback was been lodged on the council's website [www.horizons.govt.nz](http://www.horizons.govt.nz). Following the feedback I responded to each person individually and invited them to contact me if needed.

With regards to Janita Stuart's submission the bylaw she refers was written in 1988 when the Manawatu Catchment Board was in existence. This catchment board subsequently became the Manawatu-Wanganui Regional Council (Trading as Horizons Regional Council) in 1991 with the enactment of the Resource Management Act 1991. This bylaw was subsequently revoked in the "Regional Plan for Beds of Rivers and Lakes (see page 167 of the Regional Plan for Beds of Rivers and Lakes) and replaced by Rule 23. With regards to the Proposed One Plan - restrictions in relation to stopbanks can now be found in Rule 16-14.

Rule 23 in the operative Beds of Rivers and Lakes plan is very clear about what constitutes a stopbank and what can and can't be done and at what distance. Ms Stuart correctly points out that clear charts or photographs would be of assistance to landowners to help them assess what area rule 16-14 covers. Ms Stuart also discusses reinstating the bylaw into the proposed one plan.

During further consultation on the draft of Chapter 16 Ms Stuart raised some issues which were not conveyed in her submission. Ms Stuart notes that a

secondary stopbank which runs parallel to the primary stopbank within Palmerston North (between Ruahine Street and Ruamahanga Crescent) is in her view redundant and landowners should be able to remove the stopbank at their discretion. This issue has been raised by landowners in this area previously and a report undertaken by the Regional Councils Senior Design Engineer 2005 as part of an agenda item to council (Item 11, Report number 05-05, 8 February 2005) confirms that the 'secondary stopbank' still plays a role in reducing Palmerston north's flood risk and is not made redundant by the primary stopbank. Ms Stuart also raised issues in relation to planting. Unfortunately this is beyond the scope of submissions and I am unable to recommend any changes. For this reason I do not recommend that any further changes (apart from that mentioned above) should be made to rule 16-14 of the Proposed One Plan as a result of this view.

With regards to Mighty River Powers submission (359/121) regarding a new discretionary rule, I note that there is already one in place. If a person can not meet the conditions of rule 16-8 (small dams) the rule will automatically default to the chapters discretionary rule (16-20). It is agreed that this is currently not very clear. I have recommended an addition to the rule guide for rules 16-8 to 16-9 to clarify the matter.

With regards to Mighty River Powers submission (359/122) regarding lawfully established structures – in my opinion Rule 16-5 adequately allows for the continued existence of an established structure (including dams). For this reason I do not recommend any changes as a result of this submission point.

ICHYTHUS Consulting are unclear in what exactly it is they seek and how it should be incorporated into this part of the Proposed One Plan. For this reason I do not recommend any changes as a result of this submission point.

Landlink Limited do not offer an alternative to specific reference to the Resource Management Act. In my opinion specific references are appropriate and a common practice in our operative plans. Specific references also ensure that the intent of what the rule is controlling is clear to the plan user. For this reason I do not recommend any changes as a result of this submission point.

The support from Taranaki Fish and Game is noted.

With regard to Palmerston North City Councils submission for consequential changes. I can accept this submission to the extent that their other submission points are accepted.

With regards to Transpower – their issues have been dealt with under rules 16.4 and 16.10. Their submission point is accepted here to the extent that their other submission points are accepted.

Environment Network Manawatu requests a large scale gravel extraction rule. This submission point is accepted. The issues of a large scale gravel extraction rule and recommended changes are discussed further on in this report under Section 159.

The New Zealand Defence Force ask that temporary bridges for military training be a permitted activity or be allowed subject to a code of practice. As outlined in Allan Cooks s42A report regarding the code of practice it is not

appropriate for other organisations to operate under the code as it is written specifically for the Regional Council works and the regional councils river engineers (see paragraphs 50 to 53). Further to this – the code does not address matters such as bridges. The other option suggested by the defence force is a rule or exemption within the plan. I am somewhat reluctant to do this specifically for one organisation in a certain part of the region. Although I understand their need for the activity to take place I feel that it would be better provided for by way of a consent which permits the activity and the properties/ rivers where the activity takes place. I also note that if the bridge does not contain a foot within the bed of the river it is not restricted by rules within Chapter 16. For this reason I reject this submission.

In addition to changes as a result of submissions I have made some consequential changes to make this chapter more consistent with the panels preliminarily recommendations. The changes are recommended as follows:

- In rules, use of the word ancillary instead of associated
- Use of the word ‘upgrade’ instead of repair [also discussed in section 166]
- Additions of a caret ‘^’ when a RMA defined term is identified
- Additions of a asterisks “\*” when a glossary term is identified
- Use of the words ‘bed of a river’ instead of ‘riverbed’ in order to be able to defined the words ‘bed’ and ‘river’ in accordance with the RMA.
- Changes to the rule guides to identify the rules which they are guiding.
- Change all instances of ‘water bodies’ or ‘water body’ or ‘sites’ to ‘water bodies’ or ‘water body’

As a consequential amendment as a result of the changes to Schedule D the follow changes have been made:

- all instances of references to Schedule D are now references to Schedule Ba; and
- the term ‘water management zone’ is now ‘water management sub-zone’.

#### **4.135.4 Recommendation WTR 135**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.135.4.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16 and the Glossary for recommended changes

#### **4.136 Chapter 16 – Policy 16-1 Consent decision making for activities in river and lake beds (including modified watercourses) - River and Lake Beds**

##### **4.136.1 Summary of submission points**

Ngati Kahungunu Iwi Incorporated wish to see a new provision in Policy 16-1 which “recognise and provide for the relationship of tangata whenua with the water body, or remedy or mitigate the effects of the activity where such recognition and provision is not entirely possible”.

Horticulture New Zealand wishes to see consequential changes to the Part II to reflect changes made in Part I.

Trust Power Limited seeks a new provision in Policy 16-1 which “recognise and provide for the policies regarding the beds of rivers and lakes in Section 6.4.4, and have regard to the other provisions of Chapter 3 and Chapter 6 where appropriate”.

Trust Power Limited, Mighty River Power, Powerco Limited and Meridian Energy Limited all wish to have a new clause (f) inserted into Policy 16-1 which provides a cross reference to the objectives and policies in Chapter 3.

Environmental Working Party and Nga Pae O Rangitikei both request that a new clause (f) is inserted into Policy 16-1 which provides a cross reference to the objectives and policies in Chapter 4.

##### **4.136.2 Evaluation**

The submission from Ngati Kahungunu seeking a specific provision to recognise and provide for the relationship of tangata whenua with the water body, I have recommended be rejected. Consideration will be given to the provisions of Chapter 4 in dealing with a resource consent application and Chapter 4 articulates in much more detail the issues for tangata whenua in terms of the mauri of water bodies. I consider that trying to condense these matters into one clause within Policy 16-1 is inadequate.

Various submitters want cross references to Chapter 3 Infrastructure, Energy and Waste and Chapter 4 Te Ao Maori. I am of the view that cross referencing is always a helpful tool but I appreciate that in considering an application for resource consent all the relevant provisions of Part I will be taken into account and therefore I do not recommend the cross references be included.

In relation to the submission from Horticulture NZ I have noted elsewhere that I wish to discuss their issues further with them and I will return to the matters in my Supplementary Report.

With regards to the changes below they are both consequential changes as a result of submissions to other parts of the plan and in my opinion help clarify the policy.



#### **4.136.3 Recommendation WTR 136**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.136.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Policy 16-1 for the recommended changes

#### **4.137 Chapter 16 – Policy 16-2 Consent decision making for activities in the beds of artificial watercourses and artificial lakes – River and Lake Beds**

##### **4.137.1 Summary of submission points**

Horticulture New Zealand wish to see consequential changes to the Part II to reflect changes made in Part I.

Trust Power Limited seeks to have clause (c) of Policy 16-2 deleted.

Mighty River Power and Meridian Energy Limited seek to have a new clause inserted into Policy 16-2 which provides a cross reference to the objectives and policies in Chapter 3.

Meridian Energy Limited wishes to have clause (c) of Policy 16-2 amended to “seek to avoid, remedy or mitigate as far as practicable, adverse effects on any significant ecosystems intrinsic to the artificial water course or lake”.

Environmental Working Party and Nga Pae O Rangitikei both request that a new clause (f) is inserted into Policy 16-2 which provides a cross reference to the objectives and policies in Chapter 4.

##### **4.137.2 Evaluation**

In relation to the submission from Horticulture NZ I have noted elsewhere that I wish to discuss their issues further with them and I will return to the matters in my Supplementary Report.

Various submitters want cross references to Chapter 3 Infrastructure, Energy and Waste and Chapter 4 Te Ao Maori. I am of the view that cross referencing is always a helpful tool but I appreciate that in considering an application for resource consent all the relevant provisions of Part I will be taken into account and therefore I do not recommend the cross references be included.

The submission from Meridian Energy Ltd seeks to have clause (c) of Policy 16-2 amended by adding the words “*as far as practicable*” and Trust Power Limited seeks to have the clause deleted. I am not recommending that the clause be deleted as the adverse effects on artificial watercourses and lakes should be considered and the Policy recognises this. I am not recommending that the words “*as far as practicable*” be added to the clause. The clause as currently worded is certain. The addition of the words add a degree of uncertainty. What constitutes as far as practicable? No change is recommended.

##### **4.137.3 Recommendation WTR 137**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.137.3.1 Recommended changes to provision**

No changes are recommended.

#### **4.138 Chapter 16 – Table 16.1 Standard conditions for permitted activities involving the beds of rivers and lakes – River and Lake Beds**

##### **4.138.1 Summary of submission points**

Vector Gas seek to have an additional clause (w) added to Table 16.1 which stops excavation of the river bed within 20m of a high pressure transmission gas pipeline.

Ruapehu District Council have requested that condition (i) have any size limits removed and that diversions in lakes and diversions between catchments are allowed, conditions (j), (e) and (p)(ii) be deleted.

On Track (NZ Railways Corporation) seek to have conditions (o), (p) and (q) altered to allow for maintenance and other necessary works on rail structures.

Ngati Kahungunu iwi Incorporated have requested a new condition under the heading life supporting capacity which has regard to the effects of the activity on mahinga kai and mahinga mataitai

Horizons Regional Council requests that condition (p)(i) is altered to state the 15<sup>th</sup> of August rather than 1 October. Horizons also request that condition (p)(ii) is deleted.

Tanenuiarangi Manawatu Inc requests that iwi/ tangata whenua have a role in monitoring significant sites where data is not collected by any other statutory body.

Environment Network Manawatu and Transpower New Zealand Limited requests that Table 16.1 is retained as proposed.

Rangitikei District Council requests:

- Condition (i) – size limits removed and that diversions in lakes and diversions between catchments are allowed
- Condition (n), (n)(i) and (n)(ii) are removed in their entirety
- Condition (p)(ii) is removed in its entirety
- Condition (u) is removed in its entirety
- Condition (v) is removed in its entirety

Meridian Energy seeks the following changes to Table 16.1:

- Condition (i) is reworded to allow diversions of up to 500m and to allow for diversions which are not confined to the bed.
- Condition (j) either be deleted or have the words “as far as practical added”
- Delete condition (n)(i)
- Make condition (n)(ii) clear in what it is managing
- Delete condition (p)(ii)
- Amend condition (q) to 1 May to 1 September in line with the operative Beds of Rivers and Lakes plan.
- Delete condition (u)
- Delete condition (v) as the sites are not mapped.

The Minister of Conservation requests that condition (o) dates are amended to read ‘1 March and 30 May’

Taranaki Fish and Game notes their concerns around the amount of sediment which could potentially be released and affect the value of trout fisheries.

Taranaki Fish and Game and Fish and Game New Zealand – Wellington Region request that condition (k) is altered to allow for only temporary diversions or alternatively disallow diversions in channels which are valued for trout spawning.

Fish and Game New Zealand – Wellington Region seek to have condition (c) deleted and replaced with “Any discharge of sediment shall not, after reasonable mixing\*, change the horizontal visibility of the receiving water by more than 30%, as measured by black disc, after 12 noon”. Fish and Game then ask for a further condition (d) which states that “discharge under condition (c) shall not occur on weekends or public holidays.

Federated Farmers of New Zealand Incorporated asks that table 16.1 is deleted or amended to give effect to relief sort in relation to Part I of the plan.

#### 4.138.2 Evaluation

Support for table 16.1 by Transpower and Environment Network Manawatu is noted.

Vector Gas seeks to have an additional clause added to the table which addresses excavation near a high pressure gas line. I have had a number of email discussions with Mr McMillan from Vector and have clarified that the gas pipelines are easily identified by markers on the edges of riverbanks and/or in district plans. I concur with Mr McMillan that for health and safety reasons as well as the potential disruption it could cause to the national gas network that this is an issue which needs to be addressed. I recommend below an additional clause (x) be added to Table 16.1 and a new footnote explaining how gas pipelines are identified and where the locations of them are recorded.

Ruapehu District Council and Rangitikei District Council seek that condition (i) regarding diversions have any size limits on the length of the diversion removed and that the condition regarding diversion between catchments is also removed. Meridian Energy Limited seeks to have condition (i) reworded to allow diversions up to 500m in length (opposed to 100m) and allow diversions which are outside of the bed .Although the 100m length is arbitrary it is a length that is considered in my opinion to be minor and therefore will meet the intent of a permitted activity rule. It is also noted that this length has pedigree from being used previously in the Beds of Rivers and Lakes Plan – Rule 9 (i). With no length in place in the permitted activity rule there is the possibility for more than minor environmental effects to occur.

Similarly allowing diversions between catchments is considered by the reporting officer to be a more than minor activity and one that would affect values such as those held by Maori – values that can not be adequately considered through a permitted activity. Further to this a diversion between catchments would also be considered a take of water.

This condition only allows for diversions that are ancillary to a permitted activity taking place eg. the erection of a structure – opposed to the activity of diverting water from one water body to another through a man made water course. For these reasons I do not consider any changes need to be made as a result of this part of Ruapehu district council's submission point.

Ruapehu District Council, Meridian Energy Limited, Rangitikei District Council and Horizons Regional Council seek that condition (p)(ii) is deleted. I agree as the Plan does not map this value in schedule D. for this reason I consider that condition (p)(ii) should be deleted.

Rangitikei District Council also seeks to have condition (n), (n)(i) and (n)(ii) removed in their entirety and Meridian Energy seek to have condition (n)(i) deleted and (n)(ii) to be clarified as to what this managing. Conditions (n), (n)(i) and (n)(ii) are in place to protect riparian habitats and in particular the nesting period for the banded and black-fronted Dotteral. For further information about riparian habitats it is suggested that the reader refer to James Lambie's expert evidence, Paragraphs 43 to 77 and 114 to 115. I believe that conditions (n), (n)(i) and (n)(ii) are appropriate for a permitted activity standard as they allow bed disturbance and gravel extraction to continue when it is unlikely that Dotterals will be nesting, but seeks to protect the Dotterals when they are. for this reason I consider that conditions (n), (n)(i) and (n)(ii) should not be deleted but I have made a recommendation below which seeks to clarify the purpose of the condition.

Ruapehu District Council requests that condition (e) be deleted. In my opinion it is appropriate to ensure that material not toxic to the aquatic ecosystem are used to ensure that the effects on the environment are minor. James Lambie supports this view in paragraph 101 of his s42A report.

Rangitikei District Council and Meridian Energy Limited seek to have condition (u) deleted. Condition (u) relates to suspended sediment being conspicuous at public bathing areas during weekends and public holidays between 1 December and 28 February. In my opinion this is an appropriate condition to have in place. A signal that has been sent clearly to the regional council is the desire within the community to have a clean stream to access and use for recreational purposes (see paragraph 124 of James Lambie's s42A report). Further to this – this value protects the trout Fishery Value (see paragraph 119-123 of James Lambie's s42A report). It is appropriate to have this balance in place and for users wanting to discharge on those days to gain consents to do so.

Rangitikei District Council and Meridian Energy Limited seek to have condition (v) deleted. Condition (v) relates to flow recording sites. These sites are an integral part of the Regional Council water monitoring program providing an array of data including River flow rate, water height and allows the regional council to inform the community when a river may flood and suspend water takes during low flows. Disturbances of the bed near these sites can cause the flow recorders to become inaccurate and thus providing incorrect data to the Regional Council. I agree with Rangitikei District Council that details of the Flow recorders need to be available. I am reluctant to put the details of the site in the plan as new sites are sometime erected and in order to maintain an accurate record a plan change would be required to update the map. For this

reason I think it is appropriate to is to offer within the plan an opportunity for users to find out the general locations of the sites on our website [www.horizons.govt.nz](http://www.horizons.govt.nz) and information about who to contact within Horizons and have recommended a change which will do this.

On Track seeks to have conditions (o) (p) and (q) altered to allow the practical use of machinery in beds of rivers and lakes when required for railway maintenance. As outlined in James Lambie's report the inanga spawning condition protects their spawning period (see paragraph 116) for this reason I do not consider that any changes should be made to condition (o), (p) or (q) as a result of On Tracks submission point.

Ngati Kahungunu Iwi Incorporated have requested a new clause which recognises Mahinga kai and Mahinga. This standard is not certain enough nor enforceable to be a permitted standard Therefore I do not consider that any changes should be made as a result of this submission point.

Horizons Regional Council have requested that condition (p)(ii) be deleted and that condition (p)(i) is altered to 15<sup>th</sup> of August rather than 1 October. The s42A report of James Lambie supports this (see paragraph 118) as it will better protect critical values associated with whitebait migration. In my opinion this is an appropriate change.

Tanenuiarangi Manawatu Inc has requested a value relating to a role of monitoring for iwi. As Table 16.1 is related to conditions for permitted activities it is not possible to have a value regarding monitoring by iwi as it is neither enforceable nor certain. I believe that chapter 4 of the provisional determinations adequately has a new method which allows for monitoring of the environment by iwi. In my opinion this method is more appropriate and gives the submitter the relief they seek. Therefore I do not consider that any changes should be made as a result of this submission point.

Meridian Energy Limited seeks to have condition (j) either deleted or have the words "as far as practical" added to it. I agree to some extent with meridian that this is a condition that could potentially be hard to meet, and equally as hard to enforce if taken literally. However I do not believe that the words as far as practical give the certainty that is required to enforce the condition. James Lambie's s42A evidence explains further the reason for the condition in Paragraphs 111 and 112. In my opinion it is an appropriate condition and should be retained.

Meridian Energy Limited seeks to have condition (q) which seeks to protect trout spawning altered from 1 May – 30 September to 1 May – 1 September which are the dates currently set out in the operative beds of rivers and lakes plan. The operative BRL plan only seeks to protect brown trout which have a spawning period of 1 May to 1 September. The new standard seeks to protect rainbow trout as well who spawn later than brown trout – hence the dates have been altered to reflect this. With regards to regional variation in fish spawning it is my understanding that there is little variation in fish spawning across the region and that the dates proposed for spawning times (and discussed in the s42A report of James Lambie) are accurate. For this reason I consider that condition (q) should not be changed as a result of this submission.

Taranaki Fish and Game and Fish and Game New Zealand – Wellington Region have both submitted that only temporary diversions should be allowed under condition (k) or where there is trout spawning that diversions should be a consented activity. As reflected in James Lambie’s report paragraph 113 this condition is appropriate as it creates a threshold and is practical. For this reason I do not consider that there should be any changes made to condition (k).

Taranaki Fish and Game note their concern regarding the amount of sediment which could potentially be released and affect trout spawning. Their concern is noted. In response to this I refer them to condition (q) of Table 16.1 – the prohibition of machinery within the active river channel during trout spawning. In my opinion very few activities could occur within the bed of a river without the use of machinery therefore this condition provides the protection required by trout from sediment during their spawning season.

Fish and Game New Zealand – Wellington Region seeks to have condition (c) regarding sediment replaced with “Any discharge of sediment shall not, after reasonable mixing\*, change the horizontal visibility of the receiving water by more than 30%, as measured by black disc, after 12 noon” and a new condition (d) inserted stating that condition (c) shall not be breached on weekends and public holidays. I refer the panel to paragraph 103 of James Lambie’s report which outlines that condition (c) as written is appropriate as a permitted activity condition.

I have recommended a change to condition (u) of Table 16.1 to fulfil fish and games request to not have inappropriate levels of suspended sediment during public holidays and weekends.

Federated Farmers seeks to have Table 16.1 deleted or amended to give effect to changes requested to Schedule D. It is appropriate to retain Table 16.1 as conditions for the permitted activities contained within Chapter 16 for both the reasons outlined above in response to other submitters and within the s42A report of James Lambie – paragraphs 80 to 98. Where appropriate changes will be made to ensure that Table 16.1 is consistent with Schedule D.

The Minister of Conservation seeks to have condition (o) amended to read 1 March to 1 May. Condition (o) relates to inanga spawning as described in James Lambie’s s42A report – Paragraph 116. With regards to the operative Plan for the Beds of Rivers and Lakes, Rule 4, condition (iv)(a) (see page 78) sets out that works within Inanga spawning sites must not take place between 1 February and 1 Ma. Other rules within the operative plan also have this condition. Further to this it is the recommendation of McArthur et al *sites of significance for aquatic biodiversity in the Manawatu-Wanganui Region: Technical report to support Policy development*. p.68 that disturbance of Inanga spawning sites is best avoided between 1 February and 1 May. It is my recommendation that no changes are made to condition (o) as a result of this submission.

Further to these submissions it has been recommended within the s42A report of James Lambie that a new condition is added to Table 16.1 which places a buffer distance around existing infrastructure being disturbed. I agree that this is an appropriate change however there are no submissions to this effect and therefore it can not be part of my recommendations.



In terms of the formatting of Table 16.1 some changes have been made to reflect the Territorial Authorities submission to the overall plan requesting that conditions and rules which are ambiguous or uncertain are deleted (see 280/2). I have accepted this submission in part and made the following changes to the table:

- Created a new value 'restrictions applying to all water bodies' and moved conditions (a), (f), (l) and (m) to this value
- Clarified that the Life supporting capacity value applies to all water bodies.
- Deleted the trout fishery value and move the corresponding condition (r) to the 'life supporting capacity value'

I have also undertaken some consequential changes to alter references to Schedule D to Schedule B to reflect recommendations made elsewhere in this report.

#### **4.138.3 Recommendation WTR 138**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.138.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Table 16-1 for recommended changes

## **4.139 Chapter 16 – Rule Guide, General – River and Lake Beds**

### **4.139.1 Summary of submission points**

Ruapehu District Council and Rangitikei District Council have submitted that the rule guide title “use, maintenance and repair” (found at the end of section 16.4) be retained but any consequential changes are made as a result of changes to Table 16.1 and the glossary definition “maintenance and repair”.

### **4.139.2 Evaluation**

I agree with Ruapehu District Council and Rangitikei District Council that this rule guide is useful.

A consequential change will be made to this rule guide to reflect the change in use of the term ‘repair’ to ‘upgrade’ (see section 4.175).

No consequential changes to Table 16.1 are required.

### **4.139.3 Recommendation WTR 139**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.139.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule guide 16-5 to 16-7 for recommended changes to Chapter 16

## **4.140 Chapter 16 – Rules – General – River and Lake Beds**

### **4.140.1 Summary of submission points**

Environmental Working Party and Nga Pa O Rangitikei seek the inclusion of a new Rule which includes specific matters around remedial action, monitoring, notification of iwi and the discovery of koiwi or artefacts.

### **4.140.2 Evaluation**

Many of the matters raised in submissions from Environmental Working Party and Nga Pae O Rangitikei for inclusion in a rule are in my opinion matters that are better suited to consent conditions. For example remedial action from works, monitoring and Stopping work on a site if koiwi are discovered. These are all matters that are determined through the consideration of the effects of individual consent applications, including whether an application is notified and who potentially adversely affected parties may be.

I also believe that some of the permitted activity conditions within Table 16.1 – specifically conditions (l) and (m) alleviate some of the submitters concerns in relation to the discovery of koiwi or artefacts.

Regarding action for non-compliance – policies set out in chapter 2 (particularly policy 2-5 as notified) advocates the use of enforcement procedures when non-compliance with the proposed one plan is an issue. In my opinion this is a strong policy which will satisfy clause (d) of this submission.

It is my opinion that no changes to this chapter should result from this submission.

### **4.140.3 Recommendation WTR 140**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.140.3.1 Recommended changes to provision**

No changes recommended.

#### 4.141 Chapter 16 – Rule 16-1 Damming of protected rivers – River and Lake Beds

##### 4.141.1 Summary of submission points

Ngati Kahungunu Iwi incorporated support the rule's prohibited status.

Fish and Game New Zealand – Auckland/ Waikato Region have submitted that the rule should be amended to include the Ongarue River and tributaries from its source to the confluence with the Waimiha stream.

On Track would like Rule 16-1 amended to allow damming as a discretionary activity when it is necessary to protect nationally and/or significant infrastructure.

New Zealand Defence Force would like reference to the “the main stems of its tributaries, the Iirangi Stream and the Waiouru Stream” removed from clause c.

Trust Power Limited would like a discretionary activity rule added for dams which exceed the small dams criteria set out in rule 16-8.

Trust Power Limited submits that lawfully established structures should be able to continue as a permitted activity.

Trust Power Limited submits that Rule 16-1 is either deleted or the activity status is changed to restricted discretionary.

Federated Farmers and Trust Power submits that Rule 16-1 should be restricted to specific parts of water bodies which are covered by National Water Conservation Orders

Meridian Energy submit the rule should be Non-complying for rivers protected by water conservation orders and discretionary for other rivers listed.

Meridian Energy submits that tributaries should not be referred to, instead only the main stems of each river should be listed.

Landlink submit that consideration should be given to whether this rule is unduly restrictive.

##### 4.141.2 Legislative Assessment

Part 9 of the Resource Management Act 1991 contains provisions to create National Water Conservation Orders. The purpose of these orders is set out specifically in s199 of the RMA:

*199. Purpose of water conservation orders*

*(1) Notwithstanding anything to the contrary in Part 2, the purpose of a water conservation order is to recognise and sustain –*

*(a) Outstanding amenity or intrinsic values which are afforded by waters in their natural state:*

- (b) *Where waters are no longer in their natural state, the amenity or intrinsic values of those waters which in themselves warrant protection because they are considered outstanding.*
- (2) *A water conservation order may provide for any of the following:*
- (a) *The preservation as far as possible in its natural state of any water body that is considered to be outstanding:*
  - (b) *The protection of characteristics which any water body has or contributes to, and which are considered to be outstanding, –*
    - (i) *As a habitat for terrestrial or aquatic organisms:*
    - (ii) *As a fishery:*
    - (iii) *For its wild, scenic, or other natural characteristics:*
    - (iv) *For scientific and ecological values:*
    - (v) *For recreational, historical, spiritual, or cultural purposes:*
  - (c) *The protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Maori.*

Within our region we have two rivers where a National Water Conservation order has been granted - the Rangitikei River and the Manganui O Te Ao River. The orders are summarised within Appendix 1.

Both of National Water Conservation Orders specify that no damming should take place within the reaches of the river which the order covers.

Under the Water and Soil Conservation Act 1967 (which the Resource Management Act has superseded) there was also the ability to create Local Water Conservation notices to recognise values within rivers that were of local importance. Within our region there were three such notices issued to the Mangatainoka River, Hatapu River and Makuri River. Each of these notices recognised the importance of the trout fisheries within these three rivers and set out that damming was prohibited. The notices are all summarised within Appendix 1.

When the Beds of Rivers and Lakes Plan became operative it revoked parts of these notices so far as they applied to damming and activities within the bed (see page 167).

#### **4.141.3 Evaluation**

Rule 16-1 is in place to prohibit damming in a number of rivers valued highly by this region. A number of the rivers have National water conservation orders or Local water conservation notices (Parts of which have been revoked by the Operative Beds of Rivers and Lakes plan – see page 167). All of the rivers listed are valued for aesthetics within Schedule D.

For more information about the value of aesthetic see the s42A report of Kate McArthur – Paragraphs 67 to 69.

On Track, Trust Power Limited, Meridian Energy Limited, Federated Farmers and Landlink all request that the rule is either given a less stringent rule classification, certain rivers are deleted or that the rule is removed altogether. This rule is in place to give effect to a number of local and national water conservation orders as well as recognising a number of rivers in the region which have high values including landscape values. While I reject these

submissions I believe that the reasoning behind the rule needs to be clarified and have recommended a change which does so.

I note the support from Ngati Kahungunu Iwi incorporated with regard to the rule's prohibited status.

Fish and Game New Zealand – Auckland/ Waikato Region have submitted that the rule should be amended to include the Ongarue River and tributaries from its source to the confluence with the Waimiha stream. I note that this river does not have local or national water conservation order nor is it valued in schedule D for aesthetics. In my opinion the value of trout fisheries is adequately provided for through other rules.

On Track seeks Rule 16-1 to be amended to allow damming as a discretionary activity when it is necessary to protect nationally and/or significant infrastructure. The rule is in place to give effect to a number of local and national conservation orders and notices which specifically prohibit the damming of certain rivers. The remaining rivers are all valued for aesthetics and other such as fisheries and recreation. In my opinion this is an appropriate rule.

New Zealand Defence Force would like reference to the “the main stems of its tributaries, the Irirangi Stream and the Waiouru Stream” removed from subparagraph c. Further discussions with the New Zealand defence force have highlighted that this rule would effectively restrict the renewal of a consent for an existing dam (such as those maintained by the defence force in the Irirangi stream. This was not the intent of the rule. The addition of the word ‘new before the words ‘dam structure’ into the activity description will allay their concerns.

Trust Power Limited would like a discretionary activity rule added for dams which exceed the small dams criteria set out in rule 16-8. it is my understanding that a dam which exceeds the small dams criteria becomes discretionary under rule 16-20. To make this explicit I have made an addition to the rule guide under rule 16-9 which outlines this.

It is noted that Trust Power Limited submits that lawfully established structures should be able to continue as a permitted activity. I note that this is allowed for by the rules in section 16.4 of this chapter. The addition of the word ‘new before the words ‘dam structure’ into the activity description will also be added to this rule to make it clear that it does not apply to existing structures.

Meridian Energy seeks that tributaries should not be referred to, instead only the main stems of each river should be listed. The rule is in place to give effect to a number of local and national conservation orders and notices which specifically prohibit the damming of certain rivers, and are quite specific about the parts of the river which they cover. The remaining rivers all have high aesthetic and other values in both the main stems and the tributaries. In my opinion this is an appropriate rule.

#### **4.141.4 Recommendation WTR 141**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.141.4.1 Recommended changes to provision**

(a) Please refer to the track changes for Chapter 16, Rule 16-1 for recommended changes

#### **4.142 Chapter 16 – Rule 16-2 Other structures and disturbances in protected rivers – River and Lake Beds**

##### **4.142.1 Summary of submission points**

Ngati Kahungunu wish to see resource consent applications under this rule publicly notified.

New Zealand Defence Force would like reference to the “the main stems of its tributaries, the Irirangi Stream and the Waiouru Stream” removed from sub-paragraph (e).

Trust Power and Meridian seek to either have this rule deleted or changed to discretionary activity status or restricted this rule only to water bodies which have Water Conservation Orders.

Landlink Limited seeks to have this rule changed to a discretionary activity

Federated Farmers seek to restricted this rule only to water bodies which have Water Conservation Orders

Ruapehu District Council and Rangitikei District Council seek to have activities undertaken by Territorial Authorities exempt.

Fish and Game seeks to have conditions (e) and (f) altered to match rule 16-1 conditions (d) and (e).

##### **4.142.2 Evaluation**

The intent of Rule 16-2 is to give effect to National Water Conservation Orders and Local water conservation Notice. This is undertaken through a framework requiring a number of activities – specifically placement of a structure, disturbance of the bed (including gravel extraction both within the water channel and on the dry bed), excavation, drilling and tunnelling - to gain a non-complying resource consent in a number of specified rivers

Appendix 1 of this report summarises what these orders and notices entail and section 4.141.2 outlines legislative information about National Water Conservation Orders and Local Water Conservation Notices.

On initial assessment Rule 16-2 appears to be a reasonable rule and appropriate activity status given the level of protection assigned to them through orders and notices and the ecological, recreational and aesthetic values each hold.

On further assessment of this rules in relation to the Orders and existing rules (which implement the, now revoked, Notices) Rule 16-2 looks to be a combination of two rules from the Operative Beds of Rivers and Lakes Plan. In attempting to simplify these rules it seems to have resulted in the inadvertent consequence of a more restrictive rule. In particular I note:

- (a) The Operative Beds of Rivers and Lakes Plan only restricts the excavation, drilling and tunnelling or other disturbances which does



- not involve the permanent removal of material (ie. Gravel extraction) in the Upper Rangitikei River and Manganui O Te Ao - not all of the rivers listed in Rule 16-2.
- (b) The Operative Beds of Rivers and Lakes plan has a separate rule for gravel extraction in all of the rivers listed in 16-2.
  - (c) The Operative Beds of Rivers and Lakes plan has no higher level of restrictions on structures than any other river – Rule 16.2 makes the erection and placement of new structures a non complying activity.

Further to these comparisons with the Operative Beds of Rivers and Lakes plan I also note:

- (d) The Mangatainoka River is not restricted by either the Operative Beds of Rivers and Lakes plan not the Proposed One Plan even though it had a water conservation notice place over it (which has since revoked by the Operative Beds of Rivers and Lakes plan – see page 167).

In my opinion rule 16-2 is too restrictive given the comparison with the operative rules and the absence of a reference to the Mangatainoka River (given that the intent of this rule is to protect rivers recognised by National Water Conservation Orders and Local Water Conservation Notices).

I will now address the submissions received and conclude below with the changes recommended.

Ngati Kahungunu wish to see resource consent applications under this rule publicly notified. The decision to notify an application is made once the application has been lodged with the regional council and assessed it can not be directed by a rule. However I note that it is highly likely an application for a non-complying consent would be notified.

New Zealand Defence Force seeks reference to the “the main stems of its tributaries, the Iirangi Stream and the Waiouru Stream” removed from subparagraph (e). I have undertaken a review the Local Water Conservation notice and the intent of the notice is to cover the river extent named in paragraph (e). In my opinion it is not appropriate to only name some of the river.

Landlink Limited, Trust Power and Meridian seek to have this rule changed to a discretionary activity. This rule has been written to ensure the protection of important values such as fishery, aesthetics, riparian values and recreational values. Within these areas it is expected that only minor adverse effects from activities would occur. Depending on the values present it is likely that activities such as drilling, tunnelling and removal of gravel will have a significant impact. The requirements for a non-complying activity as set out in s104D state that the activity must be minor or it will not be contrary to the objectives and policies of the relevant plan. I consider that it is appropriate to retain this rule as a non-complying activity; however I note that the intent of their submissions is to seek a less restrictive framework for these activities. Therefore I accept in part their submissions to the extent that less restrictive approach has been recommended below.

Federated Farmers, Trust Power and Meridian seek to restrict this rule only to water bodies which have Water Conservation Orders. As discussed above my ideal recommendation would be to restrict this rule to the National Water Conservation Notices as outlined above, but unfortunately these submission points do not provide scope to allow the creation of a new rule (as outlined above) to still provide some protection for the other rivers listed.

Ruapehu District Council and Rangitikei District Council seek to have activities undertaken by Territorial Authorities exempt from this rule. In my opinion this is not appropriate as no other person (including the regional council) is exempt from this rule. I also consider that this rule has been written to ensure the protection of important values such as fishery, aesthetics, riparian values and recreational values and do not believe that the permitted activity rules (16-10 and 16-11) would allow appropriate protection of these values.

Fish and Game seek to have conditions (e) and (f) altered to match rule 16-1 conditions (d) and (e). Conditions (d) and (e) within rule 16-1 recognise the Makuri River and the Mangatainoka River. Conditions (e) and (f) in rule 16-2 recognise the Hatapu River and Makuri Gorge. If this submission were taken literally then the Hatapu River would be removed from Rule 16-2, the Mangatainoka River would be added and the all of the Makuri River would be recognise opposed to just the gorge. With reference to the operative Beds of Rivers and Lakes plan I note that the Mangatainoka has been excluded, presumably because of the historical river control works undertaken within the river and the desire that this be able to continue. On review of the Makuri river Local Water conservation notice I am reluctant to extend this rule to reference the whole of the river given that the previous plan only restricted gravel extraction in the gorged area. I am also reluctant to remove the Hatapu River from this rule with no good reasoning. For this reason I reject this submission.

With regards to other submission points – submission 358/120 – Trust Power (see section 4.152) requests that structures are not restricted by rule 16.2. I agree with trust power for two reasons. One this activity, as discussed above, was not previously restricted by the Operative Beds of River and Lakes plan and two, when appropriate structures are restricted by rule 16-4.

During consultation I put forward a remodel of rule 16-2 which reflects what is currently in the operative Beds of Rivers and Lakes plan. This approach was well received by submitters.

#### **4.142.3 Recommendation WTR 142**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.143.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-2 and 16-2a for recommended changes

## **4.143 Chapter 16 - Rule 16-3 Reclamation and drainage of regionally significant lakes – River and Lake Beds**

### **4.143.1 Summary of submission points**

Landlink Limited seeks to have this rule changed to a Discretionary Activity with consideration and assessment against the Objectives and Policies.

### **4.143.2 Evaluation**

Rule 16-3 is in place to restrict reclamation or drainage of three specifically named lakes (Lake Horowhenua, Lake Papaitonga and Pukepuke Lagoon). It sets a high bar requiring any applicant to gain a non-complying consent.

As outlined within the s42A report of Kate McArthur the named three lakes are recognised within the community to be of regional significance due to their ecological and cultural values. All three lakes are also distinctive in the community landscape especially the communities of Manawatu and Horowhenua. For more information see Paragraphs 70 and 70 of Ms McArthur's report.

This rule has been written to protect ecological and other important values in these lakes. Within these areas it is expected that only minor adverse effects from activities would occur. Any reclamation will have a significant impact on ecological values. The requirements for a non-complying activity as set out in s104D state that the activity must be minor or it will not be contrary to the objectives and policies of the relevant plan. I consider that it is appropriate to retain this rule as a non-complying activity.

### **4.143.3 Recommendation WTR 143**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.143.3.1 Recommended changes to provision**

- (a) No change is recommended.

#### **4.144 Chapter 16 – Rule 16-4 Structures and disturbances involving water bodies valued as Natural State, Sites of Significance - Aquatic, and Sites of Significance – Cultural – River and Lake Beds**

##### **4.144.1 Summary of submission points**

On Track seeks that the rule be altered to allow for minor extensions to structures by 15% as a Restricted Discretionary activity.

Ngati Kahungunu Iwi Incorporated request that the rule is changed so that all consents applications to be notified under this rule.

Transpower New Zealand Limited would like Rule 16-4 retained without further modification except for the removal of the want reference to lines, cables, pipelines and ropeways removed. Alternatively they seek the removal of the words 'or over' from condition (a)(i).

Genesis seeks to have this rule deleted

Horticulture NZ seeks to have this rule retained

Trust Power Limited seeks to have this rule amended to discretionary

Mighty River Power wish to have the discretionary status retained

Minister of Conservation seeks to have paragraph 16-4(d) removed

Federated Farmers seek to have this rule changes to a permitted activity status with performance standards.

Landlink Ltd seeks to have this rule become a restricted discretionary activity with discretion over the matters listed in Table 16-1

Ruapehu District Council and Rangitikei District Council seek to have activities undertaken by Territorial Authorities permitted in accordance with the Code of Practice.

##### **4.144.2 Evaluation**

Rule 16-4 is in place to restrict structures and disturbances in water bodies valued as natural state, sites of significance – aquatic and sites of significance – cultural as identified in Schedule D of the notified plan.

The rule specifically lists activities which are restricted, the water bodies they are restricted in and that a discretionary consent is required in order to undertake the activity.

For more information about the values of Natural State, Sites of Significance - Aquatic and Sites of Significance – Cultural see the s42A report of Kate McArthur – Paragraphs 27 and 31 to 35.

On Track seeks that the rule be altered to allow for minor extensions to structures by 15% as a Restricted Discretionary activity. I am unsure how such a rule would work and in what way it would be different from the existing rule 16.4. I also consider that restricting discretion to a set number of matters would be difficult given the high number of values these river reaches hold.

Ngati Kahungunu Iwi Incorporated requests that the rule is changed so that all consents applications to be notified under this rule. The decision to notify an application is made once the application has been lodged with the regional council and assessed

Transpower New Zealand Limited would like Rule 16-4 retained without further modification except for the removal of the want reference to lines, cables, pipelines and ropeways removed. Alternatively they seek the removal of the words 'or over' from condition (a)(i). I agree with Transpower that lines, cables and ropes over a water body valued for Natural State or a site of significant – aquatic or cultural is a matter which should not be considered under this rule as they are likely to have a minor or no effect on the values being protected – especially aquatic habitats. I do not however agree that pipes should be allowed to cross over these water bodies due to the potential effects of a pipe bursting. In relation to natural state areas – it is noted that while the lines, ropes and cables will become permitted the support structures will still require permission from the department of conservation.

Genesis seeks to have this rule deleted. I disagree with Genesis as this is a important rule, put in place to protect valuable water bodies.

It is noted that Horticulture NZ seeks to have this rule retained.

Trust Power Limited seeks to have this rule amended to discretionary with discretion over the matters listed in rule 16-9. I assume that they mean 'restricted discretionary'. Landlink limited seeks to have this rule become a restricted discretionary activity with discretion over the matters listed in Table 16-1. I consider that restricting discretion to a set number of matters would be difficult given the high number of values these river reaches hold and would not be appropriate.

It is noted that Mighty River Power wish to have the discretionary status retained

The Minister of Conservation seeks to have paragraph 16-4(d) removed. Paragraph (d) is an exclusion for works undertaken in accordance with the regional councils environmental code of practice for river works. I consider that the code is a robust document which is capable of allowing river works to be undertaken while protecting values within these water bodies.

Federated Farmers seeks to have this rule changes to a permitted activity status with performance standards. I do not consider that this is an appropriate rule status to give the water bodies which this rule is seeking to protect given their high values.

Ruapehu District Council and Rangitikei District Council seek to have activities undertaken by Territorial Authorities permitted in accordance with the Code of Practice. As noted in the evidence of Allan Cook regarding the code of

practice – this is not appropriate as the COP as there are high risks involved with works undertaken by someone without a thorough understanding of the schemes. Furthermore the COP is aimed at regional council works (stopbanks, rock walls etc) opposed to bridge maintenance or water intakes and therefore would not be appropriate. For this reason I reject these submissions.

#### **4.144.3 Recommendation WTR 144**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.144.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-4 and associated rule guide for rules 16-1 to 16-4 for recommended changes

## 4.145 Chapter 16 – Rule 16-5 Use of structures – River and Lake Beds

### 4.145.1 Summary of submission points

Transpower New Zealand Limited, Trust Power Limited and Genesis Power Limited seek to have this rule retained.

Trust Power Limited seeks to have the cross reference to section 16.2 deleted.

Mighty River Power Limited seeks to have the permitted activity status retained.

Fish and Game – Auckland/Waikato Region seek to have a condition or standard added to this rule which ensures that structures do not impede the passage of fish.

Environment Network Manawatu requests that a map is added to give greater clarity to condition (c).

### 4.145.2 Evaluation

Rule 16-5 is in place to allow the continued use of an established structure as a permitted activity, as it is otherwise restricted by the act and without this rule the use of structures would require a discretionary consent.

The support of rule 16-5 by Transpower New Zealand Limited, Trust Power Limited and Genesis Power Limited is noted.

The support of Mighty River Power regarding the permitted status of the rule is noted

It is not clear what Trust Power are seeking in relation to the deletion of the cross reference to section 16.2 as Rule 16-5 in the Proposed One Plan does not contain such a reference.

It is not clear what Environment Network Manawatu are seeking as there is no condition (c).

It is unclear what Fish and Game – Auckland/ Waikato Region are referring to. This rule is regarding the use of a structure rather than the erection. It is noted that the rule assumes that the structure was lawfully established (and therefore would have fish passage) but is not explicit. I have made a recommendation which will make this explicit. This recommendation is also as a result of a submission from on Track (161/20) in section 4.154 requesting that maintenance of legally established structures is permitted.

### 4.145.3 Recommendation WTR 145

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

**4.145.3.1 Recommended changes to provision**

(a) Please refer to the track changes for Chapter 16, Rule 16-5 for recommended changes



#### 4.146 Chapter 16 – Rule 16-6 Maintenance and repair of structures, and associated removal of bed material and plants – River and Lake Beds

##### 4.146.1 Summary of submission points

On Track, Horticulture New Zealand, Transpower New Zealand Limited, Genesis Power Limited and Trust Power Limited all request Rule 16-6 is retained.

Federated Farmers Limited seeks that Rule 16-6 is retained subject to appropriated performance standards set out in section 16.2.

Ruapehu District Council and Rangitikei District Council seek to have condition (b) deleted.

Horizons Regional Council seeks to have condition (b) amended to refer to the correct rule – Rule 13-25.

Tanenuiarangi Manawatu Incorporated seeks to have the permitted activity status changed to ensure that iwi are consulted.

Meridian Energy Limited seeks to have conditions (a) and (b) deleted or alternatively amend table 16.2 per their submission.

Trust Power Limited seeks to have the cross reference to section 16.2 in Rule 16-6 deleted.

Hancock Forest Management New Zealand Limited seeks to have condition (b) either deleted or corrected to refer to the correct reference.

##### 4.146.2 Evaluation

Rule 16-6 is in place to allow the maintenance and repair of structures and ancillary removal of bed material and plants as a permitted activity, as it is otherwise restricted by the act. This rule contains conditions (including the need to comply with the standard conditions set out in section 16.2) to ensure that the effects on the environment are minor.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 130.

The support for rule 16-6 by On Track, Horticulture New Zealand, Transpower New Zealand Limited, Genesis Power Limited, Federated Farmers and Trust Power Limited is noted.

Horizons Regional Council, Ruapehu District Council, Meridian Energy Limited and Rangitikei District Council all discuss the reference to a rule in condition (b) which does not exist. Horizons Regional Council suggests that the condition is amended to the correct rule – Rule 13-25. I consider that this is appropriate, however there are some conditions within 13-25 which are not appropriate to apply to this rule – for example restricting a discharge onto a

floodplain or bed – it is common practice to place material removed to a nearby location including on a berm of the river. I have instead suggested that the appropriate conditions are carried over to this rule.

Trust Power Limited and Meridian Energy Limited seek to have reference to Table 16.1 removed. In my opinion it is appropriate for permitted activities to have conditions to ensure that the activity has a minor effect on the environment. I consider that this table is appropriate for permitted activities and reference to table 16.1 within this rule should be kept.

Tanenuiarangi Manawatu Incorporated seeks to have the classification of rule 16-6 changed from permitted to ensure that iwi are consulted. In my opinion this rule allows the activities it permits to have only minor effects on the environment and therefore it is appropriate to keep it as a permitted activity.

The words lawfully established has been placed in front of the word 'structures' to make it explicit what the intent of this rule is. This recommendation is as a result of a submission from on Track (161/20) in section 4.154 requesting that maintenance of legally established structures is permitted.

#### **4.146.3 Recommendation WTR 146**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.146.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-6 for recommended changes

## 4.147 Chapter 16 – Rule 16-7 Removal and demolition of structures – River and Lake Beds

### 4.147.1 Summary of submission points

On Track, Transpower New Zealand Limited and Trust Power Limited all seek to have rule 16-7 retained.

Trust Power Limited seeks to have the cross reference within rule 16-7 to Section 16.2 deleted.

Trust Power Limited seeks to have condition (b) deleted.

### 4.147.2 Legislative Assessment

Rule 16-7 provides the framework for a resource user to remove or demolish part or the whole of any structure located within the bed of a river or lake. Under s13(1)(a) of the RMA this activity requires a consent unless it is expressly allowed for by a regional rule.

### 4.147.3 Evaluation

Rule 16-7 is in place to allow the removal or demolition of a structure as a permitted activity, as it is otherwise restricted by the act. This rule contains conditions (primarily the need to comply with the standard conditions set out in section 16.2) to ensure that during removal or demolition the effects on the environment are minor. This rule also has a second condition asking that the regional council is notified when certain structures are removed. The reasoning for this condition is discussed further below in response to Trust Power Limited.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 138.

The support for rule 16-7 by On Track, Transpower New Zealand Limited and Trust Power Limited is noted.

Trust Power Limited seeks to have the cross reference to section 16.2 (Table 16.1) deleted. In my opinion It is appropriate for permitted activities to have conditions to ensure that the activity has a minor effect on the environment. I consider that this table is appropriate for permitted activities and reference to Section 16.2 within this rule should be kept.

Trust Power Limited seeks to have condition (b) deleted. Condition (b) of rule 16-7 refer to notifying the regional council if certain structures are removed or demolished 10 works days prior to the event. The reason for the Regional council wanting this information is to account for any abnormalities in data collected from flow recorders. It is a simple condition that I do not consider to be onerous on the resource user and for that reason I do not consider that this condition should be changed.

In relation to Trust Power's submission point – I have made a recommendation in section 4.138 of this report to have a map available on the Horizons Regional Council website with all of the flow recording sites so that the information is readily available and can be easily updated.

#### **4.147.4 Recommendation WTR 147**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.147.4.1 Recommended changes to provision**

- (a) No changes are recommended.

## 4.148 Chapter 16 – Rules Sub heading 16.5 Dams rules – River and Lake Beds

### 4.148.1 Summary of submission points

The Hunterville Hill Country Objectors note that only one authority should be involved in the consenting of dams, that generally issues with dams centres on the integrity of a dam wall and/ or the amount of water being stored. The submitter notes that the rules could be changed as to allow approved contractors to build dams as a permitted activity.

Paul James Mackintosh notes that he would like to be involved in discussions regarding these rules.

### 4.148.2 Legislative Assessment

Please refer to the s42A report of James Lambie.- paragraphs 168 to 174 - for an overview of the Building Act requirements for dams and freshwater fisheries legislation.

### 4.148.3 Evaluation

The Hunterville Hill Country Objectors note that only one authority should be involved in the consenting of dams. This is not an issue that can be considered by this hearing panel as it is an issue of national legislation. It is however my understanding that Horizons Regional Council does deal with the dam consents issued to large dams under the building act.

I agree with the Hunterville Hill Country Objectors second submission point regarding the integrity of the wall and/or the volume of water being the main issues regarding dams. In my opinion the integrity of the structure is covered off by the need to gain a building consent if the structure exceeds 3m in height. However I agree that the volume of water should be addressed for both the reasons outlines by the Hunterville Hill Country Objectors and to make the rule consistent with the Building Act.

Regarding the Hunterville Hill Country Objectors last submission point which discusses activities becoming permitted if undertaken by approved contractors, Codes of Practices are something that is encouraged and supported by the Regional Council (see section 1.6 of the Proposed One Plan). However as no code or means of deeming who is an approved contractor, has been suggested within the submission I can not accept it.

Paul James Mackintosh has been invited to contact the council on a number of occasion's to initiate discussions or be involved in discussions regarding the preliminary officers recommendations for this chapter. As far as I am aware he has not taken up this opportunity.

#### **4.148.4 Recommendation WTR 148**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.148.4.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-8 for recommended changes

## 4.149 Chapter 16 – Rule 16-8 New and existing small dams – River and Lake Beds

### 4.149.1 Summary of submission points

Horticulture New Zealand notes their support for this rule.

Federated Farmers of New Zealand seek to have the catchment limit set out in condition (b) changed to 100 hectares

Mighty River Power and Trust Power Limited seek to have a condition added to the rule which states that the damming of water shall not affect any existing consented take of water.

Rangitikei District Council seeks to have a non notification clause added to this rule.

Daniel Webb notes his objection to this rule and seeks to have it removed.

### 4.149.2 Legislative Assessment

Please refer to the s42A report of James Lambie.- paragraphs 168 to 174 - for an overview of the Building Act requirements for dams and freshwater fisheries legislation.

### 4.149.3 Evaluation

Rule 16-8 is in place to permit new and existing small dams, as it is otherwise restricted by the act. This rule contains conditions (including the need to comply with the standard conditions set out in section 16.2) to ensure that the effect of the dams on the environment are minor.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 130.

The support for this rule by Horticulture New Zealand is noted.

Rangitikei District Council seeks to have a non-notification clause added to this rule. I note that this rule is a permitted activity rule therefore does not require a consent nor would an activity under this rule be notified.

Mighty River Power and Trust Power Limited seek to have a condition regarding existing takes of water and the effect that dams erected under this rule might have. I note that this rule does not provide for the taking of water therefore damming under this rule should not affect existing takes. At present I feel that this is not very clear in the rule guide how the taking of water is treated. For this reason I recommend that the rule guide is altered to be very clear with regard to how the taking of water is treated.

Daniel Webb notes that this is a matter that the Regional Council should not be dealing with. The Regional Council is given responsibility under the Resource Management Act 1991, section 13, for the control of structures in

the beds of rivers and lakes. Therefore it is a responsibility we have jurisdiction to deal with. For this reason I reject this submission point.

Federated Farmers seeks that the catchment size condition should be increased to 100 hectares. As noted in paragraph 132 of James Lambie's s42A report the effect from a dam on the environment in a catchment which is 50ha or less is likely to be minor. For this reason I reject this submission point.

#### **4.149.4 Recommendation WTR 149**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.149.4.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-5 and associated rule guide for recommended changes



## 4.150 Chapter 16 – Rule 16-9 Other existing dams – River and Lake Beds

### 4.150.1 Summary of submission points

Mighty River Power seeks that this rule be retained.

Genesis Energy Limited seeks that this rule is given permitted activity status.

On Track does not seek a specific decision but notes that legally established structures should be given permitted status.

Trust Power Limited seeks that this rule either be amended to permitted activity status, left as a controlled activity but deleted the conditions and matter of control or delete the rule.

Ruapehu District Council seeks that this rule either have a non-notification clause added or be deleted.

### 4.150.2 Legislative Assessment

Please refer to the s42A report of James Lambie.- paragraphs 168 to 174 - for an overview of the Building Act requirements for dams and freshwater fisheries legislation.

### 4.150.3 Evaluation

Rule 16-9 is in place to control existing dams which are lawfully established and do not meet the conditions set out in rule 16-8 (ie. So it has been erected through a discretionary consent issued by rule 16-20). This rule is used when a consent for that dam expires and its ongoing damming of water can not be permitted by rule 16-8. As explained in the rule guide for rules 16-8 to 16-9 the intent of this rule is not to control the dam structure itself (The regional council has declined to give itself discretion as to whether the structure should remain and it is otherwise permitted by the rules in section 16.4) but rather the effects of the damming of the water i.e. The effect that the damming has on fish passage, residual flow of the water body and effects on rare habitats, threatened habitats and at risk habitats.

The support from Mighty River Power is noted

On Track does not seek a specific decision but notes that legally established structures should be given permitted status. It is noted that section 16.4 of this plan permits structures which are legally established

Genesis Energy Limited and Trust Power Limited seek that this rule is given permitted activity status. In my opinion this is not appropriate as it is likely that the effects on the environment will be more than minor and that some discretion should be retained over these effects. For this reason I reject these submissions.

Ruapehu District Council seeks that this rule either have a non-notification clause added or be deleted. In my opinion this is not appropriate as there may

be affected parties downstream who are interested in the controls such as dam failure and the impact on rare and threatened habitats who should be notified. For this reason I reject these submissions.

#### **4.150.4 Recommendation WTR 150**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.150.4.1 Recommended changes to provision**

No changes recommended.

## **4.151 Chapter 16 – Rules sub Heading 16.6 Other structures rules – River and Lake Beds**

### **4.151.1 Summary of submission points**

Horizons Regional Council seeks to have a new rule inserted which allows the installation, maintenance and removal of flow recording sites within waterways.

Pirie Consultants Limited seeks to have all references to culvert lengths, numbers, diameters, cover depth and installation deleted and replaced with the requirement that structures be of sufficient size and design to prevent adverse affects occurring beyond that permitted for 5% AEP events.

### **4.151.2 Evaluation**

Horizons Regional Council seeks to have a new rule permitting flow recording devices. I agree that this rule should be permitted given the amount of data collected from such devices and the importance of this data for the community. During consultation with submitters Genesis Energy noted that flow recording devices are often installed other organisations and should be permitted. I agree with Genesis as often flow recorders run by other organisations provide the regional council with valuable information.

Pirie Consultants Limited seeks to have the current Culvert rule changed to prevent adverse affects occurring beyond that permitted for 5% AEP events. I reject this submission on the basis that, while the culvert rule is in place to protect culverts failing during flood events, the rule is also in place to ensure that the effects on the environment – particularly fish passage – is minor.

### **4.151.3 Recommendation WTR 151**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.151.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-12a for recommended changes

## **4.152 Chapter 16 – Rule 16-10 Lines, cables, pipelines and ropeways – River and Lake Beds**

### **4.152.1 Summary of submission points**

Ruapehu District Council, Tararua District Council, Horowhenua District Council, Tararua District Council and Manawatu District Council seek that the rule is adopted as proposed.

Transpower New Zealand Limited and Trust Power wish to see the rule amended so that lines, cables, pipelines and ropeways are allowed 'over' a water body with a natural state value.

Genesis Energy Limited seeks to have a new rule written which allows activities which do not meet the Rule 16-10 assessed as a controlled activity.

Trust Power Limited seeks to have the cross reference to section 16.2 deleted.

### **4.152.2 Evaluation**

Rule 16-10 is in place to allow the erection, reconstruction, placement, alteration or extension of a line, cable, pipeline or ropeway in, on, under or over a water body as a permitted activity, as it is otherwise restricted by the act. This rule contains conditions (including the need to comply with the standard conditions set out in section 16.2) to ensure that the effects on the environment are minor when this activity is undertaken.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 130.

The support from Ruapehu District Council, Wanganui District Council, Horowhenua District Council, Tararua District Council and Manawatu District Council is noted.

Transpower New Zealand Limited and Trust Power wish to see the rule amended so that lines, cables, pipelines and ropeways are allowed 'over' a natural state waterway. I agree with Transpower that lines, cables and ropes over a water body are a matter which should not be considered under this rule as they are likely to have a minor or no effect on the values being protected – especially aquatic habitats. I do not however agree that pipes should be allowed to cross over these water bodies due to the potential effects of a pipe bursting. For this reason I will insert a cross reference back to rule 16-4 which will permit lines, cables and ropes over the water bodies protected by that rule but pipes will still require a consent. In relation to natural state areas – it is noted that while the lines, ropes and cables will become permitted the support structures will still require permission from the department of conservation – a recommended rule guide for rule 16-4 outlines this.

Genesis Energy Limited seeks to have a new rule written which allows activities which do not meet the Rule 16-10 assessed as a controlled activity. It is my option that it is not appropriate to have a controlled activity in this

instance. Most of my concern stems from the fact that a controlled activity must be granted and some instances, where the conditions can not be met within the permitted activity rule the effects on the environment may be large and require the discretion of the council.

Trust Power Limited seeks to have the cross reference to section 16.2 deleted. In my opinion it is appropriate to have conditions for permitted activities to ensure that the effects on the environment are minor. I therefore reject this submission.

Trust Power Limited seeks to have the reference to natural state water bodies deleted.

#### **4.152.3 Recommendation WTR 152**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.152.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-10 for recommended changes

## 4.153 Chapter 16 – Rule 16-11 Culverts – River and Bed lakes

### 4.153.1 Summary of submission points

Paul James Mackintosh requests that he be involved in discussions around these rules.

Tararua District Council, Manawatu District Council, Horowhenua District Council, Wanganui District Council, New Zealand Forest Managers Limited and Horticulture New Zealand seek that rule 16-11 is adopted as proposed

Federated Farmers of New Zealand seeks that conditions (a)(i), (a)(ii) and (e) as it related to section 16.2 are deleted and that conditions (f), (g), (h) and (i) are retained.

Transit New Zealand seeks that adequate provisions are made to allow for proposed and existing culverts running parallel and beneath state highway. Transit also seek to have condition (a)(iv) amended from territorial authority to any road controlling authority.

Trust Power Limited seeks to have reference to rules 16-2 and 16-4 and section 16-2 deleted from this rule.

New Zealand Institute of Forestry suggests that as less prescriptive but effects driven guideline could be developed.

Meridian Energy Limited seeks to have conditions a(i) through to (iv), (b), (c) and (j) deleted.

On Track suggests the Horizons Regional Council might like to work with their technical staff to develop a standardised approach to culvert management.

Horizons Regional Council seeks to amend condition (c) (ii) to read 'a culvert width of between 0.3 and 1.2 metres'.

Palmerston North City Council seeks to have the conditions specifying the maximum length and maximum diameter of a culvert removed.

Genesis Energy Limited seeks to have a new rule written which allows activities which do not meet the Rule 16-11 assessed as a controlled activity.

Hancock Forest Management New Zealand Limited seeks to retain rule 16-11, but have conditions (b), (c)(iii) and (c)(iv) deleted and condition (c)(iii) amended to read 'a culvert diameter between 0.3 and 1.5 metres'.

Angus Gordon seeks to have culverts greater than 1.2m allowed as a permitted activity.

### 4.153.2 Evaluation

Rule 16-11 is in place to allow the erection, reconstruction, placement, alteration or extension of culverts as a permitted activity, as it is otherwise

restricted by the act. This rule contains conditions (including the need to comply with the standard conditions set out in section 16.2) to ensure that the effects on the environment are minor. The intent of the rule is to allow culverts that will have a more than minor effect on the environment to occur as a permitted activity.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 130. For further discussion about the other conditions contained within this culvert rule see James Lambie's s42A report paragraphs 180 to 202.

Paul James Mackintosh has been invited to contact the council on a number of occasions to initiate discussions or be involved in discussions regarding the preliminary officers recommendations for this chapter. As far as I am aware he has not taken up this opportunity.

The support for this rule from Tararua District Council, Manawatu District Council, Horowhenua District Council, Wanganui District Council, New Zealand Forest Managers Limited and Horticulture New Zealand is noted.

Federated Farmers of New Zealand seeks that conditions (a)(i), (a)(ii) and (e) as it relates to section 16.2 are deleted and that conditions (f), (g), (h) and (i) are retained. In my opinion it is appropriate to retain condition (a)(i) and (a)(ii) as they relate to protected rivers where this activity would have a more than minor effect on the environment. In my opinion it is also appropriate to have a cross reference to section 16.2 as it is appropriate for a permitted activity to have conditions to ensure that the effects on the environment remain minor. The support for conditions (f) to (i) is noted. During consultation with federated Farmers it was noted that condition (c)(i) was not clear with regards to the 20m length being made up by a single or multiple lengths of pipe. I agree that this is not clear and have suggested that an addition be made to clarify the matter.

Transit New Zealand seeks that adequate provisions are made to allow for proposed and existing culverts running parallel and beneath state highway. Transit also seek to have condition (a)(iv) amended from territorial authority to any road controlling authority. With regards to adequate provisions for Transit New Zealand to install culverts. In my opinion this rule adequately provides for culverts to be installed and maintained with minor effects on the environment. Therefore it is appropriate that any person or authority wishing to install or maintain a culvert which does not meet the conditions set out in this rule obtains a consent. With regards to waterways in urban areas I agree with Transit and have proposed the deletion of condition (a)(iv).

New Zealand Institute of Forestry suggest that as less prescriptive but effects driven guideline could be developed. In my opinion this rule is a good balance of allowing an activity to take place and allow only minor effects on the environment.

Meridian Energy Limited seeks to have conditions a(i) through to (iv), (b), (c) and (j) deleted. Trust Power limited seek to have reference to rules 16-2 and 16-4 and section 16-2 deleted from this rule. In my opinion it is appropriate for an individual or authority to gain consent for works within a water way which has significant values or a flood scheme to ensure that the application is

properly assessed and that all effects of an activity are taken into account. It is also my opinion that restrictions, such as those in this rule, should be in place to ensure that the effects on the environment are minor.

On Track suggests the Horizons Regional Council might like to work with their technical staff to develop a standardised approach to culvert management. During pre-hearing consultation I undertook some discussion with On Track regarding the rule and clarified some matters. It was agreed that the rule needed to be clarified to allow for box culverts.

Horizons Regional Council seeks to amend condition (c) (ii) to read 'a culvert width of between 0.3 and 1.2 metres'. I agree with Horizons Regional Council as this change will make it clear how box culverts are to be dealt with.

Palmerston North City Council seeks to have the conditions specifying the maximum length and maximum diameter of a culvert removed. I reject this submission. The length restriction is in place to allow for fish passage as a longer culvert may have additional requirements in order for fish passage to occur. The maximum diameter condition is in place for both ecological and flooding reasons. James Lambie in his s42A report outlines that a culvert of larger scale than that permitted by this rule is likely to have measurable down stream effects. It is also noted that the maximum culvert width (1.2m) combined with the maximum culvert fill (2.0m) would create a dam of 3.2m in a major flood event and could have a large impact in terms of flooding if the culvert or fill were to fail.

Genesis Energy Limited seeks to have a new rule written which allows activities which do not meet the Rule 16-11 assessed as a controlled activity. I do not believe that this is an appropriate change as a controlled activity must be granted and it may not be appropriate to allow the activity to occur, especially if the activity did not meet a number of conditions within the permitted activity rule.

Hancock Forest Management New Zealand Limited seek to retain rule 16-11, but have conditions (b), (c)(iii) and (c)(iv) deleted and condition (c)(iii) amended to read 'a culvert diameter between 0.3 and 1.5 metres'. Angus Gordon also seeks that a culvert diameter greater than 1.2 metres is allowed. In Mr Lambie's report he suggests that the culvert width be increased to 1.25m so that the maximum bed area occupied would be 20m<sup>2</sup> – consistent with rule 16-12. I accept that this is an appropriate change. With regard to condition (b) it is appropriate that only one culvert be allowed. Within James Lambie's s42A report he outlines that one barrel is more fish friendly as it imitates a natural water body and multiple barrels quicken the streams flow. With regards to condition (c)(iii) it is appropriate that the culvert is the same width as the stream to avoid failure. With regards to condition (c)(iv), as discussed above, 2.0m is an appropriate maximum fill height as failure of a culvert in excess of what is permitted by this rule could have a large impact in terms of flooding.

#### **4.153.3 Recommendation WTR 153**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.



**4.153.3.1 Recommended changes to provision**

(a) Please refer to the track changes for Chapter 16, Rule 16-11 for recommended changes

#### **4.154 Chapter 16 – Rule 16-12 Other structures including bridges, fords and other access structures – River and Lake Beds**

##### **4.154.1 Summary of submission points**

Fish and Game New Zealand – Auckland/ Waikato Region and Taranaki Fish and Game seek to have the maximum size for a maimai structure amended to 10m<sup>2</sup>

New Zealand Fire Service Commission seeks to have rule 16-12 amended to allow for structure which provide for fire fighting access to both rivers and lakes and nearby fire hazards such as buildings.

Tararua District Council, Horowhenua District Council, Wanganui District Council and Manawatu District Council seek that this rule be adopted as proposed

NZ Forest Managers Limited supports the permitted activity status of rule 16-12.

On Track seeks to have structures which are legally established permitted. In particular they would like to see structures allowed for by previous legislation continue as a permitted activity.

Genesis Power Limited seeks to have a new rule with controlled activity status for those activities which do not meet the permitted status of rule 16-12.

Hancock Forest Management New Zealand Limited seeks an amendment to rule 16-12 that allows ford crossing structures greater than 20m<sup>2</sup> to be installed as a permitted activity.

Transit New Zealand requests that condition (a)(iv) be changed from Territorial authorities to 'road controlling authorities'

Paul James Mackintosh requests that he be involved in discussions around these rules.

Federated Farmers of New Zealand Inc seeks the removal of conditions (a)(i) and (a)(ii) and request that the catchment area limit of 200 hectares set out in condition (b) is increased to 500 hectares.

Minister of Conservation requests that condition (a)(iv) is justified and the term 'urban area' is defined.

Minister of Conservation seeks removal of the words 'unless the work is undertaken by the Regional Council' from condition (a)(iii) and 'unless the work is undertaken by a Territorial Authority' from condition (a)(iv).

Meridian Energy Limited opposes rule 16-12 and seeks to have conditions (a) through to (e) removed.

Trust Power Limited seeks to have conditions (a)(i), (a)(ii), (b) and (e) deleted from rule 16-12.

Ruapehu District Council and Rangitikei District Council seek to have Rule 16-11 replaced with the Operative BRL plan Rule 11 or Rule 16-12 be amended to remove conditions (a)(i), (ii), (iii) and (c). Alternatively if condition (a)(iii) is not removed they request that it is amended to require applicants to get permission from the Regional Council rather than a consent.

Rangitikei District Council seeks to have Section 16.2 amended per their submission or alternatively delete condition (e) from rule 16-12.

Angus Gordon seeks that conditions (b) and (c) are clarified.

#### 4.154.2 Evaluation

Rule 16-12 is in place to allow the erection, reconstruction, placement, alteration or extension of structures such as bridges and fords as a permitted activity, as it is otherwise restricted by the act. This rule contains conditions (including the need to comply with the standard conditions set out in section 16.2) to ensure that that the effects on the environment are minor. The intent of the rule is to allow structures that will have a more than minor effect on the environment to occur as a permitted activity.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 130.

Fish and Game New Zealand – Auckland/ Waikato Region and Taranaki Fish and Game seek to have the maximum size for a maimai structure amended to 10m<sup>2</sup>. I agree with this change as the building act allows for structures up to 10m<sup>2</sup> without a building consent and I do not consider that a maimai of this size will have any greater effect on the environment than one of 5m<sup>2</sup>.

The New Zealand Fire Service Commission seeks to have rule 16-12 amended to allow for structure which provide for fire fighting access to both rivers and lakes and nearby fire hazards such as buildings. It is noted that fords of up to 20m<sup>2</sup> are allowed as a permitted activity – this would include a concrete structure, which during consultation, the fire service commission described the fire fighting structure to be.

Similarly Hancock Forest Management New Zealand Limited seek an amendment to rule 16-12 that allows ford crossing structures greater than 20m<sup>2</sup> to be installed as a permitted activity.

As part of consultation with the fire service I questioned what the ideal size is for such a structure. Their reply was “4.5 m in width by 11 m in length. However, given that the turning circle for this appliance is approximately 17.5 m all reasonable effort should be made to meet this length.” This would make the structure around 50m<sup>2</sup> at the minimum (4.5 x 11). During consultation with Hancock they suggested a size limit of 40m<sup>2</sup>.

During consultation the fire service appeared unsure if their fire fighting structure would be located in the ‘bed’ of the river (ie. between the banks of a river) or outside of this. I note that if it is outside of this then these rules will not

apply, although they may still require compliance with land disturbance and/ or District Plan rules.

I have undertaken some further research into the size of fords in other Regional Council plans (see Appendix 2) which shows that our rule is fairly 'middle of the road' with some plans being more restrictive and others less so. Discussions with technical advisors confirm that the '20m<sup>2</sup>' threshold is somewhat arbitrary (ie. No technical basis). However it is agreed that a line needed to be drawn somewhere to ensure that the effects on the environment are minor.

Given the above I conclude that no changes should be made to alter the size of a ford (or similar structure such as that proposed by the Fire Service Commission) within the plan. I consider that it is a fair and reasonable size threshold and that fords (or other similar structures) which exceed the conditions of the rule should obtain a consent.

The support from Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council is noted.

The support from NZ Forest Managers Limited with regards to the permitted activity status of rule 16-12 is noted.

On Track seeks to have structures which are legally established permitted. In particular they would like to see structures allowed for by previous legislation continue as a permitted activity. This is noted. In my opinion section 16.4 of this plan provides for structures which are legally established adequately. I have made a recommendation however to insert the words 'lawfully established' in front of the word 'structure' in rules 16-5 and 16-6 to make it clear the intent of these rules.

Genesis Power Limited seeks to have a new rule with controlled activity status for those activities which do not meet the permitted status of rule 16-12. It is my option that it is not appropriate to have a controlled activity in this instance. Most of my concern stems from the fact that a controlled activity must be granted and in some instances this may not be appropriate especially with regards to standards around toxic materials or exceeding the sediment conditions.

Transit New Zealand requests that condition (a)(iv) be changed from Territorial authorities to 'road controlling authorities'. The Minister of Conservation requests that the condition is either deleted or justified and the term 'urban area' is defined. On reflection of this rule I agree that other road controlling authorities should be able to undertake works in urban waterways and it should not just be restricted to the Territorial authorities. For this reason I accept these submissions and propose the deletion of condition (a)(iv).

Paul James Mackintosh has been invited to contact the council on a number of occasions to initiate discussions or be involved in preliminary officers recommendations for this chapter. As far as I am aware he has not taken up this opportunity. .

Federated Farmers of New Zealand Inc seeks the removal of conditions (a)(i) and (a)(ii) and request that the catchment area limit of 200 hectares set out in

condition (b) is increased to 500 hectares. The limit of 200 Hectares, although an arbitrary number (ie. No technical basis) it is common to have a limit in place (ie. Environment Waikato rules allow a culvert to be placed in a catchment with 5Ha above it as a permitted activity and a controlled consent is required when the catchment is between 5 and 500ha and Hawkes Bay Regional Council has a similar rule to 16-12 but with a limit of 150ha as a permitted activity). I deem that the 200 hectare limit used in this rule is appropriate as it was the limit set in the operative Beds of Rivers and Lakes plan therefore has some pedigree. Further to this Federated Farmers have not given good reasoning as to why 500 hectares is more appropriate.

The Minister of Conservation seeks removal of the words 'unless the work is undertaken by the Regional Council' from condition (a)(iii) and 'unless the work is undertaken by a Territorial Authority' from condition (a)(iv). In my opinion these are appropriate conditions. Condition (a)(iii) sets out that The Regional council will undertake works in accordance with the code of practice, which as discussed in section 4.153, and in the s42A reports of Allan Cook, is an appropriate condition. With regards to works undertaken within Urban areas by Territorial authorities it is my understanding is that often water bodies within urban areas are managed as storm water drains by territorial authorities. Therefore it is appropriate to exclude anyone undertaking works within these areas unless it is by the territorial authorities as mismanagement of the water bodies could result in flooding.

Meridian Energy Limited opposes rule 16-12 and seeks to have conditions (a) through to (e) removed. In my opinion it is appropriate for an individual or authority to gain consent for works within a water way which has significant values or a flood scheme to ensure that the application is properly assessed and that all effects of an activity are taken into account. It is also my opinion that restrictions, such as those in this rule, should be in place to ensure that the effects on the environment are minor.

Ruapehu District Council and Rangitikei District Council seek to have Rule 16-11 replaced with the Operative BRL plan Rule 11 or Rule 16-12 be amended to remove conditions (a)(i), (ii), (iii) and (c). Alternatively if condition (a)(iii) is not removed they request that it is amended to require applicants to get permission from the Regional Council rather than a consent. Trust Power Limited seeks to have conditions (a)(i), (a)(ii), (b) and (e) deleted from rule 16-12. In my opinion it is appropriate for an individual or authority to gain consent for works within a flood scheme to ensure that the application is properly assessed and that all effects of an activity are taken into account.

Rangitikei District Council seeks to have Section 16.2 amended per their submission or alternatively delete condition (e) from rule 16-12. In my opinion it is appropriate for a permitted activity to have conditions to ensure that the effects on the environment are minor.

With regards to Angus Gordon, I am unsure how conditions (c) and (d) can be clarified further. In my opinion these conditions are clear in their intent.

#### 4.154.3 Recommendation WTR 154

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.154.3.1 Recommended changes to provision**

(a) Please refer to the track changes for Chapter 16, Rule 16-12 for recommended changes

## 4.155 Chapter 16 – Rule 16-13 Activities undertaken by the Regional Council in flood control and drainage schemes – River and Lake Beds

### 4.155.1 Summary of submission points

Ruapehu District Council, Manawatu District Council and Rangitikei District Council seek that Rule 16-13 is amended to allow for TAs to undertake flood control and drainage activities as a permitted activity under the Code of Practice.

Ruapehu District Council seeks to have the works area in the code of practice amended to include the upper Whanganui River and allow for bridge works.

Horizons Regional Council seeks to have the rule title and description amended to include works undertaken on behalf of the Regional Council.

Horizons Regional Council seeks to have condition (d) amended to read "any discharge of weed or other material extracted from waterways, cleanfill, water, or sediment pursuant to s15(1) RMA"

Horizons Regional Council seeks to have condition (b)(iii) amended to read "an activity regulated under Rule 16-4, except to the extent that activities may be carried out in specified sites of significance aquatic in accordance with the terms specified in the Code"

Minister of Conservation seeks to have this rule deleted.

Tanenuiarangi Manawatu Inc oppose the permitted status of this rule.

Tanenuiarangi Manawatu Inc seeks to have confirmation that the inclusion of the code of practice in the Proposed One Plan is legally allowed and that the code of practice meets any standards set out for how such a document should be written. Tanenuiarangi Manawatu Inc also request that any code of practice included in the plan as a rule is done so on the condition that iwi are included in any of the related practices.

Fish and Game New Zealand – Wellington Region seeks to have a new section added to the Code of Practice, under the Generic Good Practice Standards called 'Morphological Characteristics' which details the identification of pools and riffles.

### 4.155.2 Evaluation

Rule 16-13 sets out the framework to permit activities undertaken by the regional council when carried out within a flood control or drainage scheme area in accordance with the environmental code of practice for river works. Allan Cook outline in his s42A report in regards to the code of practice the development of the code and how the code works in practice. Further to this James Lambie's s42A report outlines between paragraphs 131 and 167 how the code accommodates the Water Management Values including the generic standards for good practice and the site specific values recognise by the code.

Ruapehu District Council, Manawatu District Council and Rangitikei District Council seek that Rule 16-13 is amended to allow for TAs to undertake flood control and drainage activities as a permitted activity under the Code of Practice. Ruapehu District Council seeks to have the works area in the code of practice amended to include the upper Whanganui River and allow for bridge works. As noted in the evidence of Allan Cook regarding the code of practice – this is not appropriate as the COP as there are high risks involved with works undertaken by someone without a thorough understanding of the schemes. Furthermore the COP is aimed at regional council works (stopbanks, rock walls etc) opposed to bridge maintenance or water intakes and therefore would not be appropriate. Furthermore the code only permits the aforementioned works in regional council works areas opposed to district councils works areas. For this reason I reject these submissions.

Horizons Regional Council seeks to have the rule title and description amended to include works undertaken on behalf of the Regional Council. As proposed Rule 16-13 allows flood protection work to be carried out as a permitted activity provided it meets the requirements of the River Works Code of Practice but currently the rule only allows works carried out by Horizons Regional Council itself. Most of the work however is carried out by contractors or landowners under council supervision and it is appropriate that the rule reflect this. I agree that this is an appropriate change and is the intent of the rule.

Horizons Regional Council seeks to have condition (d) amended to read "any discharge of weed or other material extracted from water bodies, cleanfill, water, or sediment pursuant to s15(1) RMA". I agree that this is an appropriate change and is the intent of the rule as the extraction of weed and other material such as cleanfill is an activity which the code provides for.

Horizons Regional Council seeks to have condition (b)(iii) amended to read "an activity regulated under Rule 16-4, except to the extent that activities may be carried out in specified sites of significance aquatic in accordance with the terms specified in the Code". Rule 16-13 permits activities associated with flood protection and drainage schemes, except for those undertaken in protected rivers or lakes which are regulated by Rules 16-2 to 16-4. Rule 16-4 regulates activities in water bodies which are valued for natural state and sites of significance aquatic and cultural.

Within the Code of Practice – sites of significance- aquatic and riparian are identified within the works areas (see part 3 of the code). Some activities are allowed within these sites when undertaken in accordance with the Environmental Code of Practice for River Works. The s42A report of James Lambie expands on how the code minimises the adverse effects on the environment within these sites at paragraph 100 – 107 of his report. In my opinion the conditions set out in the Code of Practice are adequate to protect the values while still allowing the vital function of flood control. I agree that this is an appropriate change and is the intent of the rule.

The Minister of Conservation seeks to have this rule deleted. As discussed in the report of Allan Cook regarding the Environmental River Works Code of Practice (see paragraph 64) a number of discussions have taken place with the Minister of Conservation. Changes have resulted to the Code of Practice



as a result of these discussions including the expansion of the morphological characteristics section.

Tanenuiarangi Manawatu Inc's opposition to the permitted status of this rule is noted. In my opinion the Code of Practice for river works is an appropriate and robust document which controls the effects that it permits on the environment.

Tanenuiarangi Manawatu Inc seeks to have confirmation that the inclusion of the code of practice in the Proposed One Plan is legally allowed and that the code of practice meets any standards set out for how such a document should be written. Tanenuiarangi Manawatu Inc also request that any code of practice included in the plan as a rule is done so on the condition that iwi are included in any of the related practices. As noted in section 4.136 the regional council has full control over the beds of rivers and lakes and may make a rule in a regional plan which permits (or otherwise) any activity within the bed. In my opinion the Code of Practice for river works is an appropriate and robust document which controls the effects that it permits on the environment and allows in an effective and efficient manner for the regional council to undertake essential flood works across the region as outlined in the evidence of Allan Cook. When works fall outside the scope of the code of practice (i.e. A consent is required) and if iwi are considered an affected party then they will be consulted. As outlined in Allan Cook's s42A report regarding river and drainage schemes iwi and other community groups/ interested stakeholders also have a chance to participate with the running of schemes through annual scheme reporting and through scheme liaison committees (see paragraphs 23 to 26).

Fish and Game New Zealand – Wellington Region seeks to have a new section added to the Code of Practice, under the Generic Good Practice Standards called 'Morphological Characteristics' which details the identification of pools and riffles. I agree that this is an appropriate change and this section has been incorporated into the current version of the code of practice. As a result of this submission consequential changes have been made to Method 6-9.

Further to the above I have recommended a change to the reference contained within this rule to Schedule I. The reference should now be to Schedule Ba20 and the Flood control/ Drainage value. This is a consequential change as a result of the changes made to Schedule D.

I have also recommended that the reference to the April 2007 version of the code be updated within rules 16-4 and 16-13 to the 'August 2009' version. This is partly as a result of consequential changes to Schedule D and partly as a result of discussions with the Minister of Conservation and their submission point 372/165. The main changes to this new version are:

- a. Updating of maps as detailed in James Lambie's s42A report paragraphs 148 to 157
- b. Clarification throughout the document of wording as a result of consultation with the Department of Conservation. For example this the addition of a clause to section 2.4 (Operations group pledge) that the works undertaken will avoid the progressive narrowing or straightening of active stream channels
- c. The expansion of part 2 – section 1.2 morphological characteristics as a result of consultation with the Department of Conservation.

Clarification within the scope of the code (section 1.3) that the code does not apply to the Coastal Marine Area.

#### **4.155.3 Recommendation WTR 155**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.155.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-13 and Chapter 6, Method 6-9 for recommended changes
- (b) That Schedule I, Map I1 is deleted.

## 4.156 Chapter 16 – Rule 16-14 Activities affecting flood control or drainage schemes – River and Lake Beds

### 4.156.1 Summary of submission points

Ruapehu District Council, Manawatu District Council and Rangitikei District Council seek to have Rule 16-14 amended so that Territorial Authorities are permitted to undertake erosion control and flood control works.

On Track wishes to have Rule 16-14 amended so that erection of fencing is a controlled activity.

Mighty River Power and Landlink Limited seek to have the rule status amended to restricted discretionary

Horizons Regional Council seeks a new sub clause added to the activity column which states “the repair, removal or demolition of any structure that is maintained by the Regional Council for the purposes of flood or erosion protection or drainage”

Transpower New Zealand seeks to have clause (b) in the activity column modified to allow for the maintenance and upgrading of existing overhead infrastructure and/or the establishment of infrastructure where the support structure are outside of the areas listed in (h) to (k) of this rule.

### 4.156.2 Evaluation

Rule 16-14 controls activities in flood control and drainage scheme areas. Essentially the rule looks to protect assets within these areas by way of restriction activities on stopbanks and the erection of structures in areas which are set aside for flood water flows. I have outlined in section 4.135 the history of this rule including the bylaw and the rule in the operative plan for the beds of rivers and lakes.

Allan Cook, in his s42A report relating to River and drainage schemes outlines the impact of others activities on river and drainage schemes throughout paragraphs 32 to 39. In Mr Cooks other evidence regarding the River works code of practice he reiterates the impact other river users could have on the schemes if allowed to operate under the river works code of practice (See paragraphs 49 through to 53).

Ruapehu, Manawatu and Rangitikei District Councils all seek to have this rule amended to allow their works in flood control and drainage schemes as a permitted activity under the Code of Practice (COP). As noted in the evidence of Allan Cook regarding the code of practice – this is not appropriate as the COP as there are high risks involved with works undertaken by someone without a thorough understanding of the schemes. Furthermore the COP is aimed at regional council works (stopbanks, rock walls etc) opposed to bridge maintenance or water intakes and therefore would not be appropriate. For this reason I reject these submissions.

On Track wishes to have fencing within flood control and drainage scheme areas allowed as a controlled activity. Currently a fence 1.2m high which is parallel to the watercourse is permitted. In my opinion it is appropriate for council to have discretion over the allowance of fences which are perpendicular to the watercourse due to the damage such a structure could cause during high flood flows including diversion of water away from where it is designed to go. On review of this rule it is noted that the proposed rule contradicts itself about controls regarding fencing by allowing fences of a certain design in conditions (c) and (d) and disallowing any fences in (b). I have recommended that changes to activity clause (b) to clarify this.

Mighty River Power and Landlink Limited seek to have the rule status amended to restricted discretionary. In my opinion, due to the wide range of activities and the huge variances in location covered by this rule, it is appropriate that this rule remain discretionary in order to give the consents department full discretion to consider the wide range of potential activities that this rule covers. For this reason I reject these submissions and recommend that the rule remain discretionary.

Transpower seeks to be allowed to upgrade and maintain existing infrastructure and allow new lines over the bed as an existing activity. It is my understanding that maintenance and upgrading of existing structures is allowed as a permitted activity regardless of location in accordance with rule 16-6. Similarly lines and cables are allowed for as a permitted activity (with some restrictions in natural state areas) in accordance with rule 16-10. In my opinion this is quite clear in rule 16-14 as this rule specifically states the activities which should not take place and it is therefore the assumption that if the activity is not stated then it is not restricted by that rule. Therefore I accept this submission in part to the extent that the rule already provides for their request.

Horizons Regional Council seeks to have a new activity clause inserted which restricts any person removing or repairing any structure maintained by the regional council for flood protection works. In my opinion this is an appropriate and reasonable clause to be added.

I have also noted that in this rule both of the terms 'tree' and 'shrub' have an asterisk (\*) beside them indicating that they are defined within the glossary of the plan. On closer inspection I have found that they are not defined within the glossary, nor within the resource management act [another comment reference point for glossary terms]. I note that no one has submitted asking that they be defined. For this reason I suggest that both asterisks be deleted as a minor change under schedule 1, Clause 16 of the RMA.

#### **4.156.3 Recommendation WTR 156**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.156.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-14 for recommended changes

## 4.157 Chapter 16 – Rule Sub Heading 16.8 Gravel extraction, bed disturbances and plants rules – River and Lake Beds

### 4.157.1 Summary of submission points

Ruapehu District Council, Rangitikei District Council and Meridian Energy Limited all seek to have a new rule to be added to section 16.8 which allows for takes of gravel, which do not meet the permitted activity rule 16-15, as a restricted discretionary activity. All have requested this rule is written in a similar way to the operative Beds of Rivers and Lakes Rule 15.

### 4.157.2 Evaluation

A number of submitters (Ruapehu District Council, Rangitikei District Council and Meridian Energy Limited) seek to have a new rule to be added to section 16.8 which allows for takes of gravel, which do not meet the permitted activity Rule 16-15, as a restricted discretionary activity.

In the operative Beds of Rivers and lakes plan the rule for large amounts in restricted discretionary and my understanding is that it has worked well giving certainty to both resource users and council as to which matters would be assessed.

I refer also to the s42A report of Peter Blackwood. Mr Blackwood has outlined in his report the seven critical factors that need to be taken into account within gravel extraction policies (see paragraphs 22 to 54). Mr Blackwood has concluded with a number of matters that should be given discretion to when considering if a gravel extraction should be allowed. This is outlined in Paragraph 55 of his report.

Taking the above into account I agree that large takes of gravel can be controlled through a restricted discretionary rule as the matters of discretion are consistent. For this reason I recommend that a new restricted discretionary rule – Rule 16-15a – be inserted into Chapter 16.

### 4.157.3 Recommendation WTR 157

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.157.3.1 Recommended changes to provision

- (a) Please refer to the track changes for Chapter 16, Rule 16-15a for recommended changes

## **4.158 Chapter 16 – Rule 16-15 Small-scale gravel extraction – River and Lake Beds**

### **4.158.1 Summary of submission points**

Genesis Power Limited seeks to have it specified that it is ‘naturally occurring’ lakes specifically excluded from this rule.

Fish and Game New Zealand – Auckland/Waikato Region seeks to have a condition included in this rule which specifies that a ‘bund’ of gravel must be left adjacent to the river which is at least 3.0 metres wide and 0.5 metres high.

### **4.158.2 Evaluation**

Rule 16-15 provides for small scale gravel extraction (up to 50m<sup>3</sup> per year) from dry sections of a river bed not regulated by other rules in the chapter. To ensure that the effects on the environment are minor Rule 16-15 sets out that the extraction is from an area which is not covered by water at the time of extraction to ensure that the discharge of sediment is minimised and the standard conditions in section 16.2 must be complied with and.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie’s s42A report, Paragraphs 78 to 130.

Genesis Energy seeks to have the word lake clarified to be defined as a naturally occurring lake (opposed to artificial). I agree that this is an appropriate change and will help to clarify the intent of the rule.

Fish and Game – Auckland/Waikato Region seeks to have a new condition added to this rule which specifies that bund of gravel at least 3.0m wide and 0.5m wide is left on the gravel beach. My understanding of this condition is that it would aid in minimising sediment loss during raised river levels. In my opinion condition (d) - not removing gravel from an area of the riverbed covered by water at the time of extraction - is sufficient to minimise sediment loss during extraction and extra conditions requiring setback are not necessary. The rule only allows for a minor amount to be extracted and I consider that this amount, coupled with the rule conditions is adequate.

### **4.158.3 Recommendation WTR 158**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.158.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-15 for recommended changes

## 4.159 Chapter 16 – Rule 16-16 Other minor bed disturbances – River and Lake Beds

### 4.159.1 Summary of submission points

Genesis Power Limited seeks to have it specified that it is ‘naturally occurring’ lakes specifically excluded from this rule.

New Zealand Defence Force requests that this rule is retained as proposed.

### 4.159.2 Evaluation

Rule 16-16 is in place to permit bed disturbances which are not otherwise regulated through other rules in Chapter 16. Rule 16-16 sets out that the standard conditions in section 16.2 must be complied with. This will ensure that any effects on the environment are minor.

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie’s s42A report, Paragraphs 78 to 130.

New Zealand Defence Force request that this rule is retained as proposed.

Genesis Energy seeks to have the word lake clarified to be defined as a naturally occurring lake (opposed to artificial). I agree that this is an appropriate change and will help to clarify the intent of the rule. I also recommend that as a consequential change Policy 16-1 should be altered to clarify that it is not included as part of the consideration for activities in artificial water bodies.

I also recommend that a new provision is added into rule 16-8, 16-10, 16-11, 16-12, 16-12(a), 16-15, 16-15(a), 16-16, 16-17 and 16-18 as follows “This activity shall not take place in any rare habitat or threatened habitat listed in Schedule E” to clarify that the above rules do not apply to wetlands. A clause of this nature should also be added to policy 16-1 to clarify that Chapter 12 needs to be taken account of when a person wishes to undertake an activity in a wetland.

An alternative to this paragraph would be to insert a new rule into chapter 12/ a clause into an existing rule which controls the disturbance of the beds of wetlands.

### 4.159.3 Recommendation WTR 159

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.159.3.1 Recommended changes to provision

- (a) Please refer to the track changes for Chapter 16, Rule 16-16 for recommended changes

## **4.160 Chapter 16 – Rule 16-17 Plants – River and Lake Beds**

### **4.160.1 Summary of submission points**

Federated Farmers of New Zealand Incorporated notes their support for rule 16-17.

### **4.160.2 Evaluation**

Rule 16-17 is in place to allow the introduction, planting, removal or destruction of plants from a water body as a permitted activity, as it is otherwise restricted by the act. This rule contains conditions (including the need to comply with the standard conditions set out in section 16.2) to ensure that new plants introduced to our water bodies are not harmful (by way of being in the Regional Pest Plant Management Strategy) or removed in such a way that they have an adverse environmental effect (eg. use of machinery in a river bed during critical fish spawning periods).

For further discussion about the standard conditions in section 16.2 of Chapter 16 see James Lambie's s42A report, Paragraphs 78 to 130.

The support for this rule by Federated Farmer is noted.

### **4.160.3 Recommendation WTR 160**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.160.3.1 Recommended changes to provision**

- (a) No changes are recommended.



## 4.161 Chapter 16 – Rule 16-18 Minor activities involving the beds of artificial watercourses – River and Lake Beds

### 4.161.1 Summary of submission points

Horizons Regional Council seeks to have the reference in rule 16-18 condition (c) refer to rule 13-25 rather than 16-23.

Genesis Power Limited and Trust Power Limited seek to have the reference to rule 16-23 in condition (c) clarified.

Trust Power Limited seeks to have the cross reference in rule 16-18 to section 16.2 deleted.

Federated Farmers of New Zealand seeks to have the functions of the regional council clarified in respect of controlling activities in artificial waterways and amendments made accordingly.

### 4.161.2 Evaluation

Rule 16-18 is in place to allow minor disturbances of the bed of an artificial watercourse as a permitted activity. The following five paragraphs outline, in response to a submission from Federated Farmers, the reasons why this rule is required when the act is silent about the control of an artificial watercourse.

Federated Farmers request that the function of Regional Councils in relation to artificial water course be clarified. The Act is silent on who controls artificial watercourse, meaning that disturbance is permitted. The act however it is very clear that both water quality and any damming and diversion of water (including that resulting from disturbance) is a regional council function.

Essentially s15(1) of the act is restrictive in relation to water quality - meaning that if a rule in a regional plan does not permit an activity which discharges a contaminant to water then it is not allowed.

Similarly s14(1)(a) is restrictive in relation to damming and diverting of water – regardless of where it is (naturally occurring bed of a lake or an artificial watercourse).

So in this case if the plan does not specifically permit the damming and diversion of water and the discharge of sediment while disturbing the bed of an artificial watercourse the activity would need to comply with discharge rules in Chapter 13 and damming and diversions rules in Chapter 16 of the One Plan.

I also note that it is appropriate for the Regional Council to ensure that there are controls on artificial watercourses as activities such as discharges into these water bodies can affect downstream rivers and lakes. See James Lambie's s42A report, Paragraph 92 to 94 - Discharges not inherent to the bed - for more information.

I do not consider that there needs to be any further changes to the rules regarding artificial water bodies (rules 16-18 and 16-19) as a result of this submission.

Horizons Regional Council, Genesis and Trust Power seek to have the reference to Rule 16-23 in condition (c) clarified. This reference was a mistake carried over from an earlier version of the plan and should read rule '13-25'. On review of Rule 13-25 I note there are some conditions within 13-25 which are not appropriate to apply to this rule – for example restricting a discharge onto a floodplain or bed – it is common practice to place material removed to a nearby location including on a berm of the river. I have instead suggested that the appropriate conditions are carried over to this rule.

Trust Power seeks to have reference to section 16.2 deleted. In my opinion it is appropriate for permitted activities to have conditions to ensure that the activity has a minor effect on the environment. I consider that this table is an appropriate set of conditions for a permitted activity and reference to it within this rule should be retained.

#### **4.161.3 Recommendation WTR 161**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.161.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-18 for recommended changes

## 4.162 Chapter 16 – Rule 16-19 Bed disturbance of artificial lakes to maintain their function – River and Lake Beds

### 4.162.1 Summary of submission points

Horizons has requested that the reference in Rule 16-19 condition (b) to refer to Rule 13-25 rather than 13-24.

Trust Power Limited seeks bed disturbance of artificial lakes to maintain their functions to be a permitted activity, removal of the conditions and matters for control (a-g) and removal of condition (a) regarding compliance with section 16.2 of the plan.

Meridian Energy Limited seeks to have conditions (a) and (c) removed from the matters over which control is reserved.

### 4.162.2 Evaluation

Rule 16-19 sets out a framework to issue a controlled consent for bed disturbance of artificial lakes, such as those used by electricity generators or by councils for water supply, to maintain their function. As outlined in section 4.161, although the act is silent on the control of artificial water bodies it is clear that the Regional Council controls both water quality and damming and diversion. If this rule were not in place the activity would need to comply with rules in Chapter 13 for the discharge of sediment to water and Chapter 16 with regards to damming and diversion.

Horizons Regional Council seeks to have condition (b) refer to Rule 13-25 (Discharges of contaminants to land that will not enter water) rather than Rule 13-24 (Discharges of contaminants to surface water). I deem that this is an appropriate change as the intention of Rule 16-19, condition (b) is to control discharges to land rather than to water. However, on review of rule 13-25 I note there are some conditions within 13-25 which are not appropriate to apply to this rule – for example restricting a discharge onto a floodplain or bed – it is common practice to place material removed to a nearby location including on a berm of the river. I have instead suggested that the appropriate conditions are carried over to this rule.

Trust power and Meridian seek removal of conditions and matters of discretion which control discharges of sediment to water and the effects of aquatic habitats. It is appropriate for these conditions and matters over which control is reserved to be in place. These are in place to ensure that the effects from the bed disturbance on the water quality and aquatic habitats are appropriate.

### 4.162.3 Recommendation WTR 162

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.162.3.1 Recommended changes to provision**

(a) Please refer to the track changes for Chapter 16, Rule 16-19 for recommended changes

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## **4.163 Chapter 16 – Rule 16-20 Activities that do not comply with permitted and controlled activity rules – River and Lake Beds**

### **4.163.1 Summary of submission points**

Horizons Regional Council has requested that Rule 16-20 be amended to ensure that it is consistent with other rules in the chapter.

### **4.163.2 Evaluation**

Rule 16-20 is the default rule for this chapter. Any Permitted or Controlled activity which does not meet one or more conditions of the rules set out in this chapter will require a consent under this rule.

Currently Rule 16-20 does not list the activities that will be considered under this rule in the same way as the rules which default to this rule do. This means that, as proposed, ancillary activities can not be considered under this rule when issuing a consent. This is not the intent of the rule and therefore this needs to be recertified as proposed below.

### **4.163.3 Recommendation WTR 163**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.163.3.1 Recommended changes to provision**

- (a) Please refer to the track changes for Chapter 16, Rule 16-20 for recommended changes

## 4.164 Glossary – General – Water Quality

### 4.164.1 Summary of submission points

Ruapehu District Council, Rangitikei District Council and Meridian Energy want a definition for river.

Horizons Regional Council wants a definition for feedpad and for untreated human effluent.

Osflo Spreading Industries Ltd seeks a definition for intensive pig and poultry farming. The Poultry Industries, Horticulture NZ and Federated Farmers seek a definition for intensive livestock farming.

Horticulture NZ also seeks a definition for agricultural compound and agriculture. A definition for agriculture is also sought by Federated Farmers.

TransPower wants the definition of Natural State to only capture those waters both sourced and still flowing within the same area of Conservation Estate.

Pirie Consultants and other submitters want a definition for all forms and sizes of water bodies.

### 4.164.2 Evaluation

Definitions can assist in understanding the intent of words used within the Plan.

The Resource Management Act 1991 defines river and it is not considered necessary to repeat the definition within the Plan.

The term water body is defined in the Act and again it is not considered necessary to include the definition within the Plan. In terms of the submissions from Pirie Consultants and other submitters seeking a definition for all forms and sizes of water bodies, I consider the definition in the Act is clear and includes a range of water bodies from rivers through to ponds.

I have recommended that definitions be provided for the terms feedpad and also for untreated human effluent.

Chapter 13 of the Plan includes the terms intensive sheep and beef farming and agricultural land use types. Rule 13-1 also includes the terms dairy farming, cropping and market gardening. These three terms are defined in the Glossary. I am not at this time recommending a definition for intensive livestock farming as Chapter 13 does not use this term. I understand the issues being raised are to provide clarification around the terms used in the Plan in relation to agriculture including agricultural compounds. There are a variety of terms used. I need to consider the need for a definition along with the matters I have raised in previous sections regarding the breadth of the activities that are covered under these terms e.g. does Rule 13-1 cover viticulture and should it? I will return to these matters in the Supplementary Report.

The definition of Natural State within Schedule D states that it applies to Conservation Land and therefore I consider this meets the concerns of TransPower regarding Natural State applying to Conservation Estate.

#### **4.164.3 Recommendation WRT 164**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.164.3.1 Recommended changes to provision**

- (a) Include definitions for feedpad and untreated human effluent in accordance with the changes recommended in track changes for the Glossary.

## **4.165 Glossary - General - Ground and Surface Water Allocation**

### **4.165.1 Summary of submission points**

Horticulture NZ and Federated Farmers seek a definition for artificial water bodies.

### **4.165.2 Evaluation**

Chapter 16 uses the term artificial watercourses and the terms modified watercourses and artificial lakes are also included within the Chapter. The definition sought by the submitters referring to artificial water bodies will not fit in the context of the current wording within the Plan. I do consider that the wording should be more consistent through the Chapters and water body is generally used more than water courses. I will return to this matter in the Supplementary Report.

### **4.165.3 Recommendation WTR 165**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.165.3.1 Recommended changes to provision**

- (a) No changes are recommended.



## **4.166 Glossary - General - River and Lake Beds**

### **4.166.1 Summary of submission points**

The Department of Conservation request that a discussion regarding fish passage and provisions for fish passage under the freshwater fisheries regulation 1983 is inserted to the Proposed One Plan, alternatively they request that a definition of fish passage is inserted.

### **4.166.2 Evaluation**

With regards to the insertion of a discussion about 'fish passage' into the Proposed One Plan I am unsure of the benefit that would be added to the chapter. With regards to defining 'fish passage' within the plans glossary based on the discussion given by the Department of Conservation, again I am unsure what benefit it would provide to the plan and do not believe that it would enhance the plan further.

In my opinion fish passage is adequately provided for through the rules and defining it or discussing it as requested by the Department of Conservation is not necessary.

### **4.166.3 Recommendation WTR 168**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.166.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.167 Glossary – Term - Animal effluent – Water Quality**

### **4.167.1 Summary of submission points**

Osflo Spreading Industries wants the definition for animal effluent changed to read: “Animal effluent means liquid waste including slurries from animals other than humans.”

The Poultry Industries want to ensure that poultry shed wash down water is an animal effluent.

The NZ Pork Industry Board wants the definition for animal effluent deleted and replaced with a definition for animal manure.

### **4.167.2 Evaluation**

The definition for animal effluent states: “*Means faeces and urine from animals other than humans.*” The term animal effluent is used mainly through Chapter 13 and particularly in Rule 13-6. The term is not intended to capture anything other than animal effluent. Rule 13-6 covers effluent from dairy sheds, poultry farms and existing piggeries e.g. the washdown water and poultry farm litter.

### **4.167.3 Recommendation WTR 167**

(a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.167.3.1 Recommended changes to provision**

(a) No changes are recommended.

## 4.168 Glossary - Term – Bore - Ground and Surface Water Allocation

### 4.168.1 Summary of submission points

Ruapehu District Council, Rangitikei District Council and Meridian Energy want the definition to exclude holes required for geotechnical investigations or fence posts.

Horizons Regional Council wants the definition for bore amended to specify it only relates to a hole for the purpose of accessing or exploring for water, oil or gas and does not include piezometers installed for monitoring purposes.

Horticulture NZ and Federated Farmers want the definition to be focused on a hole to provide access to groundwater, oil or gas.

### 4.168.2 Evaluation

I recommend the definition for bore be altered in line with the wording included within the submission from Horizons Regional Council. The amended wording provides a more targeted definition to focus on when the construction of bores is an issue for the Plan being in relation to a bore for groundwater, oil or gas. The changes in part address the concerns of the other submitters and provide more certainty as to what the term includes.

### 4.168.3 Recommendation WTR

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.168.3.1 Recommended changes to provision

- (a) Amend the definition for bore in accordance with the changes recommended in track changes for the Glossary.

## **4.169 Glossary – Term – Cleanfill – Water Quality**

### **4.169.1 Summary of submission points**

Pirie Consultants and other submitters seek a definition for cleanfill landfill.

### **4.169.2 Evaluation**

As the term “cleanfill landfill” is not used in the Plan I do not see that there is a need to provide a definition.

### **4.169.3 Recommendation WTR 169**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.169.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.170 Glossary – Term – Composting – Water Quality**

### **4.170.1 Summary of submission points**

Pirie Consultants and other submitters want the definition for composting to provide a distinction between domestic and larger scale composting.

### **4.170.2 Evaluation**

Rule 13-20 covers composting operations as a Permitted Activity. The Rule does not provide a benchmark to distinguish between a garden composting operation and something larger. I consider the points raised by the submitters have validity and I will consider how a distinction between the two types of composting operations is best provided and return to this matter in the Supplementary Report.

### **4.170.3 Recommendation WTR 170**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.170.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.171 Glossary – Term – Cropping – Water Quality**

### **4.171.1 Summary of submission points**

Horticulture NZ and Federated Farmers want the deletion of the definition for cropping or that the definition includes all forms of cropping regardless of use and type of crop grown.

Manawatu District Council wants the references to properties greater than 4 hectares removed from the definition and instead the definition excludes blocks under 4 hectares that are not farmed in conjunction with any other land.

### **4.171.2 Evaluation**

With any definition that includes a list of items there is always the risk that something will be missed. I understand the issues being raised by Horticulture NZ and Federated Farmers and I will work through their particular issues further and return to this matter in the Supplementary Report.

Rule 13-1 identifies cropping as one of the Controlled Activities. Rule 13-1 aims to deal with potential adverse effects associated with nitrogen leaching which I understand is a potential issue with cropping. The definition of cropping is trying to set a benchmark above which the effects will be greater and need to be covered by the Rule. Whilst I accept that the 4 hectare limit is an arbitrary cut off it does provide that benchmark. I consider the changes being proposed by the Manawatu District Council do not add any greater clarity to the definition.

### **4.171.3 Recommendation WTR 171**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.171.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.172 Glossary – Term - Dairy Farming – Water Quality**

### **4.172.1 Summary of submission points**

Ravensdown Fertiliser supports the definition for dairy farming. The support is noted.

Manawatu District Council wants the references to properties greater than 4 hectares removed from the definition and instead the definition excludes blocks under 4 hectares that are not farmed in conjunction with any other land.

### **4.172.2 Evaluation**

I consider the changes being proposed by the Manawatu District Council do not add any greater clarity to the definition.

### **4.172.3 Recommendation WTR 172**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.172.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.173 Glossary – Term - Dead animal matter – Water Quality**

### **4.173.1 Summary of submission points**

Osflo Spreading Industries wants the deletion of the reference to fish within the definition of dead animal matter and seeks to have the definition specifically exclude animal faeces and urine.

### **4.173.2 Evaluation**

Rule 13-4 provides for the offal holes and farm dumps that may contain dead animal matter to be a Permitted Activity. The effects of dead fish can be the same to dead animals particularly in terms of odour effects. I recommend the retention of fish within the definition. Animal faeces and urine are defined as animal effluent and I consider this to be appropriate. No change is recommended.

### **4.173.3 Recommendation WTR 173**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.173.3.1 Recommended changes to provision**

- (a) No changes are recommended.



## **4.174 Glossary – Term - Domestic wastewater – Water Quality**

### **4.174.1 Summary of submission points**

TransPower supports the definition. The support is noted.

Horizons Regional Council wants the definition to include reference to greywater as well as wastewater.

Pirie Consultants and other submitters seek amendments to the definition.

### **4.174.2 Evaluation**

I have recommended that the submission from Horizons Regional Council be accepted and the definition includes reference to greywater as well as wastewater. The changes clarify the definition.

I am unclear precisely what Pirie Consultants and other submitters are seeking regarding amendments to the definition. I will return to this matter in the Supplementary Report.

### **4.174.3 Recommendation WTR 174**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.174.3.1 Recommended changes to provision**

- (a) Amend the definition for domestic wastewater in accordance with the changes recommended in track changes for the Glossary.

## **4.175 Glossary – Term – Fertiliser – Water Quality**

### **4.175.1 Summary of submission points**

Ravensdown Fertiliser supports the definition. The support is noted.

Osflo Spreading Industries wants the definition to include animal faeces and urine.

The Poultry Industries want to ensure that poultry litter is a fertiliser so that the discharge is a Permitted Activity under Rule 13-2.

Horticulture NZ and Federated Farmers want the definition to be amended to read: *“Any substance (whether solid or fluid in form) which is described as or held out to be for, or suitable for, sustaining or increasing the growth, productivity or quality of plants or animals through the application of essential nutrients to plants or soils.”*

### **4.175.2 Evaluation**

Animal faeces and urine are covered under the definition of animal effluent.

Poultry litter is effluent and is covered under Rule 13-6 as a Controlled Activity.

I do not consider that the changes sought by Horticulture NZ and Federated Farmers add any greater clarity to the definition.

### **4.175.3 Recommendation WTR 175**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.175.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.176 Glossary – Term - Intensive sheep and beef farming – Water Quality**

### **4.176.1 Summary of submission points**

Ravensdown Fertiliser supports the definition. The support is noted.

### **4.176.2 Recommendation WTR 176**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.176.2.1 Recommended changes to provision**

- (a) No change is recommended.

## 4.177 Glossary – Term - Maintenance and repair - River and Lake Beds

### 4.177.1 Summary of submission points

Ruapehu District Council and Rangitikei District Council seek that the term maintenance and repair is altered to reflect their submission point.

Pirie Consultants Limited and other submitters seek that the definition be more accurate.

### 4.177.2 Evaluation

As a result of the Land Hearing the Hearing Panel has recommended that:

- All instances of 'repair' be deleted.
- The word 'upgrade' be defined as set out below and replace all instances of repair.
- The definition of 'maintenance' be altered as set out below.

The term Repair is defined in the Glossary as:

~~“Maintenance and repair, in relation to structures<sup>^</sup>, means to keep or restore a structure<sup>^</sup> to good condition and includes the reconstruction or alteration of part of a structure<sup>^</sup>, all activities associated with keeping a structure<sup>^</sup> in good condition, or restoring a structure<sup>^</sup> to good condition, provided that the activity:~~

~~(a) The maintenance D does not result in any increase in the base area of the structure<sup>^</sup>; and~~

~~(b) The activity D does not change the character, scale or intensity of any effects<sup>^</sup> of the structure<sup>^</sup> on the environment<sup>^</sup> (except to reduce any adverse effects<sup>^</sup> or increase any positive effects).~~

Activities covered by this definition include:

~~(c) the reconstruction, alteration, removal or demolition of part of a structure<sup>^</sup>;~~

~~(d) Trimming and removal of vegetation for the purpose of maintaining the functional integrity of a structure<sup>^</sup>;~~

~~(e) the erection and removal of temporary structures<sup>^</sup>;~~

~~(f) the maintenance of access to structures<sup>^</sup>.~~

This definition includes the maintenance of tracks as if they were structures<sup>^</sup>.

[Chairperson’s Minute #3 Point 34] “

Upgrade is defined as:

“Upgrade, in relation to structures<sup>^</sup>, means all activities associated with improving the function of a structure<sup>^</sup> provided the activity:

(a) D does not result in any increase in the base area of the structure<sup>^</sup>; and

(b) Does not change the character, scale or intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects).

Activities covered by this definition include:

(c) The reconstruction, alteration, removal or demolition of part of a structure;

(d) Trimming and removal of vegetation for the purpose of improving the functional integrity of a structure; and

(e) The erection and removal of temporary structures.

This definition includes the upgrade\* of tracks as if they were structures.

[Chairperson's Minute #3 Point 34]"

I accept these consequential changes and have carried them over to the Water Chapters.

I accept in part all of the above submissions to the extent that the changes and consequential amendments discussed address their concerns.

#### **4.177.3 Recommendation WTR 177**

(a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **3.177.3.1 Recommended changes to provision**

(a) Make consequential changes to Chapter 16 to change all instances of the term 'repair' to the term 'upgrade' and accept the consequential changes to the definitions.

## **4.178 Glossary – Term - Market gardening – Water Quality**

### **4.178.1 Summary of submission points**

Mountain Carrots NZ and other submitters including Horticulture NZ want the term market gardening replaced with a definition for horticulture.

Horowhenua Fruitgrowers Association wants fruit removed from the definition of market gardening or provide a separate definition for fruit growing.

Horizons Regional Council wants the terms “tree nuts and citrus fruit” removed from the definition.

Manawatu District Council wants the reference to greater than 4 hectares removed from the definition and instead the definition excludes blocks under 4 hectares that are not farmed in conjunction with any other land.

### **4.178.2 Evaluation**

The term market gardening in Rule 13-1 has been replaced with the term ‘commercial vegetable growing (and market gardening)’ (see section WTR 81). This may meet the concerns of Horticulture New Zealand.

In terms of removing either the reference to fruit in total or tree nuts and citrus fruit as sought by the Regional Council, this is a matter I will return to in the Supplementary Report. If I recommend that the Regional Council submission be accepted then the definition continues to include reference to “other fruit: and this is unclear. I will consider the matter and return to it in the Supplementary Report.

I consider the changes being proposed by the Manawatu District Council do not add any greater clarity to the definition.

### **4.178.3 Recommendation WTR 178**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.178.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.179 Glossary – Term - Public water supply - Ground and Surface Water Allocation**

### **4.179.1 Summary of submission points**

Pirie Consultants and other submitters want the definition to be amended so that it covers public water supply systems or those within the public domain.

NZ Defence wants the definition to be amended to remove the reference to connecting two buildings on separate titles. Horticulture NZ wants the reference to two buildings to be for buildings on separate titles.

### **4.179.2 Evaluation**

I consider the definition is clear and certain and I recommend no changes be made.

### **4.179.3 Recommendation WTR 179**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.179.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.180 Glossary – Term - Reasonable mixing – Water Quality**

### **4.180.1 Summary of submission points**

The territorial authorities and NZ Pharmaceuticals seek that the definition for reasonable mixing be deleted.

### **4.180.2 Evaluation**

The term “*reasonable mixing*” is used throughout the Plan and the definition assists in clarifying what the term means. I recommend the definition be retained.

### **4.180.3 Recommendation WTR 180**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.180.3.1 Recommended changes to provision**

- (a) No changes are recommended.



## **4.181 Glossary – Term - Soil conditioner – Water Quality**

### **4.181.1 Summary of submission points**

Horticulture NZ and Federated Farmers want the definition for soil conditioner to specify the substances of concern in terms of adverse effects on the environment.

### **4.181.2 Evaluation**

I consider the wording of the definition is clear and certain and I do not recommend any change.

### **4.181.3 Recommendation WTR 181**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.181.3.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.182 Glossary – Term - Water management zone – Water Quality**

### **4.182.1 Summary of submission points**

Ravensdown Fertiliser supports the definition. The support is noted.

### **4.182.2 Recommendation WTR 182**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.182.2.1 Recommended changes to provision**

- (a) No changes are recommended.

## **4.183 Schedule B Surface Water Quantity – Table - Ground and Surface Water Allocation**

### **4.183.1 Summary of submission points**

Submissions in relation to Schedule B raise the following issues:

- (a) Support the provisions.
- (b) Alter the minimum flows and core allocations on specific rivers.
- (c) The cumulative core allocation limit should be the existing regime with any new or increased requiring a resource consent application.
- (d) Ensure there is robust science to support the figures in Schedule B.
- (e) Delete the minimum flow and cumulative core allocations until such time as they are determined in agreement with all parties.
- (f) Provide for existing hydro electricity generation as part of the core allocation. Other submitters seek that there be no special treatment for hydro electricity generation.
- (g) Amend Schedule B to have regard to the primacy of section 14 takes.

### **4.183.2 Evaluation**

Amendments to the minimum flows and core allocations are recommended as a result of further scientific assessment as set out in the Science Reports.

Existing hydro electricity schemes are recognised through the core allocations.

There are changes provides in Chapter 15 and in the Policies within Chapter 6 to address the issues of ensuring section 14 matters are accounted for.

### **4.183.3 Recommendation WTR 183**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.183.3.1 Recommended changes to provision**

- (a) Amend Schedule B in accordance with the changes recommended in track changes for Schedule B.

#### **4.184 Schedule C Groundwater Management Zones – General - Ground and Surface Water Allocation**

##### **4.184.1 Summary of submission points**

Horticulture NZ and Federated Farmers want to understand how the volumes in Schedule C were arrived at.

##### **4.184.2 Evaluation**

The Science Reports provide the details regarding Schedule C. The changes proposed to the Schedule are to provide for updated scientific research.

##### **4.184.3 Recommendation WTR 184**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.184.3.1 Recommended changes to provision**

- (a) Amend Schedule C in accordance with the changes recommended in track changes for Schedule C.

## 4.185 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – General – Water Quality

### 4.185.1 Summary of submission points

The submissions raise the following matters in relation to Schedule D:

- (a) Support the Schedule.
- (b) Recognition for fishery values.
- (c) Review the costs and benefits of the water values and management objectives.
- (d) Remove the Mowhanua catchment.
- (e) Replace the Schedule with simplified information.
- (f) Maps of the areas need to be provided.
- (g) Replace references to 3X median flow, median flow and half median flow with 20<sup>th</sup> percentile flow, 50<sup>th</sup> percentile flow and 75<sup>th</sup> percentile flow.
- (h) Delete various rivers from the Schedule.
- (i) Include gravel resources.
- (j) Delete the Schedule.
- (k) Remove the contact recreation values from the Tutanui, Porewa and Lower Hautapu.
- (l) Delete the natural state definition that restricts these rivers to sources in public Conservation land.
- (m) Delete the location of existing surface water flows until such time as they are determined in agreement with all parties.
- (n) Identify existing takes for the Tongariro Power Scheme.
- (o) Include a note that the native fish values are based on existing records.
- (p) Include a policy that the Council will further develop and maintain an inventory of aquatic sites of significance.
- (q) Rename heading as Inanga spawning sites.
- (r) Specific Sites of Significance Aquatic be added.
- (s) Standards should not apply to dairy farming activities.

### 4.185.2 Evaluation

A number of changes are recommended to Schedule D to make it more user friendly and provide updated information. To a large extent these changes address many of the concerns raised by the submitters.

I understand Ms Marr is addressing the issues associated with costs and benefits.

### 4.185.3 Recommendation WTR 185

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.185.3.1 Recommended changes to provision

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.186 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Map D-9 Natural State Value in the Manawatu-Wanganui – Water Quality**

##### **4.186.1 Summary of submission points**

TrustPower wants Map D-9 deleted or amended to include criteria in relation to Natural State.

##### **4.186.2 Evaluation**

A number of changes are recommended to Schedule D to make it more user friendly and provide updated information. For more information see the evidence of Maree Clark – Paragraphs 155 – 160. To an extent these changes may address the concerns of the submitter.

##### **4.186.3 Recommendation WTR 186**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.186.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.187 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Map D-11 Aquatic Sites of Significance in the Manawatu-Wanganui Region – Water Quality**

##### **4.187.1 Summary of submission points**

Horizons Regional Council wants Map D-11 replaced.

##### **4.187.2 Evaluation**

The map has been replaced.

##### **4.187.3 Recommendation WTR 187**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.187.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.188 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Map D12 Riparian Sites of Significance in the Manawatu-Wanganui Region – Water Quality**

##### **4.188.1 Summary of submission points**

TrustPower wants Map D-12 and Table D-6 deleted or the Mangatainoka River and Rangitikei River deleted.

##### **4.188.2 Evaluation**

I do not recommend the submission be accepted. The Sites of Significance – Riparian value is related to provision for riparian nesting bird species such as banded dotterel (which are listed as in Gradual Decline in the NZ Threat Classification System), black fronted dotterel and other wading birds. The riparian gravel habitat of the Mangatainoka and Rangitikei Rivers are important habitat for dotterels that are already recognised in operative plans and policies for this value. The gravel beaches of rivers and streams are critical habitats for dotterel due to their requirement for nesting in these areas and their vulnerability to disturbance when nesting. Further evidence on Riparian sites of significance can be found in the evidence of James Lambie and Kate McArthur.

##### **4.188.3 Recommendation WTR 188**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.188.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.



## **4.189 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Map D-13 Native Fish Spawning Value in the Manawatu-Wanganui Region – Water Quality**

### **4.189.1 Summary of submission points**

TrustPower wants Map D-14 and Table D-8 deleted or the Mangatainoka River, Makakahi River, Rangitikei River, Hautapu River and Manganui o Te Ao River be deleted.

### **4.189.2 Evaluation**

I do not recommend the submission be accepted. The Native Fish Spawning value (recommended to be renamed Inanga Spawning) was determined to recognise that sites where native fish spawn are important to the successful reproduction and continuation of native freshwater fish species, such as inanga. The value has been recommended to be renamed Inanga Spawning to provide specifically for the estuarine habitats which inanga (obligate estuarine spawners) must utilise for successful spawning and reproduction. Inanga are the most common species in the whitebait catch and as such their continue existence in the Region contributes not only to aquatic ecosystem and biodiversity values but also recreational and cultural values. Without protection of the specific spawning sites of inanga, regional populations of inanga (and the values associated with these fish) may be threatened. Sites for inanga spawning were already provided for in operative plans in Appendix 5. Further information on native fish spawning can be found in section 3.2.5 of the evidence of Kate McArthur and the technical report of McArthur *et al.*, 2007 (Sites of Significance for Aquatic Biodiversity).

Additionally rivers listed by Trustpower for exclusion from this value, such as the Mangatainoka, Makakahi, Hautapu, and Manganui o te Ao Rivers are not currently encompassed by the value and only the lower portion of the coastal Rangitikei River is affected.

### **4.189.3 Recommendation WTR 189**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.189.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.190 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Map D-15 Native Fishery Value in the Manawatu-Wanganui Region – Water Quality**

##### **4.190.1 Summary of submission points**

TrustPower wants Map D-15 and Table D-9 deleted or the Rangitikei River deleted.

##### **4.190.2 Evaluation**

I do not recommend the submission be accepted. The Native Fishery value (recommended to be renamed Whitebait Migration and moved into the Ecosystem values group) was determined originally to provide protection for the sustainable harvest of whitebait. However, such harvest is under the management of the Department of Conservation and the recommended value appropriate for provision within the One Plan now relates to protect of habitat and water quality for the successful inward migration of juvenile native fish species commonly known as whitebait. Providing for the safe passage of whitebait from coastal waters into rivers through lower river systems contributes towards maintaining populations and diversity of native fish species at a regional level. Many native fish species found within the whitebait catch are considered either nationally or regionally rare and/or threatened, thus successful juvenile recruitment into adult populations is necessary for the continued existence of these species.

Like the provision for Inanga Spawning, providing for Whitebait Migration contributes not only to indigenous biological diversity, but to recreational and cultural values of water bodies through the activity of fishing for whitebait. Further information on this matter is provided in section 3.3.3 of the evidence of Kate McArthur.

##### **4.190.3 Recommendation WTR 190**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.190.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.191 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - D-16 Trout Fishery Value in the Manawatu-Wanganui Region – Water Quality**

### **4.191.1 Summary of submission points**

TrustPower wants Map D-16 and Table D-10 deleted or the deletion of various rivers.

### **4.191.2 Evaluation**

I do not recommend the submission be accepted. The Trout Fishery value has been applied to waters of the Region to recognise and provide for the habitat and water quality requirements of trout (section 7h of the RMA) as well as the amenity and recreational aspects of trout fishing valued by the Region's communities. For trout fisheries classed as "outstanding" the determination of this value provides for and gives effect to the two National Water Conservation Orders for rivers in the Region: 1) Manganui o te Ao; and 2) Rangitikei. "Regionally significant" trout fisheries provide for and give effect to Local Water Conservation Notices (Makuri, Mangatainoka and upper Hautapu) and rivers with high levels of angler use such as the upper Manawatu. Trout Fishery generally recognises that people value rivers for the ability to utilise them as trout fisheries and the location of this value has been targeted to waters that have the highest use on a regional level. Further information is provided in section 3.3.7 of the evidence of Kate McArthur.

#### **4.191.3 Recommendation WTR 191**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.191.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.192 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - D-17 Trout Spawning Value in the Manawatu-Wanganui Region – Water Quality**

##### **4.192.1 Summary of submission points**

TrustPower wants Map D-17 and Table D-11 deleted or the deletion of various rivers.

##### **4.192.2 Evaluation**

I do not recommend the submission be accepted. The Trout Spawning value is required to provide further for the Trout Fishery value. Without provision for trout spawning, populations of trout are likely to be detrimentally affected by some activities in water bodies or by declining water quality and this could compromise the ability of a water body to sustain an adequate Trout Fishery. The Trout Spawning value has been applied in a targeted fashion only to rivers known to provide suitable spawning habitat for rainbow and brown trout. Further information can be found in section 3.3.8 of the evidence of Kate McArthur.

##### **4.192.3 Recommendation WTR 192**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.192.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.193 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Map D-18 Aesthetics Value in the Manawatu-Wanganui Region– Water Quality**

##### **4.193.1 Summary of submission points**

TrustPower wants Map D-18 and Table D-12 deleted or the deletion of various rivers.

##### **4.193.3 Evaluation**

I do not recommend the submission be accepted. The Aesthetics value has been applied to water bodies that have specific landscape, natural or wilderness characteristics that may be adversely affected by some activities. In many cases the Aesthetics value of a site is also linked to the Amenity and recreational qualities of a particular water body. Further information is provided in the report of Kate McArthur sections 3.3.9 and 3.7.

##### **4.193.4 Recommendation WTR 193**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.193.4.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.194 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Map D-19 Location of Existing Surface Water Takes for Water Supply and Upstream Water bodies in the Manawatu-Wanganui Region – Water Quality**

##### **4.194.1 Summary of submission points**

Angus Gordon wants Map D-19 amended.

##### **4.194.2 Evaluation**

The maps within Schedule D will be available electronically to enable better legibility of the provisions of the maps. Please see the evidence of Maree Clark – Paragraphs 155-160 for more information. I am not clear exactly what the submitter seeks but I will contact the submitter and return to this matter in the Supplementary Report.

##### **4.194.3 Recommendation WTR 194**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.194.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.195 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Map D-20 Location of Existing Surface Water Takes for Industry in the Manawatu-Wanganui Region – Water Quality**

##### **4.195.1 Summary of submission points**

Horizons Regional Council wants Map D-20 deleted.

##### **4.195.2 Evaluation**

I recommend the submission be accepted as the map only showed current surface water takes and would require a plan change to be updated. This value is now zone wide apart from areas where there is no water to be allocated eg. National Water Conservation Order Rivers.

##### **4.195.3 Recommendation WTR 195**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.195.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.196 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Map D-21 Location of Existing Surface Water Takes for Agriculture Use in the Manawatu-Wanganui Region – Water Quality**

##### **4.196.1 Summary of submission points**

Horizons Regional Council wants Map D-21 deleted.

##### **4.196.2 Evaluation**

I recommend the submission be accepted as the map only showed current surface water takes and would require a plan change to be updated. This value is now zone wide apart from areas where there is no water to be allocated eg. National Water Conservation Order Rivers.

##### **4.196.3 Recommendation WTR 196**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.196.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.



#### 4.197 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region - Table D-1 List of values, management objectives, and indication as to where they apply – Water Quality

##### 4.197.1 Summary of submission points

The Bulloch's, Fish and Game and the Manawatu Branch of NZ Green Party support the Table. The support is noted.

Horizons Regional Council seeks to have Table D-1 refer to inanga spawning rather than native fish spawning.

TrustPower wants Table D-1 deleted or the deletion of various rivers from Table D-2 or the deletion of ecosystem, recreational and cultural, water use and social and economic values from Table D-1.

Colin Bond submits that native fish species must never be totally subservient to introduced fish species.

##### 4.197.2 Evaluation

I do not recommend the submission from TrustPower be accepted. The list of values, management objectives and where they apply original proposed in Schedule D has been modified in recommended Schedule Ba (information on these changes can be found in the evidence of Maree Clark). The use of a values-based framework for the management of activities in water bodies is an appropriate and suitable mechanism which provides for and recognises the many and varied values of water from Ecosystem, Recreational and Cultural, Water Use and Social and Economic perspectives in an integrated manner. The proposed NPS on freshwater notes that Regional Councils shall identify and determine values of water and water bodies.

Determining the values of water bodies through the POP provides for clear and transparent management of water, consistent with the management objectives established in the Plan. Spatially defining the values (using the framework of water management zones and sub-zones) and then determining the rules and water quality standards which will provide for those values through the Plan means that the values are locally described, and standards that apply are locally relevant. This is preferred to a blanket 'one size fits all' approach to water resource management that may not be applicable at the local scale.

More information on the general use of values as a water management framework can be found in section 3.1 of the evidence of Kate McArthur and also the evidence of Dr Barry Biggs (paragraphs 13 – 15) and Dr John Quinn (paragraph 19).

I recommend the submission from Horizons Regional Council be accepted.

The submission from Colin Bond is noted.

#### **4.197.3 Recommendation WTR 197**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.197.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## 4.198 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D-2 Values By Zone in the Manawatu-Wanganui Region – Water Quality

### 4.198.1 Summary of submission points

Fish and Game NZ supports Table D-2. The support is noted.

Sustainable Whanganui seeks the inclusion of Wanganui District lakes and Hokowhitu Lagoon in Palmerston North.

Horizons Regional Council seeks various changes to the tables regarding national Water Conservations Orders and the insertion of HSS Hill Soft Sedimentary into Table D-2.

Mr James wants the Irrigation column ticked in relation to the Middle Oroua.

Tanenuiarangi Manawatu Inc wants Mana 10, 11, 12 and 13 to have SOS-clicked and the removal of UVA from Whau-1a 1c.

Genesis Power wants the Tongariro Power Scheme infrastructure recognised as important.

Taranaki Fish and Game Council supports the inclusion of the Table but seeks specific changes to some of the values.

### 4.198.2 Evaluation

A number of changes are recommended to Schedule D to make it more user friendly and provide updated information. To an extent these changes may address the concerns of the submitter. A summary of the users guide for Schedule D can be found in the evidence of Maree Clark

With regards to Genesis energys request to recognise infrastructure – Infrastructure is now recognised as a zone wide value.

I have recommended the submission from the Regional Council be accepted.

I will return to the specifics of the issues raised in the Supplementary Report.

### 4.198.3 Recommendation WTR 198

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### 4.198.3.1 Recommended changes to provision

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.199 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D-4 Life Supporting Capacity Value by Management Zone / Sub-zone in the Manawatu-Wanganui Region – Water Quality**

##### **4.199.1 Summary of submission points**

Gordon Kuggeleijn notes that production forests can lead to indigenous re-colonisation.

TrustPower wants Life Supporting Capacity deleted from Table D-4 or the deletion of various rivers from Map D-9 and Table D-4.

##### **4.199.2 Evaluation**

I do not recommend the submission from TrustPower be accepted. The Life-Supporting Capacity value is a direct translation of the RMA section 5(b). Catchment geology and distance from the sea are the two key drivers of aquatic ecosystem composition in New Zealand in the absence of human activity. As such, the manner in which Horizons has linked the life-supporting capacity to the catchment geology has been done to have regard for the expected life-supporting capacity of aquatic ecosystems within various rivers environments. Maintaining the life-supporting capacity of water air and soil is a key function of regional Councils under the RMA and therefore it is inappropriate to remove this value from the POP. Further information on the Life-Supporting Capacity value can be found in section 3.2.2 of Kate McArthur's evidence.

I note the submission from Mr Kuggeleijn.

##### **4.199.3 Recommendation WTR 199**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.199.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.200 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D-5 Aquatic Sites of Significance in the Manawatu-Wanganui Region – Water Quality**

### **4.200.1 Summary of submission points**

Horizons Regional Council seeks various changes to the Table.

TrustPower wants Map D-11 and Table D-5 deleted or the deletion of various rivers from Map D-11 and Table D-5.

### **4.200.2 Evaluation**

I do not recommend the submission from TrustPower be accepted. The Sites of Significance – Aquatic values was determined to provide for the critical habitat requirements of adult native freshwater fish and the blue duck (whio). Many species of native fish are nationally or regionally rare and/or threatened and the blue duck is also endangered nationally. The SOS-A value approach recognises the threat status of these indicator species and provides a minimum level of protection to ensure populations of native fish do not decline any further regionally. The decline in native fish diversity has been noted by the Ministry for the Environment over the last 30 years (Joy, 2009). The threat status of the species, and the potential for significant and permanent adverse effects on native fish communities and blue duck populations to occur as a result of activities in or adjacent to water bodies warrants the application of this value to sites throughout the Region. Further information can be found in the evidence of Kate McArthur section 3.2.3.

I recommend the submission from the Regional Council be accepted.

### **4.200.3 Recommendation WTR 200**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.200.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.201 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-6 Riparian Sites of Significance in the Manawatu-Wanganui Region – Water Quality**

##### **4.201.1 Summary of submission points**

The Minister of Conservation seeks various changes to re-naming values to cover Significant Sites for Aquatic Birds, an inventory for riparian sites and that this inventory be considered in relation to a resource consent application.

TrustPower wants Map D-12 and Table D-6 deleted or the deletion of the Mangatainoka River and Rangitikei River from Map D-12 and Table D-6.

##### **4.201.2 Evaluation**

I do not recommend the submission from TrustPower be accepted. The Sites of Significance – Riparian value is related to provision for riparian nesting bird species such as banded dotterel (which are listed as in Gradual Decline in the NZ Threat Classification System), black fronted dotterel and other wading birds. The riparian gravel habitat of the Mangatainoka and Rangitikei Rivers are important habitat for dotterels that are already recognised in operative plans and policies for this value. The gravel beaches of rivers and streams are critical habitats for dotterel due to their requirement for nesting in these areas and their vulnerability to disturbance when nesting. Further evidence on Riparian sites of significance can be found in the evidence of James Lambie and Kate McArthur.

I do not recommend the submission from the Minister of Conservation be accepted but I will return to the matters they raise in the Supplementary Report after I have worked through the issues further with the submitter.

##### **4.201.3 Recommendation WTR 201**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.201.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.202 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-8 Amenity Value in the Manawatu-Wanganui Region – Water Quality**

### **4.202.1 Summary of submission points**

TrustPower wants Map D-14 and Table D-8 deleted or the deletion of various rivers from Map D-14 and Table D-8.

### **4.202.2 Evaluation**

I do not recommend the submission from TrustPower be accepted. The Amenity value has been determined to provide for the recreational and passive amenity aspects that water bodies provide to the community for swimming, walking, picnicking etc either in or alongside water. This is an important community value of water and is entirely appropriate to the water bodies listed in Schedule D and recommended Schedule Ba. More information is provided on the Amenity value in the evidence of Kate McArthur, section 3.3.2.

### **4.202.3 Recommendation WTR 202**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.202.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.203 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-9 Native Fishery Value Location in the Manawatu-Wanganui Region – Water Quality**

##### **4.203.1 Summary of submission points**

TrustPower wants Maps D-15 and 16 and Tables D-9 and D-10 deleted or the deletion of various rivers from the Maps and Tables.

##### **4.203.2 Evaluation**

I do not recommend the submission from TrustPower be accepted. The Native Fishery value (recommended to be renamed Whitebait Migration and moved into the Ecosystem values group) was determined originally to provide protection for the sustainable harvest of whitebait. However, such harvest is under the management of the Department of Conservation and the recommended value appropriate for provision within the One Plan now relates to protect of habitat and water quality for the successful inward migration of juvenile native fish species commonly known as whitebait. Providing for the safe passage of whitebait from coastal waters into rivers through lower river systems contributes towards maintaining populations and diversity of native fish species at a regional level. Many native fish species found within the whitebait catch are considered either nationally or regionally rare and/or threatened, thus successful juvenile recruitment into adult populations is necessary for the continued existence of these species.

Like the provision for Inanga Spawning, providing for Whitebait Migration contributes not only to indigenous biological diversity, but to recreational and cultural values of water bodies through the activity of fishing for whitebait. Further information on this matter is provided in section 3.3.3 of the evidence of Kate McArthur.

##### **4.203.3 Recommendation WTR 203**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.203.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.



## **4.204 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-10 Trout Fishery Value in the Manawatu-Wanganui Region – Water Quality**

### **4.204.1 Summary of submission points**

Fish and Game NZ seeks various changes to the provisions of Table D-10.

Andrew Day questions why the emphasis has been placed on trout given they are an introduced predator and the Council should be neutral on this matter.

### **4.204.2 Evaluation**

To an extent the recommended changes to Schedule D meet the concerns raised by Fish and Game NZ.

The Trout Fishery value has been applied to waters of the Region to recognise and provide for the habitat and water quality requirements of trout (section 7h of the RMA) as well as the amenity and recreational aspects of trout fishing valued by the Region's communities. For trout fisheries classed as "outstanding" the determination of this value provides for and gives effect to the two National Water Conservation Orders for rivers in the Region: 1) Manganui o te Ao; and 2) Rangitikei. "Regionally significant" trout fisheries provide for and give effect to Local Water Conservation Notices (Makuri, Mangatainoka and upper Hautapu) and rivers with high levels of angler use such as the upper Manawatu. Trout Fishery generally recognises that people value rivers for the ability to utilise them as trout fisheries and the location of this value has been targeted to waters that have the highest use on a regional level. Further information is provided in section 3.3.7 of the evidence of Kate McArthur.

### **4.204.3 Recommendation WTR 204**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.204.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.205 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-11 Trout Spawning Value in the Manawatu-Wanganui Region– Water Quality**

##### **4.205.1 Summary of submission points**

TrustPower wants Maps D-11 and D-17 and Tables D-5 and D-11 deleted or the deletion of various rivers from the Map and Table.

Fish and Game NZ seeks various changes to the provisions of Table D-10.

Andrew Day questions why the emphasis has been placed on trout given they are an introduced predator and the Council should be neutral on this matter.

##### **4.205.2 Evaluation**

I do not recommend the submission from TrustPower be accepted. The Trout Spawning value is required to provide further for the Trout Fishery value. Without provision for trout spawning, populations of trout are likely to be detrimentally affected by some activities in water bodies or by declining water quality and this could compromise the ability of a water body to sustain an adequate Trout Fishery. The Trout Spawning value has been applied in a targeted fashion only to rivers known to provide suitable spawning habitat for rainbow and brown trout. Further information can be found in section 3.3.8 of the evidence of Kate McArthur.

To an extent the recommended changes to Schedule D meet the concerns raised by Fish and Game NZ.

Trout are a sensitive species and provide a good indicator of water quality to ensure potential effects on other fish species are appropriately covered.

##### **4.205.3 Recommendation WTR 205**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

###### **4.205.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.206 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-11 Aesthetics Value in the Manawatu-Wanganui Region– Water Quality**

### **4.206.1 Summary of submission points**

TrustPower wants Map D-18 and Table D-12 deleted or the deletion of various rivers from the Map and Table.

### **4.206.2 Evaluation**

I do not recommend the submission be accepted. The Aesthetics value has been applied to water bodies that have specific landscape, natural or wilderness characteristics that may be adversely affected by some activities. In many cases the Aesthetics value of a site is also linked to the Amenity and recreational qualities of a particular water body. Further information is provided in the report of Kate McArthur sections 3.3.9 and 3.7.

### **4.206.3 Recommendation WTR 206**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.206.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.207 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – D-14 Location of Existing Surface Water Takes for Industry in the Manawatu-Wanganui Region– Water Quality**

##### **4.207.1 Summary of submission points**

Horizons Regional Council seeks the deletion of Table D-14.

##### **4.207.2 Evaluation**

I recommend the submission be accepted as this Table only showed consents current at the time of notification and can not be updated without a plan change.

I note this value is now zone wide apart from placed where there is no core allocation eg. Rivers with National Water Conservation Orders.

##### **4.207.3 Recommendation WTR 207**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.207.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.208 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region D-15 Location of Existing Surface Water Takes for Agriculture Use in the Manawatu-Wanganui Region– Water Quality**

### **4.208.1 Summary of submission points**

Horizons Regional Council seeks the deletion of Table D-15.

### **4.208.2 Evaluation**

I recommend the submission be accepted as this Table only showed consents current at the time of notification and can not be updated without a plan change.

I note this value is now zone wide apart from placed where there is no core allocation eg. Rivers with National Water Conservation Orders.

### **4.208.3 Recommendation WTR 208**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.208.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.209 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D-16 – Water Quality**

### **4.209.1 Summary of submission points**

The territorial authorities and NZ Pharmaceuticals state that there should be improvement in environmental performance over time and that Table D-16 is unnecessary as the effects of any discharge on the receiving environment should be assessed.

Horizons Regional Council seeks various changes to the Table.

Manawatu District Council seeks alterations to the DRP standard and the deletion of the SIN standard.

### **4.209.2 Evaluation**

I recommend the submission from the Regional Council be accepted.

In terms of the submissions from territorial authorities and NZ Pharmaceuticals I note that the recommended addition of a timeframe of 2030 within Objective 6-1 may assist in meeting some of the concerns of the submitters. I will discuss the particulars of the submissions further with the submitters and return to these matters in the Supplementary Report.

### **4.209.3 Recommendation WTR 209**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.209.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

## **4.210 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D-17 Water quality standards for rivers and streams in each Water Management Sub-zone – Water Quality**

### **4.210.1 Summary of submission points**

Taranaki Fish and Game and Fish and Game NZ support Table D-17. The support is noted.

Horizons Regional Council seeks various changes to the Table.

Manawatu District Council seeks the deletion of the SIN standard.

Winstone Pulp International wants the standards in Schedule D deleted or amended to more appropriately reflect existing water quality.

### **4.210.2 Evaluation**

I recommend the submission from the Regional Council be accepted.

I have recommended the submission from Manawatu District Council be rejected. SIN standards are necessary and appropriate for mitigating potential adverse effects and should be retained.

I am not recommending that Schedule D be deleted as sought by Winstone Pulp International. I will however, discuss with the submitter whether the recommended alterations meet their concerns.

### **4.210.3 Recommendation WTR 210**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.210.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.

#### **4.211 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D-19 – Water Quality**

##### **4.211.1 Summary of submission points**

Horizons Regional Council seeks to change the symbol from “change” to “percentage change”.

##### **4.211.2 Evaluation**

I recommend the submission from the Regional Council be accepted as this will clarify the intent of the table.

##### **4.211.3 Recommendation WTR 211**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

##### **4.211.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.



## **4.212 Schedule D Values that apply to Water bodies in the Manawatu-Wanganui Region – Table D20 – Water Quality**

### **4.212.1 Summary of submission points**

Horizons Regional Council seeks to change the symbol from “change” to “percentage change”.

### **4.212.2 Evaluation**

I recommend the submission from the Regional Council be accepted as this will clarify the intent of the table.

### **4.212.3 Recommendation WTR 212**

- (a) The recommendations on individual submissions on this section are contained within Attachment 1.

#### **4.212.3.1 Recommended changes to provision**

- (a) Amend Schedule D in accordance with the changes recommended in track changes for Schedule D.



## Appendix 1 - Summary of the National Water Conservation Orders and Local Water Conservation Notices

### National and local water conservation orders – summary

Notice contents	Mangatainoka River	Makuri River	Hautapu River	Rangitikei River (Upper)	Rangitikei River (Middle)	Manganui O Te Ao River
Notice type	Local Water Conservation Order	Local Water Conservation Order	Local Water Conservation Order	National Water Conservation Order	National Water Conservation Order	National Water Conservation Order
Area covered	From source point (specified) including all tributaries, including the Makakahi River to its confluence with the Tiraumea River	From source point (specified) including all tributaries to its confluence with the "Tiraumea"	From source point including all tributaries to its confluence with the "Oraukura stream"	The Upper river is defined as the source to the confluence with the Makahikatoa stream and all tributaries upstream of that confluence	The Middle river means the Rangitikei river itself from the confluence with the Makahikatoa stream downstream to the Mangarere bridge and the Whakaurekau river and tributaries, Kawhatau River and the following tributaries namely the Pouranaki River and Mangakoheke stream	Manganui O Te Ao River and its tributaries, the Mangaturuturu and Makatote Rivers and the Waimarino and Orautoha streams
Characteristic to be protected (1)		Scenic characteristics of regional significance		Outstanding Wild and scenic characteristics.	Outstanding scenic characteristics.	Outstand Wild and scenic characteristics
Characteristic to be protected (2)	Recreational fishery of regional significance	Fisheries of regional significance	Regional significance as a brown trout fishery	Outstanding fisheries features	Outstanding fisheries features	Outstanding recreational fishery.
Characteristic to be protected (3)		Recreational features of regional significance		Outstanding recreational features	Outstanding recreational features	
Characteristic to be protected (4)		Wildlife habitat features of regional significance		Outstanding wildlife habitat features		Outstanding wildlife habitat for the blue duck or whio
Damming	Right not to be	Right not to be	Right not to be	Right not to be	Right not to be granted	Right not to be

Notice contents	Mangatainoka River	Makuri River	Hautapu River	Rangitikei River (Upper)	Rangitikei River (Middle)	Manganui O Te Ao River
	granted (prohibited)	granted (prohibited)	granted (prohibited)	granted (prohibited)	(prohibited)	granted (prohibited)
Rate of natural flow	No standard is specified – but the notice states:  Any water takes must not “have a significant adverse effect” on the value of ‘recreational fishery’.	River flow must not go below 95%	Any water right must not “diminish the fisheries habitat”	Retained in natural state	Must not be less than 95% of natural state flow.	The Manganui O Te Ao Above the confluence with the Waimarino stream and the Mangaturuturu and Makatote Rivers – must stay in their natural state  The Manganui O Te Ao below this point and the Waimarino and Orautoha streams must not be less than 95% of normal flow or fall below the minimum flow
Water quality requirements	With regards to water quality and discharges into this river the notice sets out a number of standards which must be met after reasonable mixing has taken place.	With regards to water quality and discharges into this river the notice sets out a number of standards which must be met after reasonable mixing has taken place.		With regards to water quality and discharges into this river the notice sets out a number of standards which must be met after reasonable mixing has taken place.	With regards to water quality and discharges into this river the notice sets out a number of standards which must be met after reasonable mixing has taken place.	With regards to water quality and discharges into this river the notice sets out a number of standards which must be met after reasonable mixing has taken place.
Exclusions	It shall be lawful for a water right to be granted or general authorization made for the purpose of:	It shall be lawful for a water right to be granted or general authorization made for the purpose of:	It shall be lawful for a water right to be granted or general authorization made for the purpose of:	It shall be lawful for a water right to be granted or general authorization made for the purpose of:	It shall be lawful for a water right to be granted or general authorization made for the purpose of: • Research/	It shall be lawful for a water right to be granted or general authorization made for the purpose of:

Notice contents	Mangatainoka River	Makuri River	Hautapu River	Rangitikei River (Upper)	Rangitikei River (Middle)	Manganui O Te Ao River
	<ul style="list-style-type: none"> <li>• Research/ enhancement of fishery habitats</li> <li>• Mitigation of the effects of flooding and erosion under the soil conservation and rivers control act 1941</li> <li>• The maintenance of roads, bridges and other public utilities</li> <li>• The extraction of gravel provided it is not from the water channel of the river and the water quality requirements are met</li> </ul> <p>Nothing shall prevent the renewal of any water right or general authorization which is current on the commencement of this order.</p>	<ul style="list-style-type: none"> <li>• Research/ enhancement of fishery habitats</li> <li>• Mitigation of the effects of flooding and erosion under the soil conservation and rivers control act 1941</li> <li>• The maintenance of roads, bridges and other public utilities</li> <li>• The extraction of gravel provided it is not from the water channel of the river and the water quality requirements are met</li> </ul> <p>Nothing shall prevent the renewal of any water right or general authorization which is current on the commencement of this order.</p>	<ul style="list-style-type: none"> <li>• Research/ enhancement of fishery habitats</li> <li>• Mitigation of the effects of flooding and erosion under the soil conservation and rivers control act 1941</li> <li>• The maintenance of roads, bridges and other public utilities</li> </ul> <p>Nothing shall prevent the renewal of any water right or general authorization which is current on the commencement of this order.</p>	<ul style="list-style-type: none"> <li>• Research/ enhancement of fishery habitats</li> <li>• Mitigation of the effects of flooding and erosion under the soil conservation and rivers control act 1941</li> <li>• The maintenance of roads, bridges and other public utilities</li> </ul> <p>Nothing shall prevent the renewal of any water right or general authorization which is current on the commencement of this order.</p>	<ul style="list-style-type: none"> <li>enhancement of fishery habitats</li> <li>• Mitigation of the effects of flooding and erosion under the soil conservation and rivers control act 1941</li> <li>• The maintenance of roads, bridges and other public utilities</li> </ul> <p>Nothing shall prevent the renewal of any water right or general authorization which is current on the commencement of this order.</p>	<ul style="list-style-type: none"> <li>• Research/ enhancement of fishery habitats</li> <li>• Mitigation of the effects of flooding and erosion under the soil conservation and rivers control act 1941</li> <li>• The maintenance of roads, bridges and other public utilities</li> </ul>

## Appendix 2: Fords – comparison of Regional Plans with regards to rules and standards for fords.

Council	Plan Name	Plan reference	Restriction on size of fords?
Horizons Regional Council	Operative Beds of Rivers and Lakes plan	Rule 11	No restriction on size, but catchment must be less than 200ha
	Proposed One Plan	Rule 16-12	Must be no larger than 20m2
Greater Wellington	Regional Freshwater plan	Rule 25 Culverts, weirs, fords and small bridges in intermittently flowing streams	Permitted activity with no restrictions on size; but catchment must not exceed 200ha in most areas and 50ha on the western side of the region and must be streams which intermittently flow.
		Rule 47 Culverts, weirs, fords, and bridges in rivers and streams	Controlled activity if the ford disturbs less than 20m3 of bed material.
Environment Waikato	Waikato regional plan	4.2.11.1 Permitted Activity Rule - Fords	Permitted activity – no restrictions on size of ford nor the catchment size
Environment Southland	Proposed fresh water plan	Rule 31 - Fords	Permitted activity – no restrictions on size of ford nor the catchment size
Auckland Regional Council	Proposed Auckland Regional Plan		The length of any new structure shall not exceed 30 metres in total when measured parallel to the direction of water flow, and no new structure shall be erected or placed in individual lengths of 30 metres or less where this would progressively encase or otherwise modify the bed of a Permanent river or stream
Environment bay of plenty	Bay of Plenty Regional Water and Land Plan	Rule 62 - Fords	No restrictions on size of ford or catchment; water depth must not be more than .6m at time of construction and less then .3m after construction. Banks also must be less than 1m high and not at an angle more than 30 degrees.
Hawke's Bay Regional Council.	Hawke's Bay Regional Resource Management Plan.	Rule 72 - Erection & placement of other structures, including bridges, culverts & other access structures	The catchment above the structure shall be no greater than 150ha

All rules had conditions around disturbances at particular times of the year, sediment loss and appropriate material etc.