SUBMISSION ON THE PROPOSED SOUTHLAND WATER AND LAND PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

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A. INTRODUCTION

1. The Oil Companies receive, store and distribute refined petroleum products.

2. The Oil Companies have commercial, shore and marine based, and aviation and bulk storage facilities in the Southland region and are also owners of retail outlets and suppliers of petroleum products to individually owned retail outlets and commercial clients.

3. Bluff is a key coastal gateway for regular fuel imports to the region from the Marsden Point Oil Refinery. Mobil operates a bulk storage terminal at Bluff Terminal which provides an important link in the fuel supply chain for the South Island. The Z Energy storage terminal at Bluff is not currently operational. Activities at the terminals that are relevant to Environment Southland’s (Council’s) functions as a regional authority are however primarily addressed under the Regional Coastal Plan.

4. The comments on these provisions are therefore focused on the key issues to the Oil Companies as they relate to water quality and quantity, contaminated land, discharges and hazards.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE OIL COMPANIES SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

5. The submission relates primarily to Part A of the Proposed Water and Land Plan (pWLP), including the supporting appendices.

6. The specific provision submitted on, the rationale for the Oil Companies’ submission on each of these matters, and the relief sought is contained in the following schedules.

7. In addition to the specific outcomes sought in the attached Schedules, the following general relief is sought:

   a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
   b) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
   c) Meet the requirements of the statutory tests in section 32 of the RMA;
   d) Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
   e) Avoid, remedy or mitigate any relevant and identified environmental effects;
   f) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the pWLP that
are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and

\( g \) Any other relief required to give effect to the issues raised in this submission.

C. THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

\( i \) ADVERSELY AFFECTS THE ENVIRONMENT; AND

\( ii \) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Signed on and behalf of Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Ltd

Mark Laurenson
Senior Planner

1 August 2016
SCHEDULE ONE
STATUTORY CONTEXT OF THE PLAN

A. The specific part of the pWLP that is subject of this submission is:

- Explanation of the National Environmental Standard for Contaminated Land, which is supported.

B. The reason for the submission:

National Environmental Standard for Contaminated Land

1.1. The explanation of the purpose of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) provided in the pWLP is as follows:

‘...to provide a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary the land is remediated or the contaminants contained to make the land safe for human use.’

1.2. The explanation of the NES is in line with the Regulations and the NES Users’ Guide and is supported.

C. Relief sought (Additions are underlined with deletions in strikethrough)

1. Retain the explanation of the NES without modification.

2. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions.
A. The specific part of the pWLP that is subject of this submission is:

- Objectives 1 to 6, 8 to 12 and 14 to 18, which are supported.
- Objective 7, which is supported in part.
- Objective 13, which is supported in part.

B. The reason for the submission:

2.1 Objectives 1 to 6, 8 to 12 and 14 to 18 are supported and should be retained without modification.

**Objective 1**
Land and water and associated ecosystems are managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

**Objective 2**
Water and land is recognised as an enabler of the economic, social and cultural wellbeing of the region.

**Objective 3**
The mauri (inherent health) of waterbodies provide for te hauora o te tangata (health of the people), te hauora o te taiao (health of the environment) and te hauora o te wai (health of the waterbody).

**Objective 4**
Tāngata whenua values and interests are identified and reflected in the management of freshwater and associated ecosystems.

**Objective 5**
Ngāi Tahu have access to and sustainable customary use of, both commercial and non-commercial, mahinga kai resources, nohoanga, mātaitai and taiāpure.

**Objective 6**
There is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons, by:
(a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and
(b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.
Objective 8
(a) The quality of water in aquifers that meet both the Drinking-Water Standards for New Zealand 2005 (revised 2008) and any freshwater objectives, including for connected surface waterbodies, established under Freshwater Management Unit processes is maintained; and
(b) The quality of water in aquifers that have been degraded by land use and discharge activities (with the exception of those aquifers where ambient water quality is naturally less than the Drinking-Water Standards for New Zealand 2005 (revised 2008)) is improved.

Objective 9
(a) The quantity of water in surface waterbodies is managed so that aquatic ecosystem health, life-supporting capacity, outstanding natural features and landscapes, recreational values, natural character, and historic heritage values of surface waterbodies and their margins are safeguarded; and
(b) Provided (a) is met, water is available both instream and out-of-stream to support the reasonable needs of people and communities to provide for their social, economic and cultural wellbeing.

Objective 10
The national importance of the existing Manapōuri Power Scheme in the Waiau catchment is provided for, and recognised in any resulting flow and level regime.

Objective 11
Water is allocated and used efficiently.

Objective 12
Groundwater levels, and minimum surface water flows where these are derived from groundwater, are maintained.

Objective 14
The range and diversity of indigenous ecosystem types and habitats within dryland environments, rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.

Objective 15
Taonga species, as set out in Appendix M, and related habitats, are recognised and provided for.

Objective 16
Public access to river and lake beds is maintained, except in circumstances where public health and safety are at risk.
**Objective 17**
The natural character values of wetlands, rivers and lakes including channel form, bed rapids, seasonably variable flows and natural habitats, are protected from inappropriate use and development.

**Objective 18**
All activities operate at “good (environmental) management practice” or better to optimise efficient resource use and protect the region’s land, soils, and water from quality and quantity degradation.

**Objective 7**

2.2 Objective 7 seeks to avoid any further over allocation of freshwater with existing over-allocation to be phased out. While the principle of avoiding over allocation is acknowledged, the Oil Companies seek to amend Objective 7 to recognise that it is appropriate to provide for water takes for temporary construction dewatering and groundwater monitoring, including in over allocated aquifers. The basis for this approach is best understood with an appreciation of the nature and effects of such dewatering activities.

2.3 Dewatering by the Oil Companies is typically undertaken when replacing or installing underground petroleum storage systems (UPSS) in areas where seasonal groundwater is closer than five metres to the ground surface. These activities could be required at a range of sites, for instance at a new service station or to facilitate the upgrade or maintenance of an existing site, noting that tanks have a limited design life.

2.4 Dewatering is required to enable the safe and appropriate installation of tanks in accordance with the relevant code of practice for the design and installation of below ground petroleum tanks\(^1\). In particular, dewatering enables contractors to safely access the base of the tank pit to anchor tanks to beams and to prevent them from floating out of position.

2.5 While a groundwater take for dewatering a tank pit may, in a technical sense, be considered a form of abstraction, it is the result of the interception of groundwater during earthworks to facilitate tank installation work rather than any desire to take groundwater. Further, where there is a need to take groundwater, significant measures are in fact taken to minimise the volume of water taken. The potential rates and volumes of water required to be removed are typically greater than permitted activity allowances in Southland.

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\(^1\) Environmental Protection Authority, Below ground stationary container systems for petroleum – design and installation, HSNOCOP44, Version 1, June 2013
2.6 Dewatering abstractions for tanks are also shallow, short term and are most often discharged promptly within the same catchment, typically to the reticulated stormwater network. Where no connection to the reticulated stormwater network is available, discharge to ground may occur.

2.7 The general approach to dewatering is relatively standard between the Oil Companies and the environmental outcomes sought from the process are the same. Dewatering for tank installation typically involves sheet piling to a depth of approximately six to eight metres to retain the walls of the tank pit and restrict water ingress from the horizontal plane. The tank pit is then usually excavated to a depth of approximately five metres and water is pumped from a low point in the pit via a submersible pump.

2.8 There are two distinct phases to dewatering. There is an initial drawdown period when higher rates may be pumped to remove the water in the pit. The second phase is a maintenance period where the pumping is maintaining the drawdown in the pit. The maximum rate of abstraction generally sought is 40 litres per second with reduced rates likely after initial drawdown is achieved. The duration of the take is the time taken to excavate below the existing water table and to complete the tank pit base preparation and the subsequent install and backfill. Required pumping is typically three to five days but contingency is typically sought for up to 10 days.

2.9 Treatment of abstracted groundwater is often necessary to minimise the potential for the discharge of contaminants and the methodologies of the respective companies are well documented.

2.10 The installation and replacement of underground tanks is essential to the Oil Companies’ operations. The short term nature of these activities and the measures that are in place to minimise off site effects are such that dewatering takes should be provided for, even in over allocated aquifers.

2.11 Minor groundwater takes may also be associated with potential contaminated land investigations or monitoring. It would not make sense to limit these activities should they be necessary in an over allocated aquifer.

2.12 These activities could be provided for subject to the following changes to Objective 7:

**Objective 7**

*Any With the exception of abstraction of groundwater for monitoring purposes or temporary construction dewatering activities, further over-allocation of freshwater (water quality and quantity) is avoided and existing over-allocation is phased out in accordance with timeframes established under Freshwater Management Unit processes.*
Objective 13

2.13 Objective 13 is supported in part. However, the specific reference to cumulative effects at Clause (b) suggests any cumulative effects should be avoided, as opposed to just significant cumulative effects. The objective should rely on the meaning of effect as defined in section 3 of the Resource Management Act (the Act) which encapsulates the full range of effects.

Objective 13
Enable the use and development of land and soils, provided:
(a) the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities and discharges to land;
(b) the discharge of contaminants to land or water that have significant or cumulative effects on human health are avoided; and
(c) adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.

C. Relief sought (Additions are underlined with deletions in strikethrough)

3. Retain Objectives 1 to 6, 8 to 12 and 14 to 18 without modification.

4. Ensure Objective 7 recognises that it is appropriate to provide for water takes for temporary construction dewatering activities, including in over allocated aquifers. This could be achieved by amending Objective 7 as follows:

Objective 7
Any With the exception of abstraction of groundwater for monitoring purposes or temporary construction dewatering activities, further over-allocation of freshwater (water quality and quantity) is avoided and existing over-allocation is phased out in accordance with timeframes established under Freshwater Management Unit processes.

5. Amend clause (b) of Objective 13 to refer to all significant effects from the discharge of contaminants. This could be achieved by deleting ‘cumulative’ from clause (b) and relying instead on the definition of effects in the Act, which encapsulates cumulative effects.

Objective 13
Enable the use and development of land and soils, provided:
(a) the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities and discharges to land;
(b) the discharge of contaminants to land or water that have significant or cumulative effects on human health are avoided; and
(c) adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.

6. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions.
A. The specific part of the pWLP that is subject of this submission is:

- Policies 1 and 3, which are supported.
- Policy 2, which is supported in part.
- Physiographic Zone Policies 4 to 12, which are opposed in part.
- Policies 14, 20, 22 and 23 which are supported.
- Policy 13, which is supported in part.
- Policy 15, which is opposed in part.
- Policy 21, which is supported in part.
- Policy 27, which is supported.
- New Policy addressing assessment of contaminated land, which is proposed.
- Policy 36, which is opposed in part.
- Policy 38, which is supported.
- Policies 39 and 39A, which are supported.
- Policy 40, which is supported in part.
- Policy 41, which is supported.
- Policy 42, which is supported in part.
- Policies 44 to 47, which are supported in part.

B. The reason for the submission:

Ngāi Tahu Policies

3.1 Policies 1 and 3 recognise the importance of involving Ngai Tahu in resource management matters and are supported and should be retained without modification.

Policy 1 – Enable papatipu rūnanga to participate

Enable papatipu rūnanga to effectively undertake their kaitiaki responsibilities in freshwater and land management through Environment Southland:

1. providing copies of all applications that may affect a Statutory Acknowledgement area, tōpuni, nohoanga, mātaitai or taiāpure to Te Rūnanga o Ngāi Tahu and the relevant papatipu rūnanga;
2. identifying Ngāi Tahu interests in freshwater and associated ecosystems in Southland/Murihiku;
3. reflect Ngāi Tahu values and interests in the management of and decision-making on freshwater and freshwater ecosystems in Southland/Murihiku, consistent with the Charter of Understanding.

Policy 3 – Ngāi Tahu ki Murihiku taonga species

To manage activities that adversely affect taonga species, identified in Appendix M.
Policy 2

3.2 The importance of assessing activities in accordance with iwi management plans is recognised and this would be secured through clause 1 of this policy. An assessment of water quality and quantity based on Ngai Tahu indicators of health, as required by clause (2), may be necessary to support applications in certain instances but such requirements, including the process of seeking input from iwi, should be articulated through the relevant iwi management plan. Iwi, in conjunction with Council, may seek to revise the management plan accordingly.

3.3 For these reasons Clause 2 should be deleted with reliance placed on proposals being assessed in accordance with clause 1.

Policy 2 – Take into account iwi management plans
Any assessment of an activity covered by this plan must:
1. take into account any relevant iwi management plan; and
2. assess water quality and quantity based on Ngāi Tahu indicators of health.

3.4 Alternatively, clause 2 could be clarified to require an assessment of Ngāi Tahu indicators of health in particular circumstances, for instance State of the Environment monitoring, to better define when iwi should be involved in water quality and quantity assessments and to avoid any suggestion of a need to involve iwi in all water quality and quantity assessments, regardless of scale and significance.

Physiographic Zone Policies

3.5 There is significant repetition across policies 4 to 12 and while the corresponding rules suggest these policies are intended to apply to agricultural activities, this is unclear from the policies as notified:

Policy 4 – Alpine
In the Alpine physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow;
2. having particular regard to adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering management plans;
3. prohibiting dairy farming, and intensive winter grazing and strongly discouraging the granting of resource consents for cultivation.

Policy 5 – Central Plains
In the Central Plains physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage and deep drainage;
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering management plans.

**Policy 6 – Gleyed**

In the Gleyed physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering management plans.

**Policy 7 – Bedrock/Hill Country**

In the Bedrock/Hill Country physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering management plans.

**Policy 8 – Lignite-Marine Terraces**

In the Lignite–Marine Terraces physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering management plans.

**Policy 9 – Old Mataura**

In the Old Mataura physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent applications and preparing or considering management plans;
3. strongly discouraging the granting of resource consents for additional dairy farming of cows and additional intensive winter grazing.

**Policy 10 – Oxidising**
In the Oxidising physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering management plans;

**Policy 11 – Peat Wetlands**
In the Peat Wetlands physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage;
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage when assessing resource consent applications and preparing or considering management plans;
3. strongly discouraging the granting of resource consents for additional dairy farming of cows and additional intensive winter grazing.

**Policy 12 – Riverine**
In the Riverine physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering management plans.

3.6 To aid the usability of the pWLP the Oil Companies seek changes to consolidate these policies and clarify that they are relevant to agricultural activities rather than the range of other activities that occur in the referenced physiographic zones, including activities undertaken by the Oil Companies at service stations across the region and at regionally important facilities such as Invercargill Airport. Clarification should also be provided for
areas outside the nine physiographic zones described in the pWLP. For instance, the Invercargill central city area is mapped on Council’s GIS as ‘Physiographic Zone: Urban Area’. No discussion is however provided in the pWLP around such a zone. A note to plan users addressing discharges outside the nine physiographic zones referenced in the pWLP, for instance the Urban Area, should be provided. Discharges from such sites should be addressed under general policies relating to water quality. This could be achieved by replacing Policies 4 to 12 with the following three policies and a new note to plan users:

**Physiographic Zone Policies**

**Policy 4** - Avoid, remedy or mitigate erosion and adverse effects on water quality from contaminants arising from agricultural activities in each of the physiographic zones listed below by requiring implementation of good management practices and, when assessing resource consent applications and preparing or considering resource management plans, having particular regard to transportation of contaminants via the following pathways in the respective zones:

- **Alpine** – Overland flow
- **Central Plains** – Artificial drainage and deep drainage
- **Gleyed, Bedrock/Hill Country, Lignite Marine Terraces** – Artificial drainage and overland flow
- **Old Mataura** – Deep drainage
- **Oxidising** – Deep drainage, overland flow, and artificial drainage
- **Peat Wetlands** – Artificial drainage, deep drainage, and lateral drainage
- **Riverine** – Deep drainage and overland flow

**Note to plan users:** There are no specific policies for other defined physiographic zones in the region, for instance the Urban Area physiographic zone.

**Alpine physiographic zone**

**Policy 5** – Prohibit dairy farming, and intensive winter grazing strongly discourage the granting of resource consents for cultivation.

**Old Mataura and Peat Wetland physiographic zones**

**Policy 6** – Strongly discourage the granting of resource consents for additional dairy farming of cows and additional intensive winter grazing.
Water Quality and Quantity Policies

3.7 Policies 14, 20, 22, and 23 are supported and should be retained without modification.

Policy 14 – Preference for discharges to land
Prefer discharges to land, rather than direct discharges to water.

Policy 20 – Management of water resources
Manage the taking, abstraction, use, damming or diversion of surface water and groundwater so as to:
1. avoid, remedy or mitigate adverse effects from the use and development of surface water resources on:
   (a) the quality and quantity of aquatic habitat;
   (b) natural character values, natural features, and amenity, aesthetic and landscape values;
   (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
   (d) recreational values;
   (e) the spiritual and cultural values and beliefs of tangata whenua;
   (f) water quality, including temperature and oxygen content;
   (g) the rights of lawful existing users;
   (h) groundwater quality and quantity;
   (i) historic heritage values;
   (j) mātaitai, taiāpure and nohoanga;

2. avoid, remedy or mitigate significant adverse effects from the use and development of groundwater resources:
   (a) long-term aquifer storage volumes;
   (b) the reliability of supply for existing groundwater users;
   (c) surface water flows and levels, particularly in spring-fed streams, and aquatic ecosystems and habitats; and
   (d) water quality;

3. ensure water is used efficiently and reasonably by requiring that the rate of abstraction and abstraction volumes specified on water permits to take and use water are no more than reasonable for the intended end use;

4. recognise the positive effects resulting from the use and development of water resources.

Policy 22 – Management of the effects of groundwater and surface water use
Manage the effects of surface and groundwater abstractions by:
1. avoiding allocating water to the extent that the base flow of any waterway is depleted, in order to protect the mauri of that waterway and mahinga kai or taonga species;
2. ensuring interference effects are acceptable, in accordance with Appendix L.3;
3. utilising the methodology established in Appendix L.2 to:
   (a) manage groundwater abstractions with a daily volume exceeding 86 cubic metres per day on surface waterbodies; and
   (b) assess and manage the effects of groundwater abstractions with a daily volume exceeding 86 cubic metres per day in groundwater management zones other than those specified in Appendix L.5.

**Policy 23 – Stream depletion effects**

Manage stream depletion effects resulting from groundwater takes with a daily average rate of take exceeding 2 litres per second which are classified as having a Riparian, Direct, High or Moderate hydraulic connection, as set out in Appendix L.2, to ensure the cumulative effect does not:
1. exceed any relevant surface water allocation regime (including those established under any water conservation order);
2. result in surface water flows or levels less than prescribed minimum flows or levels or long-term baseflow.

**Policy 13**

3.8 Policy 13 requires management of land use activities and discharges to protect land and water so that water quality and the health of humans, domestic animals and aquatic life is protected. The policy should be amended to focus on the function of the regional council and would be more appropriately limited to discharges and regional land use activities, noting that this is not a regional policy statement which district plans must give effect to.

3.9 Unless clearly targeted, blanket protection is also not an appropriate threshold and may be interpreted as not allowing any adverse effects on water quality. While this may be appropriate in some receiving environments, for instance a national park, the same level of protection may not be warranted in an urban environment. It would instead be appropriate to require management to avoid, remedy or mitigate adverse effects on water quality and to require protection of the health of humans, domestic and aquatic life. This could be achieved by making the following amendments:

**Policy 13 – Management of regional land use activities and discharges**

Manage regional land use activities and discharges (point source and non-point source) to land and water so that adverse effects on water quality are avoided, remedied or mitigated, water quality and the health of humans, domestic animals and aquatic life, is protected.
Policy 13 – Management of regional land use activities and discharges

Manage regional land use activities and discharges (point source and non-point source) to land and water so that water quality remains protective of and the health of humans, domestic animals and aquatic life, is protected.

Policy 15

3.10 Policy 15 is complicated and unwieldy and as a result the policy intent is unclear. However, the avoidance threshold at a policy level appears to set a very high threshold for new discharges. This threshold may have unintended consequences for discharges, for instance discharges from reticulated stormwater networks to surface water may have adverse effects beyond the zone of reasonable mixing and therefore may be considered contrary to clause (1) of this policy. This is reinforced further by the suggestion that this avoidance policy should be applied despite any other policy or objective in this plan, suggesting that Council does not consider that weight should be given to the collective provisions of the pWLP in coming to a balanced assessment regarding water quality.

3.11 The policy also doesn’t recognise that particular standards and appendices are relevant to surface or groundwater, not necessarily both.

3.12 Policy 15 should be amended as follows to ensure the policy is clear and workable and does not unduly preclude discharges across the region. The changes also ensure that the referenced standards are appropriate to the nature of the discharge.

Policy 15 – Maintaining and improving water quality

Maintain and improve water quality so that:
1. despite any other policy or objective in this Plan, avoiding new point source discharges to surface waterbodies that will reduce water quality beyond the zone of reasonable mixing;
2. avoiding point source and non-point source discharges to land that will reduce surface water or groundwater quality, unless the adverse effects of the discharge can be avoided, remedied or mitigated;
3. avoiding land use activities that will reduce surface water or groundwater quality, unless the adverse effects can be avoided, remedied or mitigated; and
4. avoiding discharges to artificial watercourses that will reduce water quality in a river, lake or modified watercourse beyond the zone of reasonable mixing;

so that:
1. **surface water quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards” and ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met; or**

2. **surface water quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards” and ANZECC sediment guidelines (as shown in Appendix C of this Plan); and**

3. **groundwater quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards” and ANZECC sediment guidelines (as shown in Appendix C of this Plan); and**

4. **groundwater quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards” and ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met.**

**Policy 21**

3.13 Amend Policy 21 in line with the proposed changes to Objective 7 to provide policy support for abstraction associated with temporary construction dewatering activities, including where aquifers are over allocated, to recognise that dewatering facilitates essential maintenance activities. This could be achieved by adding clause 4 to policy 21 as follows:

**Policy 21 – Allocation of water**

Manage the allocation of surface water and groundwater by:

1. determining the primary allocation for confined aquifers not identified in Appendix L.5, following the methodology established in Appendix L.6;

2. determining that a waterbody is fully allocated when the total volume of water allocated through current resource consents and permitted activities is equal to either:

   (a) the maximum amount that may be allocated under the rules of this Plan, or
   
   (b) the provisions of any water conservation order;

3. enabling secondary allocation of surface water and groundwater subject to appropriate minimum groundwater level cutoffs and/or seasonal recovery triggers, to ensure:

   (a) long-term aquifer storage volumes are maintained; and
   
   (b) the reliability of supply for existing groundwater users is not adversely affected.

4. enabling abstraction for temporary construction dewatering activities where water taken is returned to the aquifer or a connected surface water body, including discharges returned to the catchment via the reticulated stormwater network.
Activities that affect water quality and quantity

Policy 27

3.14 Policy 27 is supported and should be retained without modification. The rule and definition relating to bores and wells are however addressed further at Schedule four.

Policy 27 – Bore construction and management
Require minimum standards for the construction, operation and maintenance of bores and wells.

New Policy X - Assess land contaminated by a hazardous substance

3.15 Unlike the operative Regional Water and Land Plan, the pWLP does not include a policy supporting the assessment of contaminated land. Policy 47 of the operative Regional Water Plan provides particularly important support for the assessment of contaminated land and provides a clear link to risk and the Ministry for the Environment (MfE) Contaminated Land Management Guidelines (the Contaminated Land Guidelines):

Policy 47 – Assess land contaminated by a hazardous substance
Assess the environmental risk of a discharge from land contaminated by a hazardous substance by using guideline values that are appropriate to the discharge and the site.

3.16 The corresponding explanation to the policy sets out that passive discharges of hazardous substances may have actual or potential effects on the environment but recognises that the risk to the environment will depend on a range of factors, including the nature of the hazard, the existence of exposure pathways and the sensitivity of receiving environments. The explanation establishes that contaminated land investigations are necessary and that assessment should be carried out in accordance with the MfE Contaminated Land Guidelines.

3.17 This policy support for the assessment of contaminated land is fundamental to encouraging both the investigation of potentially contaminated land and its ongoing management. No similar policy is proposed through the pWLP and this shift in approach does not appear to be addressed through the S32 analysis. The Oil Companies consider that a version of Policy 47 in the operative Regional Water Plan should be included in the pWLP and would, in conjunction with Policy 36 and Rule 46 (as amended through relief sought), provide an appropriate framework for the identification and management of contaminated land.

Policy 36

3.18 Policy 36 should be amended to appropriately recognise that contamination is the result of an historic incident and that it is not possible to prevent this contamination which should instead be managed using the best practicable option. Ongoing application of contaminants is addressed at Policy 13 and is appropriate subject to the
relief sought to that policy, noting that further controls on the storage and use of hazardous substances are in place under the Hazardous Substances and New Organisms Act (HSNO). If justified by S32 analysis, Council could consider a separate policy to address the use of the best practicable option for the application of fertilizer, agrichemicals and other hazardous substances.

**Policy 36 – Manage land-contaminated land**

Require the best practicable option be adopted to prevent or minimise adverse effects from contaminated land or a discharge of a hazardous substance.

**Policy X – Require the best practicable option be adopted to prevent or minimise adverse effects from the discharge of a hazardous substance.**

Policy 38

3.19 The focus of Policy 38 on reducing susceptibility to risk is supported.

**Policy 38 – Natural Hazards**

Reduce the susceptibility of the Southland community and environment to natural hazards by improving planning, responsibility and community awareness for the avoidance and mitigation of natural hazards.

**Consideration of Resource Consent Applications**

3.20 Policies 39 and 39A are supported and should be retained without modification.

**Policy 39 – Application of the permitted baseline**

When considering any application for resource consent for the use of land for a farming activity, Environment Southland will consider all adverse effects of the proposed activity on water quality, whether or not this Plan permits an activity with that effect.

**Policy 39A – Integrated Management**

To improve integrated management of freshwater and the use and development of land in whole catchments, including the interactions between freshwater, land and associated ecosystems (including estuaries).

Policy 40

3.21 The intent of Policy 40 is supported but it should not be drafted to allow consideration of longer as well as shorter term consents, depending on a particular activity and assessment of effects. For instance, a new wastewater treatment system to serve maximum occupancy at a campground may have significant cost implications but these may be acceptable to an applicant if the required discharge permit is granted with a 35 year term, noting that Council would have the opportunity to review conditions under S128 of the Act to deal with adverse effects on the environment. The Oil Companies consider this should be reinforced through the addition of a specific reference to S128.
in this policy noting that reviews under S128 are under utilised by territorial and regional authorities but are an appropriate way of dealing with adverse effects arising from implementation of consents.

**Policy 40 – Determining the term of resource consents**

When determining the term of a resource consent consideration will be given, but not limited, to:

1. granting a shorter duration when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource;
2. relevant tangata whenua values and Ngāi Tahu indicators of health;
3. the duration sought by the applicant, plus material to support the duration sought;
4. the permanence and economic life of any capital investment;
5. the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource;
6. the applicant’s compliance with the conditions of any previous resource consent; and
7. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the any revised frameworks established in those sections.
8. the ability to review conditions via S128 of the Act

**Policy 41**

3.22 Policy 41 is supported. Monitoring should be proportionate to the scale of effects and risk. It is important that it is recognised that risk is the outcome of both the effects and likelihood of a particular hazard.

**Policy 41 – Matching monitoring to risk**

Consider the magnitude of environmental effects and risk when determining requirements for auditing and supply of monitoring information on resource consents.

**Policy 42**

3.23 Policy 42 should be amended to recognise that the effects of temporary construction dewatering abstraction, due to its short term and infrequent nature, can be appropriate despite over allocation. As currently drafted, clause 1 in particular may be interpreted as precluding the granting of any such consents. The requirement for water measuring devices is secured through the regulations and is required irrespective of inclusion in this policy.

**Policy 42 – Consideration of water permit applications**

When considering resource consent applications for water permits, excluding applications to abstract groundwater for short term construction dewatering activities:
1. consent will not be granted if a waterbody is fully allocated, or to do so would result in a waterbody becoming over allocated or over allocation being increased;
2. consents replacing an expiring resource consent for an abstraction from an over-allocated waterbody may be granted with a lesser volume and rate or take proportional to the amount of over-allocation and previous use;
3. installation of water measuring devices will be required on all new permits to take and use water, and existing permits in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
4. where appropriate, minimum level and/or flow cut-offs and seasonal recovery triggers on resource consents for groundwater abstraction will be imposed;
5. conditions will be specified relating to a minimum flow/level, in accordance with Appendix L, to all new or replacement resource consents (except for water permits for community water supplies and waterbodies subject to minimum flow and level regimes established under any water conservation order) for:
   (a) surface water abstraction, damming, diversion and use; and
   (b) groundwater abstraction where there is Riparian, Direct or High degree of hydraulic connection in accordance with Policy 23 “Stream Depletion Effects” and the stream depletion effect exceeds two litres per second.

**Freshwater Management Unit Process Policies**

**Policies 44 to 47**

3.24 These Freshwater Management Unit Process Policies are supported in principle but a note is appropriate to inform stakeholders how these Units will be developed and how they will have an opportunity to be involved in their formulation.

**Policy 44 – Implementing Te Mana o te Wai**

Te Mana o te Wai is recognised at a regional level by tangata whenua and the local community identifying values held for, and associations with, a particular waterbody and freshwater management unit.

Particular regard will be given to the following values, alongside any additional regional and local values to be determined in the freshwater management unit limit setting process:

- Te Hauora o te Wai/the health and mauri of water;
- Te Hauora o te Tangata/the health and mauri of the people;
- Te Hauora o te Taiao/the health and mauri of the environment;
- Mahinga kai/food gathering, places of food;
- Mahi māra/cultivation;
- Wai Tapu/Sacred Waters;
- Wai Māori/municipal and domestic water supply;
• Āu Putea/economic or commercial development;
• He ara haere/navigation.

**Policy 45 – Priority of FMU policies and rules**
1. In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific objectives and policies. These FMU objectives and policies will be read and considered together with the region-wide objectives and policies. Any policy on the same subject matter in the relevant FMU section of this Plan prevails over the relevant policy within this Regional Policies Section, unless it is explicitly stated to the contrary.

As the FMU sections of this Plan are developed in a specific geographical area, FMU sections will not make any changes to the region-wide objectives or policies and will not deviate from the structure and methodology outlined in these Process Policies.

**Note:** As the FMU sections are developed in a specific geographical area, it is unfair if changes are made to Region-wide objectives and policies, which apply in other parts of Southland, without the involvement of those wider communities.

**Policy 46 – Identified FMUs**
The FMU Sections of this Plan are based on the following identified Freshwater Management Units for Southland, as shown on Map Series 7: Freshwater Management Units:
• Fiordland and the islands;
• Aparima;
• Mataura;
• Ōreti; and
• Waiau.

**Policy 47 – FMU processes**
The FMU sections will:
1. establish freshwater objectives for each catchment, having particular regard to the national significance of Te Mana o te Wai, and any other values developed in accordance with Policies CA1-CA4 and Policy D1 of the National Policy Statement for Freshwater Management 2014;
2. set water quality and water quantity limits and targets to achieve the freshwater objectives;
3. set methods to phase out any over-allocation, within a specified timeframe; and
4. assess water quality and quantity based on Ngāi Tahu indicators of health.

**C. Relief sought** *(Additions are underlined with deletions in strikethrough)*
7. Retain policies 1 and 3 without modification.
8. Ensure assessments of water quality and quantity based on Ngai Tahu indicators under proposed Policy 2 are only where necessary due to the nature of the activity and the scale and potential significance of effects. This could be achieved by amending the policy as follows and relying on the provisions in the relevant iwi management plan.

**Policy 2 – Take into account iwi management plans**

*Any assessment of an activity covered by this plan must:*

1. take into account any relevant iwi management plan; and
2. assess water quality and quantity based on Ngāi Tahu indicators of health.

9. Ensure the physiographic zone policies are clear and useable by removing significant duplication and clarifying the policies apply to agricultural activities in the referenced zones, not other activities or other physiographic zones. This could be achieved by revising the policies as follows:

**Physiographic Zone Policies**

**Policy 4 - Avoid, remedy or mitigate erosion and adverse effects on water quality from contaminants arising from agricultural activities in each of the physiographic zones listed below by requiring implementation of good management practices and, when assessing resource consent applications and preparing or considering resource management plans, having particular regard to transportation of contaminants via the following pathways in the respective zones:**

- **Alpine** – Overland flow
- **Central Plains** – Artificial drainage and deep drainage
- **Gleyed, Bedrock/Hill Country, Lignite Marine Terraces** – Artificial drainage and overland flow
- **Old Mataura** – Deep drainage
- **Oxidising** – Deep drainage, overland flow, and artificial drainage
- **Peat Wetlands** – Artificial drainage, deep drainage, and lateral drainage
- **Riverine** – Deep drainage and overland flow

**Note to plan users:** There are no specific policies for other defined physiographic zones in the region, for instance the Urban Area physiographic zone.

**Alpine physiographic zone**

**Policy 5 – Prohibit dairy farming, and intensive winter grazing strongly discourage the granting of resource consents for cultivation.**
Old Mataura and Peat Wetland physiographic zones

Policy 6 – Strongly discourage the granting of resource consents for additional dairy farming of cows and additional intensive winter grazing


11. Amend Policy 13 to focus on the function of the regional council and to remove blanket protection of all water quality. This could be achieved by amending policy 13 as set out in either of the options below, noting that alternative relief may achieve similar outcomes.

Policy 13 – Management of regional land use activities and discharges
Manage regional land use activities and discharges (point source and non-point source) to land and water so that adverse effects on water quality are avoided, remedied or mitigated, and the health of humans, domestic animals and aquatic life, is protected.

Policy 13 – Management of regional land use activities and discharges
Manage regional land use activities and discharges (point source and non-point source) to land and water so that water quality remains protective of and the health of humans, domestic animals and aquatic life, is protected.

12. Ensure Policy 15 is clear and workable, sets appropriate thresholds and standards for discharges, and allows for balanced consideration of objectives and policies across the plan. The following changes are proposed but alternative wording may achieve similar outcomes:

Policy 15 – Maintaining and improving water quality
Maintain and improve water quality so that:
1. Despite any other policy or objective in this Plan, avoiding new point source discharges to surface waterbodies that will reduce water quality beyond the zone of reasonable mixing;
2. Avoiding point source and non-point source discharges to land that will reduce surface water or groundwater quality, unless the adverse effects of the discharge can be avoided, remedied or mitigated;
3. Avoiding land use activities that will reduce surface water or groundwater quality, unless the adverse effects can be avoided, remedied or mitigated; and
4. Avoiding discharges to artificial watercourses that will reduce water quality in a river, lake or modified watercourse beyond the zone of reasonable mixing;

so that:
1. **surface water quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards” and ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met; or**

2. **surface water quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards” and ANZECC sediment guidelines (as shown in Appendix C of this Plan); and**

3. **groundwater quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards” and meets the Drinking-Water Standards for New Zealand 2005 (revised 2008); and**

4. **groundwater quality is improved where it does not meet the water quality standards specified in the Drinking-Water Standards for New Zealand 2005 (revised 2008) and ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met.**

13. Amend Policy 21 to provide policy support for abstraction for temporary construction dewatering activities, including where aquifers are over allocated, to recognise that dewatering can help safely facilitate essential maintenance activities such as the replacement of underground storage tanks. This could be achieved by making the following amendments:

**Policy 21 – Allocation of water**

*Manage the allocation of surface water and groundwater by:*

1. determining the primary allocation for confined aquifers not identified in Appendix L.5, following the methodology established in Appendix L.6;

2. determining that a waterbody is fully allocated when the total volume of water allocated through current resource consents and permitted activities is equal to either:
   (a) the maximum amount that may be allocated under the rules of this Plan, or
   (b) the provisions of any water conservation order;

3. enabling secondary allocation of surface water and groundwater subject to appropriate minimum groundwater level cutoffs and/or seasonal recovery triggers, to ensure:
   (a) long-term aquifer storage volumes are maintained; and
   (b) the reliability of supply for existing groundwater users is not adversely affected.

4. enabling abstraction for temporary construction dewatering activities where water taken is returned to the aquifer or a connected surface water body, including discharges returned to the catchment via the reticulated stormwater network.


15. Ensure that there is an appropriate policy framework for the management of contaminated land. This could be achieved by including an enabling policy to support the assessment of contaminated land. The following is proposed but alternative wording may achieve similar outcomes:
**Policy X – Assess land contaminated by a hazardous substance**

Assess the environmental risk of a discharge from land contaminated by a hazardous substance by using guideline values that are appropriate to the discharge and the site.

16. Amend Policy 36 to appropriately recognise that contamination is the result of an historic incident and that it is not possible to prevent this contamination which should instead be managed using the best practicable option. This could be achieved by amending Policy 36 as follows and, if justified by S32 analysis, introducing a new policy particular to requiring the best practicable option to prevent or minimise adverse effects from the discharge of hazardous substances.

**Policy 36 – Manage land-contaminated land**

Require the best practicable option be adopted to prevent or minimise adverse effects from contaminated land or a discharge of a hazardous substance.

**Policy x – Require the best practicable option be adopted to prevent or minimise adverse effects from the discharge of a hazardous substance.**

17. Policy 38 is supported and should be retained without modification.

18. Policies 39 and 39A are supported and should be retained without modification.

19. Ensure Policy 40 is amended to support consideration of both shorter and longer duration consents, depending on a particular activity and assessment of effects, and to recognise that consents terms granted should be effects based with S128 of the Act providing appropriately for a review of conditions to deal with adverse effects on the environment. This could be achieved by making the following changes:

**Policy 40 – Determining the term of resource consents**

When determining the term of a resource consent consideration will be given, but not limited, to:

1. granting a shorter duration when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource;
2. relevant tangata whenua values and Ngāi Tahu indicators of health;
3. the duration sought by the applicant, plus material to support the duration sought;
4. the permanence and economic life of any capital investment;
5. the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource;
6. the applicant’s compliance with the conditions of any previous resource consent; and
7. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the any revised frameworks established in those sections.
8. the ability to review conditions via S128 of the Act
20. Retain Policy 41 without modification.

21. Amend Policy 42 to exempt abstraction for short term construction dewatering and reflect that the potential effects on water quantity from such activities do not justify this level of assessment. This could be achieved by amending Policy 42 as follows:

**Policy 42 – Consideration of water permit applications**

*When considering resource consent applications for water permits, excluding applications to abstract groundwater for short term construction dewatering activities:*

1. consent will not be granted if a waterbody is fully allocated, or to do so would result in a waterbody becoming over allocated or over allocation being increased;
2. consents replacing an expiring resource consent for an abstraction from an over-allocated waterbody may be granted with a lesser volume and rate or take proportional to the amount of over-allocation and previous use;
3. installation of water measuring devices will be required on all new permits to take and use water, and existing permits in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
4. where appropriate, minimum level and/or flow cut-offs and seasonal recovery triggers on resource consents for groundwater abstraction will be imposed;
5. conditions will be specified relating to a minimum flow/level, in accordance with Appendix L, to all new or replacement resource consents (except for water permits for community water supplies and waterbodies subject to minimum flow and level regimes established under any water conservation order) for:
   (a) surface water abstraction, damming, diversion and use; and
   (b) groundwater abstraction where there is Riparian, Direct or High degree of hydraulic connection in accordance with Policy 23 “Stream Depletion Effects” and the stream depletion effect exceeds two litres per second.

22. Retain Policies 44 to 47 but provide an explanatory note to clarify how the provisions for these Freshwater Management Units will be developed and how stakeholders will have an opportunity to participate in the process.

23. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions.
A. The specific part of the pWLP that is subject of this submission is:

- Rules 1, 2, 3 and 4, which are supported.
- Rules 5, 6 and 7, which are supported.
- Rule 15, which is supported in part.
- Rule 46, which is supported in part.
- Rule 53 and the definition of bores and wells, which are opposed.
- New Rule X, bores for geotechnical purposes, which is proposed.
- Rule 54, which is supported in part.

B. The reason for the submission:

Region-wide Rules

4.1 Rules 1 to 4 establish appropriate parameters for the application of the rules and should be retained as notified. In particular a default to a discretionary rather than non-complying activity status for activities that are not classified in the Plan is supported.

Rule 1
Any activity must comply with all applicable rules within the Regional Rules Section of this Plan, unless it is explicitly stated to the contrary in any other applicable rule in this Plan.

Rule 2
Any rule on the same subject matter in the relevant FMU section of this Plan prevails over the relevant rule within the Regional Rules Section, unless it is explicitly stated to the contrary in any applicable rule in this Plan.

Rule 3
When considering applications for controlled activities or restricted discretionary activities, in addition to the matters over which:
(a) control is reserved; or
(b) exercise of discretion is restricted;
the decision-maker may also consider the lapse period sought, the duration of the resource consent sought, the review of the conditions of a resource consent, the need for a bond and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

Rule 4
Any activity that:
(a) would otherwise contravene Sections 13(1), 14(2), 14(3) or 15(1) of the RMA; and
(b) is not classified by this Plan as any other class of activity listed in Section 87A of the RMA;
is a discretionary activity.

Note: Nothing in this Plan exempts any person from meeting the requirements of a relevant district plan or other legislation.

Discharge Rules

Rules 5 to 7

4.2 Rules 5 to 7 capture discharges not otherwise provided for in the pWLP. Rule 5 requires discharges to surface waterbodies that meet water quality standards to obtain consent as a discretionary activity while Rule 6 requires non-complying activity consent for those discharges that do not meet water quality standards. Rule 7 captures other discharges to water as a discretionary activity and is supported. These rules provide appropriate pathways and are supported.

Rule 5 – Discharges to surface waterbodies that meet water quality standards
Except as provided for elsewhere in this Plan the discharge of any:
(a) contaminant, or water, into a surface waterbody; or
(b) contaminant onto or into land in circumstances where it may enter a surface waterbody;
is a discretionary activity provided the following condition is met:
(i) the discharge does not reduce the water quality below any standards set for the relevant waterbody in Appendix E “Water Quality Standards” at the downstream edge of the reasonable mixing zone; and
(ii) the discharge does not contain any raw sewage.

Rule 6 – Discharges to surface waterbodies that do not meet water quality standards
Except as provided for elsewhere in this Plan the discharge of any:
(a) contaminant, or water, into a surface waterbody; or
(b) contaminant onto or into land in circumstances where it may enter a surface waterbody that does not meet the conditions in Rule 5;
is a non-complying activity.

Rule 7 – Other discharges to water
Except as provided for elsewhere in the Plan, the discharge of any contaminant or water into water is a discretionary activity.

Rule 15

4.3 Rule 15 is supported but clarification should be provided regarding Council’s approach to discharges to the reticulated stormwater network. The Council’s Information guide for Stormwater Discharges in Southland (January 2013) states that discharge permits
are not required from Council when the discharge is into a reticulated stormwater system. This includes stormwater discharges from industry/trade premises, involving hazardous substances, where an effective interceptor system is in place. A note to this effect in the plan is sought and is proposed to extend to enabling a range of discharges authorised by the network operator, including via any relevant bylaws. This will enable the network operator to permit discharges that are in accordance with the relevant network discharge consent. For example, a discharge from a small car park at an industry/trade premises may have the potential to contain hazardous substances (such as zinc or copper from tyres and brakes), but this may be acceptable under the network discharge consent without treatment via an interceptor system. Under the notified provisions there is a risk that such a development would require consent despite effects not justifying such an approach in all instances.

**Rule 15 – Discharge of stormwater**

(a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody, including an artificial watercourse, is a permitted activity provided the following conditions are met:

(i) the discharge is not from a reticulated system;

(ii) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless:

(1) hazardous substances cannot enter the stormwater system; or

(2) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or

(3) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; and

(iii) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent;

(iv) for discharges to a surface waterbody, the discharge does not result in:

(1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials;

(2) the rendering of freshwater unsuitable for the consumption by farm animals;

(3) significant adverse effects to aquatic life;

(v) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not into water within natural state waters; and

(vi) for discharges to land, the discharge does not cause flooding, erosion, or land instability to any other person’s property.

(b) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody that does not meet one or more of the conditions in Rule 15(a), excluding condition (a)(iii) is a discretionary activity.

(c) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody that does not meet Rule 15(a)(iii) is a non-complying activity.
**Note to plan users** - **Discharge permits are not required from Council when the discharge is into a reticulated stormwater system. This includes, but is not limited to, stormwater discharges from industry/trade premises, involving hazardous substances, where an effective interceptor system is in place, or where the discharge is otherwise authorised by the network operator under an existing consent or is provided for through a bylaw.**

**Land Contamination**

4.4 The S32 Report sets out that Rule 46 has been adapted from Rule 57 of the Southland Regional Water Plan. Rule 57 was subject to a consent order in 2014 and the wording of the rule was subject of considerable scrutiny through the appeals process.

4.5 The S32 Report lists a number of proposed ‘minor changes’ to the rule but does not address the substitution of the disjunctive ‘or’ with the conjunctive ‘and’ at the end of clause (a)(i). This change has the effect of removing a potential permitted activity pathway for passive discharges which comply with clauses (a)(ii) and (a)(iii) but which are not provided for through the Plan or a resource consent as required by clause (a)(i). In terms of the Oil Companies’ activities, this would trigger passive discharges for any off site discharges, regardless of whether the discharge complies with the water quality conditions at (a)(ii) and (a)(iii). A zero tolerance threshold for off site passive discharges is not explained in any way in the S32 report and is not effects based.

4.6 The Oil Companies are otherwise generally supportive of retention of the modified rule but do seek minor amendments to clearly distinguish between the discharges addressed at clauses (a) to (c) and site investigations addressed at clauses (d) and (e) to recognise that they are distinct activities.

**Rule 46 – Land contaminated by a hazardous substance**

(a) The discharge of contaminants from land contaminated by a hazardous substance onto or into land in circumstances which may result in contaminants entering water is a permitted activity provided:

(i) the hazardous substance in the discharge results from an activity authorised by a rule in this Plan or a resource consent; and or

(ii) the discharge does not result in a breach of the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC) 2000 at the level of protection set in those guidelines for 80% of species, except for benzene where the level of protection is 90% of species (i.e. 1 milligram per litre), at the nearest of:

(1) 50 metres;

(2) the landholding boundary;

(3) any point immediately adjacent to a surface waterbody, artificial watercourse, or water abstraction bore (excluding monitoring bores); from the discharge; and

(iii) the discharge does not result in a breach of the Drinking Water Standards for New Zealand 2005 (Revised 2008) in any bore utilised for potable supply, except where the
ambient water quality naturally breaches those Standards and the discharge does not result in any further degradation of the water quality.

(b) The discharge of soil from land contaminated by a hazardous substance onto or into land in circumstances which may result in those contaminants entering water is a permitted activity provided:
   (i) the hazardous substance in the soil results from the application of a fertiliser or agrichemical to the land authorised by a rule in this Plan or a resource consent; or
   (ii) the soil is being returned to the excavation or site from which it was taken.

(c) The discharge of contaminants or soil from land contaminated by a hazardous substance onto or into land in circumstances which may result in those contaminants entering water that does not meet one or more of the conditions of Rule 46(a) or (b) is a discretionary activity.

(d) Rule X – Site Investigations

The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:

(i) The site investigation is to be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011) and reported on in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, 2011); and
(ii) The person or organisation initiating the site investigation provides a copy of the report of the site investigation to Environment Southland within two months of the completion of the investigation.

(e) The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil that does not meet one or more of the conditions in Rule X46(d) is a discretionary activity.
Taking and Using Water

Bores and Wells

4.7 Proposed Rule 53 addresses the drilling of bores and wells. Bores and wells are defined as follows in the operative and proposed plan.

Any structure or hole, regardless of the method of formation, that has been constructed to provide access to groundwater, or which intercepts groundwater.

4.8 Rule 53 reads as follows:

Rule 53 - Bores and wells

(a) The drilling or construction of any bore or well is a controlled activity provided the following conditions are met:
   (i) the bore or well design and headworks prevents:
   (1) the infiltration of contaminants; and
   (2) the uncontrolled discharge or leakage of water to the surface and between aquifers.
   (ii) the bore is constructed in accordance with NZS 4411:2001 Environmental Standard for Drilling of Rock and Soil (including the recording and supply of bore logs and other records);
   (iii) for bores to be used for the supply of water, the location of the top of the screened interval is a minimum of 10 metres below the mean water table depth (unconfined aquifers).

Environment Southland will restrict the exercise of its control to the following matters:
1. the proximity of the bore or well to surface water (including spring-fed streams), potential sources of groundwater contamination, existing bores and wells and historic heritage;
2. the design and depth of the bore or well;
3. the method of drilling and excavation;
4. the design and management of the bore head;
5. the use, maintenance and decommissioning of the bore or well;
6. the information and monitoring requirements;
7. adoption and implementation of an Accidental Discovery Protocol.

An application for resource consent under Rule 53(a) will be processed and considered without public or limited notification unless the applicant requests notification or Environment Southland considers special circumstances exist that warrant notification of the application.

(b) The drilling or construction of any bore or well that does not meet the conditions in Rule 53(a) is a discretionary activity.
(c) The use, maintenance and decommissioning of any bore or well is a permitted activity provided the following conditions are met:
   (i) the bore or well design and headworks prevents:
(1) the infiltration of contaminants; and
(2) the uncontrolled discharge or leakage of water to the surface and between aquifers.
(d) The use, maintenance and decommissioning of any bore or well that does not meet the conditions in Rule 53(c) is a discretionary activity.

4.9 Rule 53 and the definition of bores and wells are opposed. While it is recognised that the proposed definition is as per the Regional Water Plan and that only minor changes are proposed to the existing rule in the Regional Water Plan, if strictly interpreted, an excavation as minor as a post hole, utility trench or a test pit which intercepted groundwater would strictly trigger consent requirements as a discretionary activity under Rule 53(b). This is not appropriate to the scale of effects or the matters which Council is exercising its control and the Oil Companies would suggest this is not how Council is currently applying this rule.

4.10 The simplest way to overcome this is to amend the definition to remove ‘or which intercepts groundwater’. This would mean that activities such as earthworks, which in most instances are not undertaken to access groundwater, would not be captured. Similarly consent for a bore would not be required for typical excavations associated with intrusive works at service station sites, including drainage works, site investigations and tank removal and installation activities.

4.11 Council should also provide a permitted activity rule to provide for monitoring and geotechnical bores as a permitted activity. The following is proposed:

**Rule X – Bores or wells for monitoring or geotechnical purposes**

*The use of land, for the installation, maintenance and use of a bore for monitoring or geotechnical investigation is a permitted activity, provided the following the conditions are met:*

1. Information on bore location and bore installation (including a bore log and the purpose of the bore) are submitted to Council within 40 working days.
2. Contaminants or water are prevented from entering the top of the bore or underlying groundwater by:
   (a) covering or capping the bore when not in use; and
   (b) sealing the exterior of the bore (the annulus) from ground level to above the screen or 1m below ground level, whichever is the lesser.

**Rule 54 – Abstraction and use of groundwater**

4.12 Rule 54 provides for the abstraction and use of groundwater but does not specifically provide for dewatering activities. It is appropriate to provide a permitted activity pathway for these temporary activities for the reasons set out at regarding Objective 7 at Schedule two. This could be provided by amending Rule 54 as follows, noting that this rule would not permit the discharge of dewatering water which it is understood would default to a discretionary activity under Rule 4.
Rule 54 - Abstraction and use of groundwater

(a) The take and use of groundwater is a permitted activity provided the following conditions are met:

(i) the rate and volume of abstraction does not exceed:
   (1) a maximum of 86 cubic metres per day per landholding; and
   (2) a maximum rate of 5 litres per second; and
   (3) the point of abstraction is not within 50 metres of an existing lawfully established groundwater take;

(ii) the maximum volume of take allowed under this rule and Rule 50(a) is not added. A maximum of 86 cubic metres of groundwater and surface water combined per landholding per day is allowed;

(iii) the following details are supplied to Environment Southland upon request:
   (1) farming type;
   (2) stocking rate; and
   (3) point of abstraction.

(b) The non-consumptive take and use of groundwater is a permitted activity provided the following conditions are met:

(i) the rate and volume of take does not exceed:
   (1) a maximum rate of 10 litres per second;
   (2) a maximum daily volume of 750 cubic metres;
   (3) if the degree of hydraulic connection, calculated in accordance with Appendix L.2 is not Riparian, Direct or High, the relevant surface water minimum flows and allocation limits are met;
   (4) any interference effects are “acceptable” in accordance with Appendix L.3;

(ii) the same amount of water is returned to the same waterbody or aquifer within 250 metres of the point at which it was taken;

(iii) there is no significant delay between the taking and returning of the water.

(c) The take and use of groundwater for hydraulic testing and bore development purposes and any associated discharge of groundwater into water or onto or into land is a permitted activity provided the following conditions are met:

(i) Environment Southland must be notified at least three days prior to test commencement;

(ii) the rate of take must not exceed 75 litres per second;

(iii) the duration of pumping does not exceed five consecutive days;

(iv) any discharge of water to water is consistent with water quality requirements of section 70 of the RMA;

(v) water discharged onto land must not contribute to flooding on any other landholding;

(vi) records of all pumping and recovery tests including the rate and duration of pumping, water levels in the pumped well and any water level observation wells and the time measurements are taken are provided to Environment Southland within one month of the completion of the test.
(x) The take and use of groundwater for temporary construction dewatering activities is a permitted activity provided the following conditions are met:

(i) Environment Southland must be notified at least three days prior to dewatering commencing;
(ii) the rate of take does not exceed 40 litres per second;
(iii) the duration of pumping does not exceed 10 consecutive days;
(iv) the point of abstraction is not within 50 metres of an existing lawfully established groundwater take;
(v) records of the rate and duration of pumping are taken and are provided to Environment Southland within three months.

(d) Other than that provided by Rule 54(a) and 54(x), groundwater takes from groundwater management zones listed in Appendix L is a discretionary activity provided the following conditions are met:

(i) the total groundwater allocation is within the primary or secondary allocation limits established in Appendix L.5; and
(ii) if the degree of hydraulic connection, calculated in accordance with Appendix L.2 is not Riparian, Direct or High, the relevant surface water minimum flows and allocation limits are met;
(iii) any interference effects are ‘acceptable’ in accordance with Appendix L.3;
(iv) if the total groundwater allocation is within the secondary allocation limit, then minimum groundwater level cut-offs and seasonal recovery triggers are established in accordance with criteria outlined in Appendix L.6.

(e) Other than that provided by Rule 54(a) and 54(x), the take and use of groundwater from a confined aquifer is a discretionary activity provided the following conditions are met:

(i) total groundwater allocation is within the primary allocation limits (including minimum water level cut-offs and seasonal recovery triggers) established in Appendix L.5 or following the methodology outlined in Appendix L.6;
(ii) any interference effects are ‘acceptable’ in accordance with Appendix L.3;

(f) Other than that provided by Rule 54(a) and 54(x), the take and use of groundwater outside groundwater management zones listed in Appendix L.5 is a discretionary activity provided the following condition is met;

(i) any interference effects are ‘acceptable’ in accordance with Appendix L.3;

(g) The take and use of groundwater that does not comply with Rules 54(b) to 54(f) is a non-complying activity.

C. Relief sought (Additions are underlined with deletions in strikethrough)

24. Retain rules 1 to 7 without modification.
25. Provide a note to Rule 15 to confirm continuation of the approach to discharges to the reticulated stormwater network whereby such discharges do not require consent from Council. This could be achieved by including a note as follows:

**Note to plan users** - Discharge permits are not required from Council when the discharge is into a reticulated stormwater system. This includes, but is not limited to, stormwater discharges from industry/trade premises, involving hazardous substances, where an effective interceptor system is in place, or where the discharge is otherwise authorised by the network operator under an existing consent or provided for through a bylaw.

26. Provide a permitted activity pathway for passive discharges onto or into land, in circumstances which may result in contaminants entering water, where the discharge complies with clauses (a)(i) and (a)(ii) of Rule 46 as notified. This could be achieved by replacing the conjunctive ‘and’ with the disjunctive ‘or’ at clause (a)(i) to Rule 46.

**Rule 46 – Land contaminated by a hazardous substance**

(a) The discharge of contaminants from land contaminated by a hazardous substance onto or into land in circumstances which may result in contaminants entering water is a permitted activity provided:

(i) the hazardous substance in the discharge results from an activity authorised by a rule in this Plan or a resource consent; and or

(ii) the discharge does not result in a breach of the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC) 2000 at the level of protection set in those guidelines for 80% of species, except for benzene where the level of protection is 90% of species (i.e. 1 milligram per litre), at the nearest of:

(1) 50 metres;

(2) the landholding boundary;

(3) any point immediately adjacent to a surface waterbody, artificial watercourse, or water abstraction bore (excluding monitoring bores);

from the discharge; and

27. Amend Rule 46 to clearly distinguish between site investigations (clauses (d) and (e)), from discharges addressed at clauses (a) to (c). This could be achieved by making the following amendments:

**Rule 46 – Land contaminated by a hazardous substance**

(a) The discharge of contaminants from land contaminated by a hazardous substance onto or into land in circumstances which may result in contaminants entering water is a permitted activity provided:

(i) the hazardous substance in the discharge results from an activity authorised by a rule in this Plan or a resource consent; and or

(ii) the discharge does not result in a breach of the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC) 2000 at the level of protection set in those guidelines for 80% of species, except for benzene where the level of protection is 90% of species (i.e. 1 milligram per litre), at the nearest of:

(1) 50 metres;

(2) the landholding boundary;

(3) any point immediately adjacent to a surface waterbody, artificial watercourse, or water abstraction bore (excluding monitoring bores);
(iii) the discharge does not result in a breach of the Drinking Water Standards for New Zealand 2005 (Revised 2008) in any bore utilised for potable supply, except where the ambient water quality naturally breaches those Standards and the discharge does not result in any further degradation of the water quality.

(b) The discharge of soil from land contaminated by a hazardous substance onto or into land in circumstances which may result in those contaminants entering water is a permitted activity provided:

(i) the hazardous substance in the soil results from the application of a fertiliser or agrichemical to the land authorised by a rule in this Plan or a resource consent; or
(ii) the soil is being returned to the excavation or site from which it was taken.

(c) The discharge of contaminants or soil from land contaminated by a hazardous substance onto or into land in circumstances which may result in those contaminants entering water that does not meet one or more of the conditions of Rule 46(a) or (b) is a discretionary activity.

(d) Rule X – Site Investigations

The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:

(i) The site investigation is to be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011) and reported on in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, 2011); and
(ii) The person or organisation initiating the site investigation provides a copy of the report of the site investigation to Environment Southland within two months of the completion of the investigation.

(e) The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil that does not meet one or more of the conditions in Rule X46(d) is a discretionary activity.

28. Amend the definition of bores and wells so Rule 53 does not capture excavations for construction and maintenance purposes. This could be achieved by making the following amendment to the definition of bores and wells and retaining Rule 53 as notified:

Any structure or hole, regardless of the method of formation, that has been constructed to provide access to groundwater, or which intercepts groundwater.
29. Provide a rule to enable bores for monitoring and geotechnical purposes as a permitted activity. This could be achieved by including the following rule:

**Rule X – Bores or wells for monitoring or geotechnical purposes**

The use of land, for the installation, maintenance and use of a bore for monitoring or geotechnical investigation is a permitted activity, provided the following conditions are met:

1. Information on bore location and bore installation (including a bore log and the purpose of the bore) are submitted to Council within 40 working days.
2. Contaminants or water are prevented from entering the top of the bore or underlying groundwater by:
   (a) covering or capping the bore when not in use; and
   (b) sealing the exterior of the bore (the annulus) from ground level to above the screen or 1m below ground level, whichever is the lesser.

30. Provide a permitted activity pathway for temporary construction dewatering activities akin to the pathways provided for non-consumptive takes and bore development. This could be achieved by amending Rule 54 as follows:

**Rule 54 - Abstraction and use of groundwater**

(a) The take and use of groundwater is a permitted activity provided the following conditions are met:

(i) the rate and volume of abstraction does not exceed:
   (1) a maximum of 86 cubic metres per day per landholding; and
   (2) a maximum rate of 5 litres per second; and
   (3) the point of abstraction is not within 50 metres of an existing lawfully established groundwater take;

(ii) the maximum volume of take allowed under this rule and Rule 50(a) is not added. A maximum of 86 cubic metres of groundwater and surface water combined per landholding per day is allowed;

(iii) the following details are supplied to Environment Southland upon request:
   (1) farming type;
   (2) stocking rate; and
   (3) point of abstraction.

(b) The non-consumptive take and use of groundwater is a permitted activity provided the following conditions are met:

(i) the rate and volume of take does not exceed:
   (1) a maximum rate of 10 litres per second;
   (2) a maximum daily volume of 750 cubic metres;

(3) if the degree of hydraulic connection, calculated in accordance with Appendix L.2 is not Riparian, Direct or High, the relevant surface water minimum flows and allocation limits are met;

(4) any interference effects are “acceptable” in accordance with Appendix L.3;
(ii) the same amount of water is returned to the same waterbody or aquifer within 250 metres of the point at which it was taken;
(iii) there is no significant delay between the taking and returning of the water.

(c) The take and use of groundwater for hydraulic testing and bore development purposes and any associated discharge of groundwater into water or onto or into land is a permitted activity provided the following conditions are met:
(i) Environment Southland must be notified at least three days prior to test commencement;
(ii) the rate of take must not exceed 75 litres per second;
(iii) the duration of pumping does not exceed five consecutive days;
(iv) any discharge of water to water is consistent with water quality requirements of section 70 of the RMA;
(v) water discharged onto land must not contribute to flooding on any other landholding;
(vi) records of all pumping and recovery tests including the rate and duration of pumping, water levels in the pumped well and any water level observation wells and the time measurements are taken are provided to Environment Southland within one month of the completion of the test.

(x) The take and use of groundwater for temporary construction dewatering activities is a permitted activity provided the following conditions are met:
(i) Environment Southland must be notified at least three days prior to dewatering commencing;
(ii) the rate of take does not exceed 40 litres per second;
(iii) the duration of pumping does not exceed 10 consecutive days;
(iv) the point of abstraction is not within 50 metres of an existing lawfully established groundwater take;
(v) records of the rate and duration of pumping are taken and are provided to Environment Southland within three months.

(d) Other than that provided by Rule 54(a) and 54(x), groundwater takes from groundwater management zones listed in Appendix L is a discretionary activity provided the following conditions are met:
(i) the total groundwater allocation is within the primary or secondary allocation limits established in Appendix L.5; and
(ii) if the degree of hydraulic connection, calculated in accordance with Appendix L.2 is not Riparian, Direct or High, the relevant surface water minimum flows and allocation limits are met;
(iii) any interference effects are ‘acceptable’ in accordance with Appendix L.3;
(iv) if the total groundwater allocation is within the secondary allocation limit, then minimum groundwater level cut-offs and seasonal recovery triggers are established in accordance with criteria outlined in Appendix L.6.
(e) Other than that provided by Rule 54(a) and 54(x), the take and use of groundwater from a confined aquifer is a discretionary activity provided the following conditions are met:
(i) total groundwater allocation is within the primary allocation limits (including minimum water level cut-offs and seasonal recovery triggers) established in Appendix L.5 or following the methodology outlined in Appendix L.6;
(ii) any interference effects are ‘acceptable’ in accordance with Appendix L.3;

(f) Other than that provided by Rule 54(a) and 54(x), the take and use of groundwater outside groundwater management zones listed in Appendix L.5 is a discretionary activity provided the following condition is met;
(i) any interference effects are ‘acceptable’ in accordance with Appendix L.3;

(g) The take and use of groundwater that does not comply with Rules 54(b) to 54(f) is a non-complying activity.

31. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions.
A. The specific part of the pWLP that is subject of this submission is:

- Definition of catchment, which is supported
- Definition of reticulated system, which is supported
- Definition of stormwater, which is supported
- Definition of artificial watercourse, which is accepted
- Definition of total groundwater allocation, which is supported in part
- Definition or reasonable mixing zone, which is supported in part

B. The reason for the submission:

Catchment, reticulated system, stormwater and artificial watercourse

5.1 The definitions of catchment, reticulated system, stormwater and artificial watercourse provide clarity for the interpretation and application of the provisions and should be retained without modification.

Catchment
The land area that contributes the river’s or stream’s flow.

Reticulated system
The means by which water is collected and delivered prior to discharge. In relation to stormwater discharge, a piped or channelled network for collecting stormwater from a number of landholdings with a single common discharge point.

Stormwater
Surface water run-off subsequent to precipitation.

Artificial watercourse
Means a watercourse that is created by human action. It includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and a farm drainage channel. It does not include natural or modified natural watercourses, or artificial swales, kerb and channelling or other watercourses designed to convey stormwater.

Total groundwater allocation

5.2 The definition of Total groundwater allocation is also supported but should be specifically amended to not capture water takes for construction dewatering activities.
Total groundwater allocation
The total volume of water allocated at the date a resource consent application for a new take is lodged. This includes the water that is allocated through current resource consents, the water that is proposed to be taken under consent applications that have been lodged and the additional water proposed to be taken by the consent applicant. It excludes temporary construction dewatering activities and the stream depletion effect of each groundwater take greater than 2 litres per second with a direct, high or moderate degree of hydraulic connection in accordance with Policy 23 “Stream Depletion Effects”.

Reasonable mixing zone
5.3 The S32 report sets out that a specific methodology is now proposed for reasonable mixing zone (rather than the zone being determined on a case by case basis) to minimise the size of the area where the relevant water quality standards are breached. Minor amendments are sought to the proposed definition to ensure that it acts less like a rule and to improve its clarity.

Reasonable Mixing Zone
When determining the size of the zone of reasonable mixing, minimise the size of the area where the relevant water quality standards are breached. The zone shall not be larger than:
(a) for river and artificial watercourse locations with flowing water present at all times:
(i) no longer than 10 times the width of the wetted channel or 200 metres along the longest axis of the zone (whichever is the lesser), and
(ii) occupies no greater than two-thirds of the wetted channel width at the estimated Q95 for that location;
(b) for river and artificial watercourse locations, with intermittent flows, no longer than 20 metres at times of flow and 0 metres at no flow;
(c) when within a drinking water supply site protection zone identified in Appendix J, 0 metres.

C. Relief sought (Additions are underlined with deletions in strikethrough)
33. Retain the definitions of catchment, reticulated system, stormwater and artificial watercourse without modification.
34. Amend the definition of total groundwater allocation so as to not capture water takes for construction dewatering activities. This could be achieved by making the following amendments:

Total groundwater allocation
The total volume of water allocated at the date a resource consent application for a new take is lodged. This includes the water that is allocated through current resource
consents, the water that is proposed to be taken under consent applications that have been lodged and the additional water proposed to be taken by the consent applicant. It excludes temporary construction dewatering activities and the stream depletion effect of each groundwater take greater than 2 litres per second with a direct, high or moderate degree of hydraulic connection in accordance with Policy 23 “Stream Depletion Effects”.

35. Amend the definition of reasonable mixing zone to ensure it reads as a definition and less like a rule and to improve its clarity. This could be achieved by making the following amendments:

**Reasonable Mixing Zone**

When determining the size of the zone of reasonable mixing, minimise the size of the area where the relevant water quality standards are breached. The zone shall not be larger than:

(a) for river and artificial watercourse locations with flowing water present at all times:
   (i) no longer than 10 times the width of the wetted channel or 200 metres along the longest axis of the zone (whichever is the lesser), and
   (ii) occupies no greater than two-thirds of the wetted channel width at the estimated Q95 for that location;
(b) for river and artificial watercourse locations, with intermittent flows, no longer than 20 metres at times of flow and 0 metres at no flow;
(c) when within a drinking water supply site protection zone identified in Appendix J, 0 metres.

36. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions.
A. The specific part of the pWLP that is subject of this submission is:

- Appendix C, which is supported in part.
- Appendix J, which is supported in part.
- Appendix L, which is supported in part.

B. The reason for the submission:

**Appendix C – ANZECC Sediment Guidelines**

6.1 The use of the ANZECC Sediment guidelines is supported in principle. However, the table is not an extract from the guidelines but rather has been adapted slightly from the version included in the guidelines. In particular it doesn’t include interim sediment quality guideline (ISQG) – high values or a trigger value for Benzo(a)anthracene. For completeness these should be provided.

6.2 A reference to the full guidelines should also be provided as they explain, among other things, the limitations of these guidelines and the importance of background concentrations and monitoring guidelines. Such a reference will help plan users apply the guidelines appropriately.

**Appendix J – Drinking Water Protection Zones**

6.3 The Drinking Water Protection Zone list is supported but it is noted that any additions to this list will need to be introduced to the pWLP via a plan change process in recognition of potential restraints on existing activities. In terms of usability, it would be beneficial for plan users if a link to the relevant maps showing the protection zones was provided.

**Appendix L – Groundwater Appendix**

6.4 Appendix L comprises a series of sub-appendices addressing groundwater as follows:

- Appendix L1 Aquifer test requirements
- Appendix L2 Stream depletion effects
- Appendix L3 Interference effects
- Appendix L4 Calculation of seasonal groundwater allocation
- Appendix L5 Groundwater allocation
- Appendix L6 Establishing allocation volumes for confined aquifers

6.5 The Oil Companies seek to ensure that temporary construction dewatering activities are not unduly restricted by these provisions. This is partly provided for at Appendix L3 (interference effects) where clause (d) recognises that interference may be acceptable.
where necessary for infrastructure works and where dewatering occurs for a short duration. For the reasons set out relating to Objective 7 (see Schedule two), it would be appropriate to recognise this at the outset of Appendix L by providing an exception for particular dewatering activities. This could be achieved by providing a note as follows under the heading at Appendix L:

**Note to plan users** - **Temporary construction dewatering activities are exempt from the requirements of this appendix where the rate of take does not exceed 40 litres per second, the activity is undertaken for less than 10 consecutive days, and the point of take is not located within 50m of a bore or well, other than a bore or well used for monitoring purposes.**

C. Relief sought *(Additions are underlined with deletions in strikethrough)*

37. Amend the table at Appendix C to match the corresponding table in the ANZECC Guidelines.

38. Better explain the application and limitations of the ANZECC Sediment Guidelines referred to at Appendix C. This could be achieved by amending the first sentence of the explanatory text as follows:

The table is an extract from the national guidelines for sediment quality (Australia New Zealand Environment and Conservation Council – ANAECC 2000). **Full detail of how these guidelines should be applied, including their limitations and the importance of background concentrations, are available via the following link:**


39. Retain Appendix J but provide a cross reference to plan users linking them to the corresponding protection zone maps.

40. Provide an exception to Appendix L for temporary construction dewatering activities. This could be achieved by including the following note at the outset to Appendix L:

**Note to plan users** - **Temporary construction dewatering activities are exempt from the requirements of this appendix where the rate of take does not exceed 40 litres per second, the activity is undertaken for less than 10 consecutive days, and the point of take is not located within 50m of a bore or well, other than a bore or well used for monitoring purposes.**

41. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions.