

Draft Changes to the Regional Plans for the Wellington Region

September 2001

Incorporating:

Withdrawal of the Transitional Regional Plan and associated changes to the Regional Freshwater Plan

Change to the bore construction rules in the Regional Freshwater Plan

Other changes to the Regional Plans

***Prepared for the purpose of public consultation and consultation
according to the First Schedule of the Resource Management Act 1991***

How You Can Help

Changes are being made to the Regional Plans for the Wellington Region. At this stage we are consulting with people about the changes before we begin the statutory plan change process. Some background information and the steps that will follow are outlined on the next page. The remainder of this document details the changes that are being considered.

If you have any questions about the draft Regional Plan changes, please contact Murray McLea at our Wellington office, on 04 384 5708 or free phone 0800 496 734 or at the email address below. You can also contact Karen Brewster at our Masterton office, on 06 378 2484

We would like to hear what you think. If you don't want to comment but you want to be involved in the steps that follow, then you can let us know so that we can put you on our mailing list.

You can comment on the draft Regional Plan changes by:

Writing Send your written comments to us before **17 November 2001** at the following address:

Murray Mclea
Wellington Regional Council
PO Bo 11 646
Wellington

Email You can email comments to murray.mclea@wrc.govt.nz before **17 November 2001**.

Calling Telephone Murray McLea on 04 384 5708 or free phone 0800 496 734 before **17 November 2001**. Alternatively, you can call Karen Brewster at the Masterton office on **06 378 2484**.

Meeting If you want to meet with Murray McLea or Karen Brewster to discuss the draft Regional Plan changes, call them on the telephone numbers given in the previous paragraph. You should call before **7 November 2001** if you want to arrange a meeting.

You may want to look at the Operative Regional Plans. You can view them on our website www.wrc.govt.nz. Alternatively, they are available at libraries or copies can be obtained from the librarian at the Wellington Regional Council free phone 0800 496 734. The Transitional Regional Plan is free of charge. The Regional Soil Plan costs \$25 and the remaining plans that are being changed cost \$45 each.

Table of Contents

How You Can Help.....	3
1. Background	7
2. The Plan Change Process	7
3. Withdrawal of the Transitional Regional Plan and Associated Changes to the Regional Freshwater Plan	9
4. Changes to Bore Construction Rules in the Regional Freshwater Plan.....	17
5. Other Changes to Regional Plans.....	23
Regional Freshwater Plan	23
Regional Plan for Discharges to Land	25
Regional Air Quality Management Plan.....	25
Regional Freshwater Plan	26
Regional Freshwater Plan	28
Regional Air Quality Management Plan.....	30
Regional Soil Plan.....	31
Regional Freshwater Plan	32
Regional Plan for Discharges to Land	35

1. **Background**

The current Regional Plans for the Wellington Region are:

- The Transitional Regional Plan;
- The Regional Coastal Plan;
- The Regional Discharges to Land Plan;
- The Regional Air Quality Management Plan;
- The Regional Freshwater Plan; and
- The Regional Soil Plan.

Changes are being made to all of these plans except for the Regional Coastal Plan.

There are two main reasons for the changes we want to make to the Regional Plans. Firstly, we intend to withdraw the Transitional Regional Plan now that all the other Regional Plans are operative. Secondly, groundwater investigations on the Kapiti Coast have identified that we should change the bore construction rules in the Regional Freshwater Plan to promote sustainable management of groundwater resources.

A number of other Regional Plan changes have also been compiled. We are adding some new permitted activity rules that are presently captured by rules requiring resource consents although the activities have less than minor adverse effects. Changes are being made to some permitted activity rules that arise as a result of working with the plans. We are also including some changes that add or update information obtained since the Regional Plans became operative. Some minor corrections, improvements and clarifications are also being made.

2. **The Plan Change Process**

These draft changes have been prepared and distributed for the purpose of consulting with the public, including consultation that is required by the First Schedule of the Resource Management Act 1991. **We would like to receive people's comments by 17 October 2001.** The ways that you can comment are given on page 3.

Once the initial round of consultation is complete, the Council will consider comments on the draft changes. The Proposed Regional Plan Changes will then be notified and submissions will be called for. After submissions have closed, we will prepare a summary of submissions. The availability of the summary of submissions will be publicly notified and sent to submitters with a call for further submissions. There will be a public hearing on submissions should any submitter request to be heard. The Council will then make its decisions on the Proposed Plan Changes. The decisions will be publicly notified and sent to all submitters. Following the decisions, submitters have the opportunity to refer them to the Environment Court.

3. **Withdrawal of the Transitional Regional Plan and Associated Changes to the Regional Freshwater Plan**

3.1 **Explanation**

Regional plan changes are listed below with reasons for the changes.

In the changes identified below, wording from the Operative Plans are in italics, new wording is underlined in italics, and deletions from the Operative Plans are crossed out in italics.

If you want to look at the Regional Plans, you can view them on our website www.wrc.govt.nz. Alternatively they are available at libraries or copies can be obtained from the librarian at the Wellington Regional Council free phone 0800 496 734. The Transitional Regional Plan is free of charge. The Regional Soil Plan Costs \$25 and the remaining plans that are being changed cost \$45 each.

3.2 **Changes to the Transitional Regional Plan**

3.2.1 *Change*

Withdraw the Transitional Regional Plan in its entirety.

Reason

Provisions of the Transitional Regional Plan have largely been replaced by the "new" Regional Plans. The Transitional Regional Plan is no longer needed with the exception of a few provisions. Some provisions that need to be retained are included in an appropriate form in the Regional Freshwater Plan. These provisions are identified in section 3.3 of these changes, below.

3.3 **Changes to the Regional Freshwater Plan Associated with the Withdrawal of the Transitional Regional Plan**

3.3.1 *Change*

Change section 1.4 as follows.

Sections 5, 6, and 7 contain the objectives, policies and rules that address specific uses and development of water bodies, floodplains, floodways, and river and lake beds, namely:

Reason

Consequential change

3.3.2 *Change*

Add the following definitions to Section 3.

Defence against water includes any dam, weir, bank, carriageway, or groyne, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including floodwater.

Floodway means the land shown as River Corridor in figures 10.3 and 10.4 of Appendix 10, which is not in the bed of a river, and the land shown as River Corridor in the Hutt River Floodplain Management Plan, which is not in the bed of the Hutt River. The Land shown as River Corridor in the Hutt River Floodplain Management Plan is the land identified as primary and secondary river hazard areas in Hutt River Corridor Hazard Area Plans 1-23 (located in Appendix 4 of the Hutt River Floodplain Management Plan).

Stopbank means a structure constructed on a floodplain, or alongside a river, designed to contain flood flows and prevent high river flows flooding onto adjacent land. Stopbanks are included as a defence against water.

Reason

The definitions are necessary to assist with interpretation of the provisions that follow in this section of these plan changes.

3.3.3 *Change*

Add the following new policy to section 7.2 of the Plan.

7.2.7A *To provide people that have defences against water located on their land, which are controlled by the Wellington Regional Council, with:*

- *information about the legal status of defences against water and peoples' obligations under the Soil Conservation and Rivers Control Act 1941; and*
- *land use guidelines for activities that have the potential to destroy or damage defences against water.*

Explanation

This policy identifies some non-regulatory actions that the Wellington Regional Council will take to help ensure that flood protection structures and works and other defences against water are protected. The approach of the Plan to the avoidance and mitigation of floods is outlined in section 12.1.4. It is largely non-regulatory, for the reasons that are outlined.

The policy links the Wellington Regional Council's Resource Management Act 1991 responsibilities and its operational role for flood protection under the Soil Conservation and Rivers Control Act 1941.

The Soil Conservation and Rivers Control Act 1941, not the Resource Management Act 1991, is the primary legislation by which the Wellington Regional Council carries out its operational responsibilities for flood protection.

Section 154 of the Soil Conservation and Rivers Control Act 1941 enables the Wellington Regional Council to take legal action against people wilfully destroying or damaging any defence against water. It is this legislation that the Wellington Regional Council will rely on, in the first instance, in the event that people destroy or damage defences. The policy is to help ensure that such situations do not arise by providing advice on how to avoid them.

Section 154 of the Soil Conservation and Rivers Control Act 1941 is given in Appendix 12 of the Plan, for information. The definition of "defence against water" is given in Section 4. It is the same as the definition in the Soil Conservation and Rivers Control Act 1941.

The first bullet point in the policy will be implemented by Method 8.6.7 of the Plan.

The second bullet point of this policy will be implemented by Method 8.6.7 of the Plan.

Reason

The Resource Management Act 1991 and the Soil Conservation and Rivers Control Act 1941 are both relevant to the Wellington Regional Council's flood protection role. The Plan is concerned with the Wellington Regional Council's Resource Management Act role. However, it is helpful to include a policy that indicates how the Wellington Regional Council will ensure its operational responsibilities for looking after flood protection structures and works under the Soil Conservation and Rivers Control Act 1941 will be implemented.

3.3.4 Change

Add the following new rule to section 7.3.

Restricted Discretionary Activities

Rule 48A Uses of land within floodways

Any use of land in a floodway, other than a use consistent with the purpose of flood protection that the floodway was designed for, which:

- (1) Erects, places, or extends any structure, other than wire fences not exceeding 1 metre in height;
- (2) Deposits any substance that obstructs the flow of water; or

(3) Plants any trees or shrubs that, in combination with other plantings of trees or shrubs, are likely to obstruct the flow of water when the trees or shrubs grow to maturity;

is a restricted discretionary activity.

Discretion

The matters over which the Wellington Regional Council shall exercise its discretion are:

(1) The effects of the proposed activity on the structural integrity of any defence against water;

(2) The effects on flood flows;

(3) The duration of the consent;

(4) The carrying out of measurements, samples, analysis, survey, and investigations;

(5) The provision of information to the Council at specified times.

Note: The definition of floodway is given in Section 4 of the Plan.

Reason

The Wellington Regional Council relies on the rules in District Plans, in the first instance, to ensure that land uses do not compromise flood protection. This is the approach promoted by the Regional Policy Statement. The Wellington Regional Council also relies on section 154 of the Soil Conservation and Rivers Control Act 1941 to ensure that defences against water are not damaged or destroyed.

It is important to ensure that there are no gaps in the application of these two laws that will result in communities being put at risk of flooding. Most flood protection structures and works can be addressed under the Soil Conservation and Rivers Control Act 1941. However, there is an element of uncertainty about whether some land uses in floodways would be captured if they resulted in the destruction or damage of "defences against water". A rule in a Regional or District Plan is necessary to avoid any uncertainty. The river corridors of the Otaki and Waikanae River are adequately looked after in the relevant District Plan but, at the present time, the River corridors of the Hutt, Waiohine, and Ruamahanga, are not.

3.3.5 *Change*

Rule 52 Vehicles on Stopbanks

The use of any stopbank for the passage of any motorised vehicle or machinery of greater than 18 tonnes net weight along a stopbank is a **prohibited** activity, excluding one or both of the following:

- (1) The stopbank is part of a public roading network maintained and operated by a local authority or a network utility operator; or
- (2) The use is by the Wellington Regional Council for the purpose of maintaining, repairing, extending or adding to the stopbank.

Reason

Heavy vehicles the size of a truck and trailer should not be allowed along stop banks due to the damage they can cause. Two exceptions are included in the Rule. One relates to public roads, which are built for heavy traffic. The other is when heavy machinery may be needed infrequently on a stopbank for repair and maintenance purposes.

3.3.6 *Change*

Add the following Method to section 8.6.

8.6.7 Prepare and distribute information to landowners that will promote an understanding of how the Wellington Regional Council manages community flood protection assets and the part that landowners play in the management of those assets, including:

- information about where legal responsibilities lie; and
- guidelines for land uses that will help ensure defences against water, including structures such as stopbanks, and trees, shrubs or plants, are not damaged or destroyed.

Reason

A specific method is needed in the Plan that will implement Policy 7.2.7A.

3.3.7 *Change*

Add the following paragraph to section 9.7.1 of the Plan after the paragraph that ends *use and development*.

Policy 7.2.7A is included in the Plan to provide information on non-regulatory ways the Wellington Regional Council will carry out operational responsibilities for looking after defences against water under the Soil Conservation and Rivers Control Act 1941.

Reason

An explanation of the principle reason for Policy 7.2.7A is needed in the Plan.

3.3.8 *Change*

Add the following paragraph to section 9.7.2 of the Plan after the paragraph that ends *meet the specified conditions*.

A restricted discretionary activity rule requiring consents for some land uses in the river corridors of the Waiohine, Ruamahanga, and Hutt Rivers is included in the Plan. It was included at the time that the Transitional Regional Plan was withdrawn. The rule is to ensure that activities in these important river corridors do not compromise their ability to contain floods. Section 12.1.4 of the plan identifies that territorial authorities have primary responsibility for land use activities relating to natural hazards. At the time the Transitional Regional Plan was withdrawn, the rule was needed because the rules in the relevant district plans, by themselves, would not achieve regional objectives and policies relating to flooding.

Reason

An explanation of the principle reason for Rule 48A is needed in the Plan.

3.3.9 *Change*

Add the following paragraph to section 12.1.4 after the paragraph that ends *in their district plans*.

Controls on land uses relating to the adverse effects of flooding were contained in the Transitional Regional Plan. These controls were withdrawn when all the Wellington Regional Council's regional plans became operative. At the time of withdrawal of the Transitional Regional Plan, the ability of rules in district plans to achieve regional objectives and policies relating to flooding was assessed together with other relevant legislation (for example, the Soil Conservation and Rivers Control Act 1941). As a result, a rule for controlling land use for the avoidance or mitigation of flooding in specified river corridors is included in the Plan. This rule is consistent with the approach of the Regional Policy Statements.

Reason

Consequential change

3.3.10 *Change*

Add a new Appendix as follows:

Appendix 12

Section 154 of the Soil Conservation and Rivers Control Act 1941

Damage to watercourses and works

(1) Every person who, without the written approval of the [[Minister]] or

Board concerned, wilfully destroys or damages any watercourse or defence against water which is in any district or is under the control of the [[Minister]] or of any Board, or is constructed, established, or maintained under this Act by the [[Minister]] or by any Board, or who, without the written approval of the [[Minister]] or Board concerned, wilfully destroys or damages any plantation or work under the control of the [[Minister]] or of any Board, commits [[an offence and is liable to a fine not exceeding \$10,000]].

- (2) Every person who, without the written approval of the [[Minister]] or Board concerned, destroys or damages any watercourse or defence against water which is in any district or is under the control of the [[Minister]] or of any Board or is constructed, established, or maintained under this Act by the [[Minister]] or by any Board, or who, without the written approval of the [[Minister]] or Board concerned, destroys or damages any plantation or work under the control of the [[Minister]] or of any Board, [[or who allows any animal which he owns or has under his control to damage or destroy any tree, shrub, or plant forming part of a defence against water, being a defence that is under the control of the [Minister], or Board whether or not he has been guilty of an offence against this section, shall be liable to pay to the [[Minister]] or to the Board, as the case may be, the whole cost of restoring or repairing the damage or injury; and the amount thereof shall be recoverable as a debt due to the [[Minister]] or to the Board, as the case may be.]

Reason

Consequential change

4. **Changes to Bore Construction Rules in the Regional Freshwater Plan**

4.1 **Explanation**

The plan changes are listed below with reasons for the changes.

In the changes identified, below, wording from the Operative Plans is in italics, new wording is underlined in italics, and deletions from the operative plans are crossed out in italics.

If you want to look at the Regional Plans, you can view them on our website www.wrc.govt.nz. Alternatively they are available at libraries or copies can be obtained from the librarian at the Wellington Regional Council free phone 0800 496 734. The Transitional Regional Plan is free of charge. The Regional Soil Plan Costs \$25 and the remaining plans that are being changed cost \$45 each.

4.2 **Changes to the Definition of Bore**

4.2.1 *Change*

Replace the definition of bore in the Regional Freshwater Plan with the following:

Bore means any hole regardless of the method of formation that has been constructed to provide access to groundwater, or which intercepts groundwater, excluding geotechnical investigations outside the groundwater zones show in Appendix 9.

Reason

The Regional Freshwater Plan defines bores in terms of structures. This creates the need for a separate rule for the Lower Hutt Groundwater Zone that includes holes as well as structures. Additions and alterations during preparation of the Regional Freshwater Plan have lead to a complex definition. A more straightforward definition is desirable. The new definition was adapted from NZS 4411:20001, New Zealand Standard for Drilling of Soil and Rock.

4.3 **Changes to bore construction rules**

4.3.1 *Change*

Delete Rules 10, 11, 12, 13, and 14 of the Regional Freshwater Plan.

Replace Rule 15 of the Regional Freshwater Plan with the following:

Rule 15 Bore construction

*The construction of any bore is a **Discretionary Activity**.*

***Note:** A land use consent to construct a bore does not confer any right to take water. In the Lower Hutt Groundwater Zone a water permit is required to take any water. In any other water body in the Region, a water permit is required pursuant to Rule 16 to take more than 20,000 litres a day.*

Reason

There are 6 rules for bore construction in the Regional Freshwater Plan. They are each identified below, together with a discussion of the changes. The bore construction rules are for land use. They should not be confused with rules for taking water that require separate resource consents unless the water take is less than 20 cubic metres per day, which is permitted in the Regional Freshwater Plan.

Although bore construction and taking water are regarded as separate activities by the Resource Management Act 1991, they are closely linked in practice. A bore must be constructed before groundwater can be taken.

Permitted Activities

There are 2 permitted activity rules for bore construction. The first permitted activity rule is for bores less than 5 metres deep that are outside groundwater zones identified in Appendix 9. There are no conditions on this permitted activity rule. The rule restates the position of the Act for land use. It is not necessary because, if there was no rule, the activity would be permitted by the default of the Act.

The only known “bores” in the areas identified in the permitted activity rule are for geotechnical investigations. They are excluded from the new definition of bore. Hence, geotechnical investigations outside the areas identified in Appendix 9 are specifically excluded from the new rule. The permitted activity rule is no longer needed because the new definition and the new rule embrace all the situations that need to be addressed.

The second permitted activity rule is for bore construction less than 5 metres deep within identified groundwater zones on the Kapiti Coast and in the Hutt Valley. There is no demand for bores in the Hutt Valley less than 5 metres deep. On the Kapiti Coast this rule is proving to be ineffective for the reasons identified in the following 3 paragraphs.

Since the Regional Freshwater Plan was made operative, there has been a large increase in demand for groundwater bores on the Kapiti Coast, partly in response to increased restrictions on Kapiti's water supply take. Hundreds of bores have been drilled in the last two years. A large number of bores were also present prior to the recent increases.

Most of the bores are for domestic use. Their construction and use are permitted activities because they are usually less than 5 metres deep and take less than 20 cubic metres of water per day. The rule in the Regional Freshwater Plan allowing bore construction to a depth of 5 metres is subject to a condition requiring the driller to supply the Council with a location plan of the bore. Despite this requirement, very few drillers have advised the Council of the location of new bores. There is some uncertainty over whether the condition could be enforced because a permitted activity should be able to be carried out without recourse to the Council.

Lack of knowledge about the location and number of bores has hampered monitoring of the groundwater resource. In response to the lack of knowledge, a targeted investigation of shallow groundwater bores on the Kapiti Coast has gathered information over the last year. The findings have enabled the Council to estimate groundwater use in parts of the Kapiti Coast. A summary of relevant findings are given on the next 2 pages under the heading "**Shallow Groundwater Allocation Estimates on the Kapiti Coast**". The results suggest it is likely that some aquifers are, at least, approaching their safe yields. In the future it will be critical that the Wellington Regional Council is able obtain ongoing information on bore locations and numbers so that it can promote the sustainable management of groundwater.

Shallow bore construction on the Kapiti Coast is the main reason for changing the Regional Freshwater Plan. The changes suggested will require resource consents to be obtained for the construction of all new groundwater bores. In practice this need not require every new bore to obtain a resource consent. The process will be more efficient if drillers obtain "global" consents that allow them to construct bores within identified areas, subject to providing the Council with information about the bores. There have already been discussions with drillers on this approach and there will be more consultation during the plan change process.

Controlled Activities

There is one controlled activity rule in the Regional Freshwater Plan for bores greater than 5 metres deep on the Kapiti Coast and in the Hutt Valley, excluding the Lower Hutt Groundwater Zone. There has been a steady increase in the number of resource consents for bores on the Kapiti Coast. The deeper bores generally take more than the 20 cubic metres per day limit on permitted activity takes. Because both the bores and takes are consented, there is less of a problem obtaining information. There is little demand for new bores in the Hutt Valley.

Discretionary Activities

There are 3 rules for discretionary activities in the Regional Freshwater Plan. One is for bores and holes greater than 5 metres deep in the Lower Hutt Groundwater Zone. There is a rule for all bores in the Wairarapa. One rule is for bores on the Kapiti Coast and the Hutt Valley, other than the Lower Hutt Groundwater Zone, which do not meet the controlled activity standards or permitted activity conditions.

The Rules Are More Confusing Than They Need To Be

The plan changes suggested are consistent with the management of groundwater bores in other parts of the Region, such as in the Wairarapa. At present, people can find our rules for bore construction confusing because they differ from place to place and depend on bore depth. The changes are an opportunity to reduce the number of groundwater bore rules from 6 to 1 or 2.

Shallow Groundwater Allocation Estimates on the Kapiti Coast

The register of bores held by the Wellington Regional Council/Kapiti Coast District Council estimates there are 810 shallow bores in the Waikanae Groundwater Zone and 122 in the Raumati/Paekakariki Zone. Surveys carried out by the Wellington Regional Council indicate the Register is about 50% complete. One driller consulted suggested that the estimate is 33% complete.

Drillers spoken to during the Wellington Regional Council surveys estimated that mean usage per bore ranged between 0.25 cubic metres of water per day to 5 cubic metres of water per day. The maximum permitted volume is 20 cubic metres of water per day.

The safe yield of the sand aquifer (0-45 metres deep) in the Waikanae Groundwater Zone specified in the Regional Freshwater Plan is 14450 cubic metres of water per day. Table 1, below, estimates bore numbers, groundwater use, and safe yield percentages

Table 1: Estimates of number of bores, groundwater use, and percentage of safe yield for the Waikanae Groundwater Zone

Number of bores		Estimated groundwater use m ³ per day	% of safe yield m ³ per day
Estimate	810	0.25	1.4
		5.0	28.0
		20.0	112.1
Estimate x2	1620	0.25	2.8
		5.0	56.1
		20.0	224.2
Estimate x3	2430	0.25	4.2
		5.0	84.1
		20.0	336.3

The safe yield of the Raumati/Paekakariki Groundwater Zone (0-6 metres deep) specified in the Regional Freshwater Plan is 5980 cubic metres of water per day. Table 2, below, estimates bore numbers, groundwater use, and safe yield percentages

Table 2: Estimates of number of bores, groundwater use, and percentage of safe yield for the Raumati/Paekakariki Groundwater Zone

Number of bores		Estimated groundwater use (m ³ per day)	% of safe yield (m ³ per day)
Estimate	122	0.25	0.5
		5.0	10.2
		20.0	40.8
Estimate x2	244	0.25	1.0
		5.0	20.4
		20.0	81.6
Estimate x3	366	0.25	1.5
		5.0	30.6
		20.0	122.4

The safe yield of both groundwater zones considered together is 20430 cubic metres of water per day. Table 3, below, estimates bore numbers, groundwater use, and safe yield percentages

Table 3: Estimates of number of bores, groundwater use, and percentage of safe yield for the Waikanae Groundwater Zone and the Raumati/Paekakariki Groundwater Zone together

Number of bores		Estimated groundwater use m ³ per day	% of safe yield m ³ per day
Estimate	932	0.25	1.1
		5.0	22.2
		20.0	91.2
Estimate x2	1864	0.25	2.3
		5.0	45.6
		20.0	182.5
Estimate x3	2796	0.25	3.4
		5.0	68.4
		20.0	273.7

Local Effects

The proliferation of groundwater bores in close proximity to each other in parts of the Kapiti Coast raises questions about cumulative adverse effects that may be occurring locally, such as interference with nearby bores, soil compaction and subsidence. At present there is little information to assist with assessing the significance of bores or groundwater takes because they are not controlled. Information about the location and number of bores would assist with assessing potential problems.

Controlled or Discretionary Activity Consents?

It is desirable that there should be one approach to groundwater bores in the Region because the present approach is confusing and the actual adverse effects of constructing groundwater bores do not differ much from place to place.

The construction of bores should not be a controlled activity because, from time to time, there may be good reasons why resource consents should not be granted, such as cultural reasons. Requiring bores to obtain discretionary activity consents would allow applications to be turned down if bores are inappropriately located. In practice, there would be little difference between making bore construction controlled or discretionary. Few applications are likely to be declined and few would need to be notified.

An Independent View

A Report by the Parliamentary Commissioner for the Environment in May 2001 "*Who's water is it?*" provides an independent assessment of the conclusions that the WRC has reached as a result of its reassessment of groundwater on the Kapiti Coast. It comments as follows.

A concern that came to light through consultation is the number of water bores that have been put in on the Kapiti Coast over the last few years and the cumulative impact they may be having on the groundwater of the Kapiti Coast. Many people in Waikanae, Paraparaumu and Raumati are putting in bores as a way of overcoming water restrictions during summer. This approach is, in fact, encouraged by KCDC.

Under the Regional Freshwater Plan, shallow bores of less than 5 metres in depth do not require resource consent. KCDC considers it has a reasonably accurate record of the number of bores because people are encouraged to register the bores with KCDC to avoid enforcement action when water restrictions are in place. This register indicates over 1000 bores have gone in either unconsented or as a permitted activity over that last few years. The WRC, however, does not appear to have an accurate record of how many bores now exist, even though Rule 10 of the Regional Freshwater Plan requires that the WRC is advised of the bores as a condition of being a permitted activity.

From a sustainable water management perspective, the lack of information held by the WRC about the number of shallow bores, the quantity of water take from those bores and whether or not there is potential for adverse cumulative effects on the shallow groundwater resource are significant concerns. WRC acknowledges that it does not have adequate knowledge of the groundwater resource or of the numbers of bores that exist. The proposals for more in depth investigations in 2001/02 are noted and should be given priority.

5. Other Changes to Regional Plans

5.1 Explanation

The plan changes are listed below with reasons for the changes.

In the changes identified, below, wording from the operative plans is in italics, new wording is underlined in italics, and deletions from the operative plans are crossed out in italics.

If you want to look at the Regional Plans, you can view them on our website www.wrc.govt.nz. Alternatively they are available at libraries or copies can be obtained from the librarian at the Wellington Regional Council free phone 0800 496 734. The Transitional Regional Plan is free of charge. The Regional Soil Plan Costs \$25 and the remaining plans that are being changed cost \$45 each.

5.2 New Permitted Activity Rules

Regional Freshwater Plan

5.2.1 *Change*

Change the definition of artificial watercourse as follows.

Artificial watercourse has the same meaning as in the interpretation of "river" in the Act. For the purpose of Rules 9A and 9B, artificial watercourse includes an irrigation canal, water race, and farm drainage canal.

Reason

The Plan already has a definition of artificial watercourse that is consistent with the Act. The inclusion of a new rule relating to artificial watercourses means that some further clarification of the definition will be helpful.

5.2.2 *Change*

Add the following new permitted activity Rule to the Regional Freshwater Plan.

Rule 9A Diversion of water from an artificial watercourse or drain

The diversion of water from an artificial watercourse or drain is a permitted activity, provided that it complies with the conditions specified below:

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the construction of the diversion and no refuelling of equipment shall take place on any area of stream bed.

- (2) All material used to construct the diversion but which is not part of any diversion structure shall be removed from the artificial watercourse or drain and disposed of in an appropriate manner.
- (3) All reasonable steps shall be taken to minimise the release of sediment to water during construction.
- (4) The diversion shall be maintained so that there is no accumulation of debris.
- (5) There shall be no adverse effects on the availability of water supply for upstream or downstream water users.
- (6) There shall be no flooding of land, including neighbouring land, on properties upstream or downstream of the diversion.
- (7) The ability of the artificial watercourse or drain to convey flood flows shall not be reduced.
- (8) There shall be no adverse effects on any river, lake, or wetland.

Note: For the purpose of this rule, “drain” means a highly modified watercourse or river that is channelled to such an extent that it has the characteristics of a farm drainage canal (see section 3 of the Plan).

Note: For the purpose of this rule, artificial watercourse includes an irrigation canal, water race, and farm drainage canal. (see section 3 of the Plan).

Reason

The diversion of water from artificial watercourses and farm drains are activities that are common in the Region. They currently require resource consents but usually have very little adverse effects, provided they do not interfere with neighbouring properties or water bodies such as rivers, lakes, and wetlands. Adverse effects can be addressed in the conditions on a permitted activity rule.

5.2.3 **Change**

Add the following new permitted activity Rule to the Regional Freshwater Plan

Rule 9B The diversion of groundwater

The diversion of groundwater is a permitted activity, provided that it complies with the conditions specified below:

- (1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used during the construction of the diversion.
- (2) There shall be no adverse effects on water supply.
- (3) There shall be no flooding of land on any neighbouring property.

(4) There shall be no lowering of surface water levels in any river, lake, or wetland.

(5) There shall be no lowering of groundwater levels on any neighbouring property.

(6) There shall be no adverse effects on any river, lake, or wetland.

Reason

The diversion of groundwater usually occurs in association with other activities such as land uses, groundwater takes, or diverting surface water. Diversions currently require consents but usually have very little adverse effects, provided they do not interfere with neighbouring properties or water bodies such as rivers, lakes, and wetlands. These effects can be addressed in the conditions on a permitted activity rule.

5.3 Changes to Permitted Activity Rules

Regional Plan for Discharges to Land

5.3.1 Change

Add the following condition to Rule 5 of the Regional Plan for Discharges to Land.

(ca) The discharge does not contain drainage from an area where hazardous substances are stored or used unless:

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

(ii) there is an interceptor system in place to collect hazardous contaminants or divert contaminated stormwater to a trade waste system.

Reason

Rule 5 of the Discharges to Land Plan does not provide any control of stormwater discharged to land from sites where hazardous substances are stored or used. The change will make it consistent with the approach used in the Regional Freshwater Plan.

Regional Air Quality Management Plan

5.3.2 Change

Delete exclusion (a) from Rule 4 of the Regional Air Quality Management Plan.

Add a new clause (2) to Rule 4 as follows:

(2) buildings used to house farm animals or feedlots which are part of factory farms.

Change clause (2) of Rule 4 to clause (3).

Reasons

The effect of the change will be to permit the activities in (a), subject to the conditions in the rule. Activities that currently require consents under exclusion (a) cause very little odour, and/or have no affected neighbours. For these activities, the only consent condition that would normally be set is the same as the permitted activity condition in Rule 4. Any more onerous conditions are not necessary. There is no reason for a resource consent for these activities.

5.3.3 **Change**

Delete exclusion (a) from Rule 10 of the Regional Air Quality Management Plan.

Amend clause (2) of Rule 10 as follows:

the extraction, quarrying and mining of minerals, and the size reduction, and screening of wood products and minerals.

Reason

Many activities that currently require consents under exclusion (a) cause very little dust, and/or have no affected neighbours. Normally, the only consent condition that would be set for these activities is the same as the permitted activity condition in Rule 4. Any more onerous conditions are not necessary. For these activities there is no reason to require resource consents.

Regional Freshwater Plan

5.3.4 **Change**

Change Rule 1 of the Regional Freshwater Plan as follows:

*The discharge of contaminants, or water, into surface water, other than the discharge of stormwater, is a **Permitted Activity** provided the discharge complies with the conditions specified below.*

Add the following conditions to Rule 2 of the Regional Freshwater Plan:

The discharge does not contain drainage from an area of earthworks greater than 0.3 ha that is not stabilised;

Concentrations of acid-soluble aluminium in the discharge shall be no more than 0.15g/m.³

Add the following definition to section 3 of the Plan.

Stormwater means the water and contaminants that result from rainfall, which run off:

- any structure; or
- any land that is disturbed by excavation, drilling and tunnelling; or
- any substance that is deposited on land.

Add the following definition to section 3 of the Plan and include it as a note in Rule 2:

Stabilised, in relation to an area of earthworks, means inherently resistant to erosion or rendered resistant such as by using indurated rock or by application of basecourse or mulch, or 80% vegetative ground cover is established.

5.3.5 **Change**

Change Rule 8 of the Regional Freshwater Plan as follows:

Rule 8 Damming and diversion of water by existing structures

The damming and diversion of water by a structure that was existing and lawful on 25 January 1997 (the date the Proposed Plan was publicly notified), excluding the Lake Wairarapa Barrage Gates, is a **Permitted Activity**.

Reason

The Barrage Gates currently have a resource consent to dam and divert water that expires in 2019. The operation of the Gates has effects on Lake Wairarapa that are more than minor. Hence, it is appropriate that resource consents have been obtained and be required in the future when the current consents expire.

5.3.6 **Change**

Add the following condition to Rule 33:

(4) Will not result in the diversion of water from any wetland identified by Policy 4.2.10 (Appendix 2 - water bodies with a high degree of natural character)"

Reason

The removal or demolition of structures (eg. weirs) that affects the water tables of regionally significant wetlands should be subject to resource consents.

5.4 **Changes to Regional Plans that Include or Update Information**

Regional Freshwater Plan

5.4.1 *Change*

Include minimum flows, core allocations supplementary allocations, and flows at which stepdown allocations take affect for the Waipoua and Upper Ruamahanga Rivers in Table 6.1 of the Regional Freshwater Plan as shown in the table on the next page.

Replace minimum flows, core allocations supplementary allocations, and flows at which stepdown allocations the stepdown allocations for the Kopuaranga River in Table 6.1 of the Regional Freshwater Plan as shown in the table on the next page.

Reason

The change is promoted by Method 8.5.5 of the Regional Freshwater Plan. Water allocation plans for these rivers have recently been completed. It is appropriate to update the Regional Freshwater Plan.

Table 6.1 Minimum Flows and Water Allocation for Some Rivers in the Wellington Region

Column 1	Column 2	Column 3 Policy 6.2.1(1)	Column 4 Policy 6.2.1(2)	Column 5 Policy 6.2.1(3)	Column 6 Policy 6.2.1(4)		Column 7 Policy 6.2.1(4)	
Part of the river/ stream within which allocations in columns 4, 5 6 & 7 apply	The location of recorders where flows in columns 3, 5, 6 & 7 are measured	Minimum Flow (litres/second)	Core Allocation (litres/second)	Flow required for supplementary allocation (litres/second)	Flow below which first stepdown allocation takes effect (litres/second)	First stepdown allocation (litres/second)	Flow below which second stepdown allocation takes effect (litres/second)	Second stepdown allocation (litres/second)
Kopuaranga River from the headwaters to the confluence with the Ruamahanga River	At Palmers Bridge	<u>270</u> <u>250</u>	125	600	<u>270</u> <u>300</u>	0 <u>70</u>	<u>250</u>	<u>0</u>
Waipoua River from the headwaters to the confluence with the Ruamahanga River	At Mikimiki Bridge	<u>250</u>	<u>90</u>	<u>1000</u>	<u>300</u>	*		
Ruamahanga River from the headwaters to the confluence with the Waiohine River	At Wardells Bridge	<u>2400</u>	<u>800</u>	<u>5000</u>	<u>2700</u>	*		

* stepdown allocations for the Waipoua River and the Ruamahanga River from the headwaters to the confluence with the Waiohine River will be decided at the time resource consent applications are made. Guidance on stepdown allocation for different water uses is given in the internal technical publications prepared for each watercourse.

5.4.2 *Change*

Make the following changes to clause (1) of the Regional Freshwater Plan to explain the additions to Table 6.1.

For some larger rivers in the eastern (Wairarapa) part of the Region (Tauherenikau, Waiohine, Waingawa, ~~Kopuaranga~~) the minimum flow is based on water allocation plans prepared prior to the Act being passed into law by Parliament. Minimum flows for the first three of these rivers are based around historical methods using the one in five year low flow. ~~The minimum for the Kopuaranga River is based on achieving a 150mm depth in the river at its confluence with the Ruamahanga River, for the migration of trout. The minimum flow for the Ruamahanga at Waihenga, is based on water quality requirements. The flows for all these rivers in the Wairarapa are greater than habitat methods would provide because significant losses to groundwater can occur in the beds of these rivers.~~

The minimum flows for the Kopuaranga, Waipoua and Upper Ruamahanga Rivers have been arrived at as part of water allocation plans for these rivers that were prepared between 1996 and 2001. The minimum flows, core allocations, and stepdown allocations specified in these water allocation plans and Table 6.1 were derived using a variety of methods including:

- *Evaluating instream assessment methods including WAIORA and IFIM.*
- *Assessing current water allocations.*
- *Evaluating baseline water quantity and water quality data.*

The plans also give guidance in relation to a variety of water resource issues hence they should be referred to when applicants are applying for resource consents, or Council staff are assessing resource consent applications.

Reason

The explanation needs to include reference to the rivers added to Table 6.1.

Regional Air Quality Management Plan

5.4.3 *Change*

In the explanation to Rules 1 and 2, of the Regional Air Quality Management Plan, replace the reference to "NZS 809:1995" with "NZS 809:1999".

Reason

The standard has been updated.

5.4.4 ***Change***

In condition (ix) of Rule 1 of the Regional Air Quality Management Plan, replace the reference to *Registered Chemical Applicators Certificate* with *Advanced Growsafe Certificate*.

Make consequential changes to the explanation of the rule.

Reason

The change is a correction to the Plan.

5.4.5 ***Change***

Replace the air quality guidelines in Appendix 2 with updated Air Quality Guidelines taken from MfE's *Revised and New Ambient Air Quality Guidelines*.

Reason

The guidelines that were used for Appendix 2 in the Plan have now been updated.

5.5 **Minor Corrections, Improvements and Clarification of Regional Plans**

Regional Soil Plan

5.5.1 ***Change***

Change the definition of soil in section 3 of the Regional Soil Plan as follows.

Soil means a layer of organic and inorganic materials that overlies inorganic materials (either consolidated or unconsolidated), including alluvium and rock fragments weathered from the bedrock.

Reason

The change will clarify that alluvium and material weathered from the bedrock are included in the definition of soil.

Regional Freshwater Plan

5.5.2 *Change*

Add definitions of "cross blading" and "bed recontouring" to section 3 of the Regional Freshwater Plan, as follows.

Cross blading means disturbance of any river bed by the mechanical movement of sand, shingle, rock, gravel or other natural material, to realign that part of the bed that is covered by water at the time of the disturbance for the purpose of remedying or mitigating the adverse effects of flooding or erosion.

*Beach recontouring means disturbance of any river bed by the mechanical movement of sand, shingle, rock, gravel or other natural material, to realign that part of the bed that is **not** covered by water at the time of the disturbance for the purpose of remedying or mitigating the adverse effects of flooding or erosion.*

Reason

Definitions of these terms are desirable to ensure they are properly understood.

5.5.3 *Change*

Delete the definition of core allocation from the Regional Freshwater Plan.

Reason

The definition of core allocation is not entirely consistent with clause (2) of the explanation of policy 6.2.1. The explanation of the policy provides a lot more relevant information than the definition. It is consistent to include the meaning in the explanation to the policy because the meanings of "stepdown allocations" and "supplementary allocations" are provided in the explanation.

5.5.4 *Change*

Delete the definition of "surface water" from the Regional Freshwater Plan.

Reason

"Surface water" has been defined as "water in rivers lakes and wetlands". Rules 1, 2, and 3 permit some minor discharges to "surface water" but Rule 5 requires resource consents for the same discharges to artificial watercourses. Deleting the definition of surface water will include discharges to artificial watercourses in Rules 1, 2 and 3.

5.5.5 *Change*

Include the following definition in section 3 of the Regional Freshwater Plan.

Intermittently flowing means a river or stream that, in its natural state during an average year, stops flowing on at least one occasion during the year.

Reason

Legal advice suggests a problem with using intermittently flowing stream without any time being placed on how often the stream stops flowing.

5.5.6 *Change*

Change Rule 2 of the Regional Freshwater Plan to read ... *the discharge does not contain drainage from an area where hazardous substances are stored or used unless:*

Reason

This is the same wording as in the wording in the proposed plan. It was changed inadvertently during the process for preparing the Plan.

5.5.7 *Change*

Change rules 25, 26, 27, 28, 30, 38, 40 by including the following after "stream" or "river or lake bed" in the Rules

including any associated:

- *disturbance of any lake or river bed; or*
- *deposition on the river or lake bed;*
- *temporary diversion;*

Reason

The additional wording will clarify that disturbance, deposition, and temporary diversion associated with the permitted activities is permitted.

5.5.8 *Change*

Add the following note to Rule 35:

Note: Entry or passage across the bed of any river or lake is permitted by Rule 35 but the rule does not permit other uses of river or lake beds that are identified in Section 13 of the Act. Other uses of river and lake beds such as disturbance, deposition, and reclamation require resource consents unless they are permitted by a rule in the Plan.

Reason

The addition is to provide clarity that while entry or passage is permitted other uses of river beds must be considered separately.

5.5.9 Change

Add the following definition of "river crossing" to the Regional Freshwater Plan and make the following changes to Rule 25 and 47:

"River crossing means any structure for the purpose of crossing a river or stream such as a culvert, weir, ford, or bridge."

Rule 25 ~~Culverts, weirs, fords, and small bridges~~ River crossings in intermittently flowing streams

The placement and use of any river crossing, excluding any river crossing that dams a river, that is fixed in, on, under, or over the bed of any intermittently flowing river or stream which; ...

Rule 47 ~~Culverts, weirs, fords, and bridges in rivers and streams~~ River crossings

The placement and use of any river crossing, excluding any river crossing that dams a river, ~~which is a culvert, weir, ford, or bridge across any river or stream~~, which is not a permitted activity, including any associated:

Reason

People have misinterpreted Rule 25 to allow the piping of length of streams that are not necessarily river crossings. A similar change is made to Rule 47 to ensure consistency.

5.5.10 Change

Add a matter for control in Rules 43, 45, 46, and 48 that allows conditions to be put on a resource consent for the maintenance of structures.

Reason

The ability to ensure structures are maintained is important to for flood hazard mitigation.

5.5.11 Change

In Appendix 4, correct the Map number for the Mangaterere (paragraph 25). It should be S26, not S27.

Reason

There is an error in the Plan.

Regional Plan for Discharges to Land

5.5.12 ***Change***

In Rule 7 of the Discharge to Land Plan, replace the reference to *Technical Publication 58* with a Wellington Regional Council technical publication *Guidelines for on-site sewage in the Region WRC/RP-G-00/47*

Reason

Technical Publication 58 has been superseded by Guidelines for on-site sewage in the Region WRC/RP-G-00/47

5.5.13 ***Change***

Alter condition (g) of Rule 19 *which emits any of the hazardous contaminants*

Reason

The change will clarify the rule.

5.5.14 ***Change***

Add the Waiohine River upstream of the Moroa Water Race to Appendix 6.

Reason

The Waiohine River supplies Greytown and Featherston with water for human consumption. Therefore, it should be included in Appendix 6.