

CANTERBURY REGIONAL COUNCIL

Opihi River Regional Plan

Report R00/16

ISBN 1-86937-392-8

28 September 2000





Prepared under the Resource Management Act 1991

I hereby certify that this is a correct copy of the Ophi River Regional Plan of the Canterbury Regional Council. This Plan was approved (in part) at a meeting of the Canterbury Regional Council on 28 September 2000.

Except for Policy 5 and Method 5.3.4 of Chapter 5, which apply in the coastal marine area, all of the provisions of the plan are made operative from 16 October 2000.

On 31 August 2000, Policy 5 and Method 5.3.4 of Chapter 5 were adopted by the Canterbury Regional Council for reference to the Minister of Conservation for approval as a Proposed Regional Coastal Plan forming part of the Ophi River Regional Plan.

The Proposed Regional Coastal Plan part of the plan will be approved and made operative by the Canterbury Regional Council at a date yet to be determined, following the approval of the Minister of Conservation.

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CHAIRMAN
CANTERBURY REGIONAL COUNCIL
28 September 2000

Report R00/16
ISBN 1-86397-392-8

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Part 1 Background Information

1 Introduction

1.1 PLAN STRUCTURE

The structure of this Plan is in three parts:

Part 1 Background information

Chapter 1 is the introductory chapter. It tells you what the structure and purpose of this Plan is, what it covers and how to use it.

Chapter 2 sets out the statutory basis of this Regional Plan for the Opihi River, its tributaries and hydraulically connected groundwater. Parts of the Resource Management Act 1991 (the Act) are referred to, as the principal Act on which the plan is based, followed by reference to the Regional Policy Statement and Regional Plans that affect the Opihi River and its catchment.

Chapter 3 describes the Opihi River Catchment where this Plan applies and outlines the characteristics and values for the catchment.

Part 2 Issue Resolution

Part 2 identifies the resource management issues for the Opihi River Catchment that are addressed by this Plan and how they are to be resolved through the development of objectives, policies and methods.

Chapter 4 summarises the resource management issues covered by this Plan.

Chapter 5 identifies the issues in relation to water quantity and provides processes for allocation of water, dealing with augmentation proposals, and protection of instream values.

Chapter 6 identifies the issues in relation to water quality and provides processes for preventing further degradation of the Opihi River and its tributaries and upgrading existing degraded water.

Part 3 Processes and Monitoring

Chapter 7 deals with cross-boundary processes.

Chapter 8 outlines the monitoring strategy for the Plan, and specifies the review period of the Plan and the process for the review.

Chapter 9 sets out how to make an application for a water permit or a discharge permit, and the information to be provided in the application.

1.2 PLAN PURPOSE AND SCOPE

The purpose of this Plan is to promote the sustainable management of the natural and physical resources of the Opihi River, its tributaries including the Temuka River, and hydraulically connected groundwater and to achieve the integrated management of those resources. In particular, the Plan addresses the issues of: competing demands for water; the effects of augmentation; the discharges of contaminants affecting surface water, and the protection and enhancement of instream values for water. The Plan sets out objectives, policies, methods and rules to resolve these issues. It is anticipated that the environmental results following implementation of these policies and methods will include: sufficient flows of water in the rivers for the protection of instream values; improved efficiency in the use of water; greater availability and enhanced supply of water for abstraction and instream uses; adequate quality of sources of drinking water; protection and improvement of water quality for aquatic ecosystems, and water quality suitable for mahika kai and for water contact recreation.

It is recognised that better information is needed in relation to fish and invertebrate habitats in the Temuka River, and in the Opihi River, particularly below Saleyards Bridge. It is intended to carry out invertebrate surveys and monitoring as part of plan implementation, and to access fish habitat survey information from other organisations. The results of the surveying and monitoring will be available for the review of the Plan in ten years.

The Plan sets out issues and the objectives, policies, and methods for resolving these issues. Not all of the methods involve regulation of activities. Some methods provide guidance for Environment Canterbury and provide guidance for others in undertaking activities to deal with the problems identified by the Plan.

1.3 HOW TO USE THIS PLAN

Analysis of Alternatives

Analyses of alternatives, assessment of benefits and costs, etc, as required by Section 32 of the Act, are contained in a separate document prepared by Environment Canterbury. This document, titled Section 32 Report - Regional Plan for the Opihi River, is available for inspection at the Christchurch and Timaru offices of Environment Canterbury, 58 Kilmore St, Christchurch and 75 Church Street, Timaru. Copies are obtainable from Environment Canterbury on request.

As part of the process of fulfilling the requirements of Section 32 of the Act three discussion and consultation documents were prepared:

- a) Opihi-Temuka River and Catchment, Issues and Options (December 1990)
- b) Opihi-Temuka River and Catchment Management Plan Discussion Draft (August 1991)
- c) Opihi River and Catchment Plan Consultation Document (July 1993)

Regulation of Activities

The Plan regulates the following activities through regional rules:

- a) The abstraction of water from the Opihi River or its tributaries or from hydraulically connected groundwater (Chapter 5, Rule 1 - discretionary activity);
- b) The damming, use, diverting or discharge of water in the Opihi River or its tributaries (Chapter 5, Rule 2 - discretionary activity);
- c) The discharge of contaminants into the Opihi River or its tributaries or onto or into land (Chapter 6, Rule 1 - discretionary activity);
- d) The discharge before 1 January 2004 of treated or untreated human sewage, into the Opihi River or its tributaries or onto or into land (Chapter 6, Rule 2 - discretionary activity);
- e) The discharge after 31 December 2003 of treated or untreated human sewage, onto or into land where contaminants emanating from natural processes may enter the Opihi River or its tributaries after passing through soil (Chapter 6, Rule 2 - discretionary activity);
- f) The discharge after 31 December 2003 of treated or untreated human sewage, into the Opihi River or its tributaries or onto or into land where human sewage may enter those water bodies (Chapter 6, Rule 3 - prohibited activity);
- g) The discharge after 31 December 2003 of treated or untreated human sewage, onto or into land where contaminants emanating from natural processes may enter the Opihi River or its tributaries without passing through soil (Chapter 6, Rule 3 - prohibited activity).

The rules also specify the standards and terms which must be met; matters, if any, to which Environment Canterbury has restricted its discretion; whether the consent can be decided without notification; the effect on existing permits, and any exemptions from the rules.

For **Discretionary Activities** Environment Canterbury can grant or refuse consent and can impose conditions. Standards and terms may be set for these activities in the Plan and Environment Canterbury may choose to restrict the exercise of its discretion in deciding on the consent application or in imposing conditions, to matters specified in the Plan.

For **Prohibited Activities** no consent may be applied for or granted once the time for making or lodging submissions or appeals against the proposed rule describing the activity as prohibited has expired; and, either no such submission or appeals have been made or lodged; or they have been withdrawn or dismissed. Another way for the activity to be lawfully carried out is through a change in the plan which may be sought in accordance with the First Schedule to the Act.

Application for Consents

Chapter 9 explains how to make an **application for a consent** to undertake the activities governed by the regional rules contained in this Plan. Chapter 9 also details the **information** which must be provided with the application.

An applicant for a resource consent, or any person who made a formal submission on the application has the right of appeal to the Environment Court if not satisfied with the decision made by Environment Canterbury.

2 Planning Framework

2.1 THE RESOURCE MANAGEMENT ACT 1991

All regional councils are empowered to prepare regional plans under the Act (Section 65) to assist them to carry out their functions in order to achieve the purpose of the Act (Section 5).

The purpose of the Act is “to promote the sustainable management of natural and physical resources.”

In the Act ““sustainable management” means: managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

The functions of Environment Canterbury in regard to water are specified in Section 30 of the Act.¹

“30. Functions of regional councils under this Act -

- (1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:
 - (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:
 - (b) The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:
 - (c) The control of the use of land for the purpose of -...
 - (ii) The maintenance and enhancement of the quality of water in water bodies and coastal water:
 - (iii) The maintenance of the quantity of water in water bodies and coastal water:..
 - (e) The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including -
 - (i) The setting of any maximum or minimum levels or flows of water:
 - (ii) The control of the range, or rate of change, of levels or flows of water:
 - (iii) The control of the taking or use of geothermal energy:
 - (f) The control of discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - (g) In relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of -...
 - (ii) The maintenance and enhancement of the quality of water in that water body:

¹ Subsections (c) (i), (iv), (v); (d); and (g) (i), (iv) are not quoted because they are not relevant to this plan.

- (iii) *The maintenance of the quantity of water in that water body:...*
- (h) *Any other functions specified in this Act.”*

In achieving the purpose of the Act, all persons exercising functions and powers under it must recognise and provide for matters of national importance; have particular regard to other matters; and take into account the principles of the Treaty of Waitangi; as defined by Sections 6, 7, and 8 of the Act:

- “6. *Matters of national importance*** -In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
 - (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- 7. *Other matters*** -In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to -
- (a) *Kaitiakitanga:*
 - (aa) *The ethic of stewardship:*
 - (b) *The efficient use and development of natural and physical resources:*
 - (c) *The maintenance and enhancement of amenity values:*
 - (d) *Intrinsic values of ecosystems:*
 - (e) *Recognition and protection of the heritage values of sites, buildings, places, or areas:*
 - (f) *Maintenance and enhancement of the quality of the environment:*
 - (g) *Any finite characteristics of natural and physical resources:*
 - (h) *The protection of the habitat of trout and salmon.*
- 8. *Treaty of Waitangi*** -In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (*Te Tiriti o Waitangi*).”

2.2 RELATIONSHIP WITH THE REGIONAL POLICY STATEMENT AND REGIONAL PLANS

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

This Plan closely follows the framework of the water chapter of Environment Canterbury's Regional Policy Statement. The Plan has adopted the relevant issues, objectives, policies and methods of the Regional Policy Statement but has modified them so that they are specific to the Opihi River Catchment and the particular circumstances within the catchment.

The Regional Policy Statement provides for priority to be given through a Regional Plan to the water resources of the Opihi River Catchment for establishing water flow, level and allocation regimes, and in setting water quality standards.

Under the requirements of the Act this Plan cannot be inconsistent with other Regional Plans. The rules in this Plan operate at the same time as those in one existing plan and two proposed plans:

- a) The Transitional Regional Plan
- b) The Proposed Land and Vegetation Management Regional Plan
- c) The Proposed Regional Coastal Environment Plan

TRANSITIONAL REGIONAL PLAN

The Transitional Regional Plan which came into effect on 1 October 1991 has effect in the area covered by this proposed Plan. The Transitional Regional Plan includes provisions which define permitted activities. These provisions, subject to conditions allow:

- a) abstraction of water from groundwater, surface water and from irrigation schemes;
- b) the diversion or discharge of natural water;
- c) the disposal of animal effluent onto land;
- d) the discharge of sewage tank effluent into the ground;
- e) the discharge of land drainage and aquifer or bore test water;
- f) the discharge of water tracers, cooling waters, storm water and water from swimming pools;
- g) the damming of rivers or streams.

The Transitional Regional Plan also contains: provisions controlling banks of watercourses, including those of the Opihi River and its tributaries; provisions relating to groundwater abstraction, including making, altering or installing bores, and provisions controlling land disturbance and vegetation clearance where this is likely to cause deposits in water courses.

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

The parts of the Transitional Regional Plan defining the permitted activities identified in (a) to (g) above expire on 1 October 1996 and the remaining provisions remain in force unless superseded by provisions in an operative regional plan.

The provisions of the Transitional Regional Plan apply at the same time as the provisions in this Plan. This proposed Plan does not contain any provisions which would, when the Plan becomes operative, substitute or change any provisions of the Transitional Regional Plan.

PROPOSED LAND AND VEGETATION MANAGEMENT REGIONAL PLAN

Environment Canterbury's "Proposed Land and Vegetation Management Regional Plan" was publicly notified in October 1993. That proposed Plan, amongst other matters, regulates: construction, vegetation clearance and establishment, and land surface disturbance in the riverbeds and river margins of the Opihi River Catchment. Rules in that Plan provide for permitted, controlled and discretionary activities within the riverbeds. Such regulated activities include: planting, cutting, pruning, thinning, and spraying of vegetation, use of machinery, flood protection works, and building and removal of structures.

PROPOSED REGIONAL COASTAL ENVIRONMENT PLAN

A Proposed Regional Coastal Environment Plan has been prepared which regulates the Coastal Marine Area which includes the area of the Opihi River mouth and lagoon.

The Opihi River Mouth is in the Coastal Marine Area and the artificial opening of the river mouth is subject to provisions of the Regional Coastal Environment Plan. However, abstraction of water from the Opihi catchment and the release of water from storage dams or through diversions from another catchment affect the Opihi River Mouth and lagoon and the need for the mouth to be artificially opened. This Plan therefore contains a policy and a method of implementation dealing with the artificial opening of Opihi River mouth.

Section 64 of the Act provides that where a regional coastal plan forms part of a regional plan, the regional coastal plan part of the plan must be approved by the Minister of Conservation before that regional coastal plan part becomes operative.

The Proposed Regional Coastal Environment Plan has identified the Opihi River Mouth, the lagoon and the adjacent coastal marine area as an Area of Significant Natural Value based on criteria established by the Minister of Conservation.

3 Resource Overview

3.1 NATURAL RESOURCE VALUES OF THE OPIHI RIVER & CATCHMENT

This section summarises the ecological and human use values of the natural resources of the Opihi River and Catchment, in order to provide a basis for setting resource management objectives.

Surface Water Bodies

Habitat

- a) The Opihi River mouth lagoon is a wetland of national importance. It provides important habitat for the spawning and rearing of juvenile fish. Eighteen species of fish have been identified, all of which migrate in and out of the lagoon.
- b) The lagoon provides a breeding and feeding ground for large numbers of migratory and resident birds.
- c) The lagoon contains remnant stands of indigenous vegetation which once covered the area, including flax, raupo, sedges, rushes and shore ribbonwood.
- d) The entire Opihi River system provides important habitat for the maintenance of fish migration, spawning and the rearing of juveniles and is a significant habitat for birdlife.

Recreation

- a) The Opihi River lagoon is a focal point for recreation in the South Canterbury region.
- b) The catchment's rivers are important for a range of recreational activities, such as fishing, picnicking, swimming, shooting, canoeing, and boating.
- c) The Opihi River system has been identified as a fishery of at least regional recreational importance. Prior to major flow reductions the Opihi was regarded as a trout fishery of national importance. The system is valued particularly for salmon and trout, and also for kahawai, whitebait, mullet, flounder and eels.

Mahika Kai

- a) The Opihi River system provides important mahika kai (a place where the Takata Whenua traditionally seek food and other natural resources), for species including eel, flounder, whitebait, lamprey, and birds as well as edible plants. The Takata Whenua have expressed their desire for the restoration of natural, unpolluted flows.

Economic Values

The Opihi River supplies water for:

- a) domestic purposes;
- b) stock drinking;

- c) agriculture ;
- d) industry.

The Temuka River supplies water for:

- a) agriculture ;
- b) industry.

The Opihi River is used for the discharge of effluent from:

- a) Burkes Pass sewage oxidation ponds;
- b) Fairlie sewage oxidation ponds;
- c) Pleasant Point sewage oxidation ponds.

The Temuka River is used for the discharge of effluent from:

- a) Geraldine sewage oxidation ponds;
- b) Temuka sewage oxidation ponds;
- c) rinse waters from one wool scour plant.

Groundwater

Economic Values

Where available the groundwater resource of the Opihi River Catchment is utilised for:

- a) domestic purposes;
- b) industry;
- c) irrigation;
- d) stock water.

The Land Resource

Habitat

Indigenous Forest:

- a) Only 0.4 % of the catchment contains indigenous bush.

Wetland habitat in the catchment includes:

- a) lowland swamps, marshes, flushes and stream sides. (These are part of the seasonal food chain for a wide range of migratory species, as well as being vital reservoirs of life during dry periods.);
- b) upland bogs. (Plant form in these wetlands has adapted to alpine conditions. These upland wetlands are an integral part of the remaining indigenous tussock grasslands.)

Tussock Grassland:

- a) 30% of the catchment is tussock grassland. These are a typical example of South Canterbury tussock lands, and are important for soil and water conservation.

Landscape Values

Much of the catchment is of importance locally for its landscape values:

- a) particularly Four Peaks, Sherwood Range and Two Thumb Range viewed from the main population centres and the main roads;
- b) the limestone formations are of local importance.

Recreation

The catchment is of local importance for recreation. The wide range of recreational uses include tramping, skiing, hunting, rock-climbing, 4-wheel driving, trail bike riding, and mountain cycling.

Economic

Farming and forestry use of the catchment includes:

- a) extensive grazing on the steep lands;
- b) intensive pastoral farming on the downlands;
- c) intensive land use (cropping, horticulture, dairy, pasture with irrigation) on the plains.

Nearly 3% of the catchment is currently being used for production forestry.

3.2 AREA TO WHICH THE PLAN APPLIES

This Plan applies to the Opihi River and its tributaries, including, but not limited to, the Opuha (North and South Branches), Tengawai, Waihi, Te Moana, Kakahu and Temuka Rivers and their tributaries (Figure 1).

The Plan also applies to discharges occurring in the land areas which form a catchment to the Opihi River and its tributaries. Particular provisions for abstraction of water apply to areas where the groundwater system is hydraulically connected to the surface water system.

The plan only applies in the coastal marine area in respect of Policy 5 and Method 5.3.4 of Chapter 5 of the plan. The landward boundary of the coastal marine area has been determined by an agreement between the Minister of Conservation, Timaru District Council and the Canterbury Regional Council, dated 19 May 1994, as being 350 metres upstream of the Opihi River Mouth along a line between map references (K38) 777572-783576.

FIGURE 1:

MAP OF THE AREA OF THE PLAN

Part 2 Issue Resolution

4 Summary of Resource Management Issues

This Plan contains objectives, policies, and methods for resolving the following resource management issues:

Water Quantity (Chapter 5)

Issue 1

There are competing demands for the use of water from the Opihi River and lagoon, its tributaries, and hydraulically connected groundwater from: abstractors; those who discharge into water; instream users including those who store water and generate electricity; those who drain or divert water; fishers and other recreational users; those who value the water for its natural character and its ecological life supporting capacity, and Takata Whenua who value the water for its wahi tapu, wahi taonga and mahika kai.

Water abstraction has adversely affected river ecology and natural character. Land use change on an extensive scale involving vegetation clearance, wetland drainage or afforestation has in the past and may in the future change flow patterns.

Issue 2

Augmentation of the flows in the Opihi River and lagoon, its tributaries and hydraulically connected groundwater through dam storage or other methods and:

- (a) the effects on the river including the effects on river ecology, natural character and cultural values; and
- (b) how water is allocated.

Surface Water Quality (Chapter 6)

Issue 1

Point source and non-point source discharges of contaminants into the Opihi River or its tributaries can adversely affect their ecological value or their present and future use by, and value to, the Canterbury community. Point source discharges can also compromise the cultural relationship Takata Whenua have with water.

Particular discharges of concern are sewage and stormwater discharges from communities, and agricultural run off. Sewage discharges to water are particularly culturally offensive to Takata Whenua. Low water quality adversely affects the use of the river system for drinking water for both people and stock and for recreation, as well as having an adverse effect on river ecology and amenity.

The adverse effects of contaminant discharges on the river and the lagoon are more acute during periods of low river flows and when the river mouth is closed.

WATER QUANTITY SUMMARY DIAGRAM

5 Water Quantity

5.1 INTRODUCTION

Surface water

Surface water abstraction needs to be managed to protect the aquatic habitat, fisheries and other instream values, while providing for abstraction for industry and irrigation where flows are adequate and also providing for essential domestic and stock water use. Abstractions and damming, affect flows and water availability in the river. Surface waters in the Opihi River, its tributaries and catchment occasionally experience severe summer-low flows. On frequent occasions the demand for water exceeds supply. Historically, under natural conditions, there has on occasion been no surface flow in parts of the Opihi River system. Land use change, particularly afforestation over a significant proportion of a catchment, can also affect water yield and hence its availability. Clearance of riparian wetlands and changes in land use have reduced the natural water storage capacity of the catchment, although the extent of this reduction has not been quantified.

The adverse effects of low flows include:

- a) degradation of the aquatic habitat due to reduced water quality (increased temperatures, decreased oxygen, seasonal algal blooms);
- b) loss of habitat for fish, wildlife and flora;
- c) loss of mahika kai;
- d) loss of fish passage;
- e) reduction of recreational opportunities;
- f) reduced water availability for abstraction;
- g) reduced ability of the river to assimilate waste;
- h) visual impacts due to algal growth and dry river beds.
- i) closure of the river mouth leading to elevated water levels, water temperatures and pH in the lagoon. This affects the aquatic ecosystem (e.g. fish kills) and impacts on migration patterns of fish through the mouth (e.g. whitebait, smelt, eels and salmon).

The advent of the Opuha Dam has allowed minimum flows to be raised in the Opihi River to better provide for instream values and help sustain supply of water for abstraction. Augmentation via the Opuha Dam may not meet the needs of all abstractors on all tributaries. Separate minimum flows will therefore be investigated and where necessary established on certain tributaries to ensure the requirements of Objective 1 are met and to clarify what water is available for abstraction.

Groundwater

The main groundwater allocation issue relates to the inter-connectedness of parts of the groundwater and surface water systems. The impact on surface water of groundwater abstractions depends on bore depth, bore distance from river, parameters which describe the aquifer characteristics, and the rate and duration of abstraction.

The inter-relationship between surface and groundwaters in parts of the Waihi River Catchment is different from other hydraulically connected areas because of the influence of recharge from surface waters outside of the Waihi Catchment.

Allocation of the groundwater resource must be managed carefully to avoid exacerbating surface water-low flow problems due to the inter-connectedness of the two systems.

Augmentation

Early in 1998 construction of the Opuha Dam was completed. While the dam created adverse effects, these were considered to be outweighed by the beneficial effects.

Adverse effects include:

- loss of fish passage to waters above the Opuha Dam;
- a reduction in flow variability through capture of flood peaks and freshes;
- a loss of natural character and recreational amenity;
- loss of farm land.

Beneficial effects include:

- improved reliability of supply of water for irrigation;
- improved fish passage and recreation amenity in the Opihi downstream of the Opuha confluence when river flows would otherwise be naturally low;
- the ability to have a higher minimum flow during critical summer months, therefore improving aquatic habitat and reducing the risk of mouth closure;
- increased area of irrigation;
- some flood mitigation;
- new recreational opportunities in the lake behind the dam.

Because other augmentation schemes such as the damming of another tributary, or diversion from another catchment may arise, policies are needed for consideration of any consent to construct any augmentation dam, store and divert water, or to augment the river; and to establish the parameters for the regulation of abstractions under an augmentation scheme.

Transfer of Water Permits

Under Section 136(2) of the Act, the whole or part of a permit to take water may be transferred to another site either upstream or downstream in the same catchment or in the same aquifer if the approval of Environment Canterbury as consent authority for the original permit is obtained.

A transfer could also occur if expressly provided for under this Plan. No such provision has been made in this Plan because Environment Canterbury wishes to retain discretion when considering requests for transfer in order to avoid any adverse effects on river flows or other abstractors from a transfer. Requests for transfers of water permits from site to site are treated the same as for applications for resource consents. Further work would be needed to define areas within which transfers could occur without needing Environment Canterbury approval.

5.2 ISSUE RESOLUTION

Issue 1

There are competing demands for the use of water from the Opihi River and lagoon, its tributaries, and hydraulically connected groundwater from: abstractors; those who discharge into water; instream users including those who store water and generate electricity; those who drain or divert water; fishers and other recreational users; those who value the water for its natural character and its ecological life supporting capacity, and Takata Whenua who value the water for its wahi tapu, wahi taonga and mahika kai.

Water abstraction has adversely affected river ecology and natural character. Land use change on an extensive scale involving vegetation clearance, wetland drainage or afforestation has in the past and may in the future change flow patterns.

Objective 1

Achieve sufficient quantities of water in the Opihi River and lagoon, its tributaries and hydraulically connected groundwater to enable present and future generations to gain cultural, social, recreational, economic and other benefits from those water resources; while:

- a) Safeguarding their existing value for efficiently providing sources of drinking water for people and for the reasonable needs of an individual's animals;
- b) Safeguarding the life supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna, and areas of significant indigenous vegetation;
- c) Safeguarding their existing value for providing mahika kai for Takata Whenua;
- d) Protecting wahi tapu and other wahi taonga of value to Takata Whenua;
- e) Preserving the natural character of lakes, and rivers, and their margins and protecting them from inappropriate use and development;
- f) Protecting habitat of trout and salmon; and
- g) Maintaining, and where appropriate enhancing, amenity values.

PRINCIPAL REASON

This objective recognises the economic significance of the resource to existing users and the wider community while providing for the maintenance, and possible enhancement, of existing fishery and other instream values. It helps in meeting the wishes of the Takata Whenua in terms of reinstating more natural flows.

Careful management of hydraulically connected groundwater is important because its use has implications for sustaining low surface water flows.

Efficient use of resources is an important principle of the Act and is a management priority where resources are scarce.

Policy 1

Instream flow and abstraction regimes are to be set and maintained, and taking, use, damming and diverting controlled, for the Opihi River and lagoon, its tributaries, and hydraulically connected groundwater to enable abstraction and use while:

- a) **Safeguarding their existing value for efficiently providing sources of drinking water for people and for the reasonable needs of an individual's animals;**
- b) **Safeguarding the life supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna, and areas of significant indigenous vegetation;**
- c) **Safeguarding their existing value for providing mahika kai for Takata Whenua;**
- d) **Protecting wahi tapu and other wahi taonga of value to Takata Whenua;**
- e) **Preserving the natural character of lakes, and rivers, and their margins and protecting them from inappropriate use and development;**
- f) **Protecting habitat of trout and salmon; and**
- g) **Maintaining, and where appropriate enhancing, amenity values.**

EXPLANATION

Instream flow and abstraction regimes establish minimum flows, abstraction limits and restrictions and priorities for abstractors. Groundwater abstractions and activities in wetlands which directly affect river flows are to be controlled the same as river flows.

PRINCIPAL REASON

To maintain minimum river flows to protect instream values and to allow abstractors to use water efficiently within those constraints.

METHODS

Investigations.
Information and Education.
Water User Groups.
Regional Rules.
Resource Consents.

Policy 2

Promote efficiency in the use of water.

EXPLANATION

Efficiency involves both technical efficiency (avoidance of waste) and allocative efficiency (using water where it has greatest value). The reasonable and efficient use of water are matters required to be considered as part of the resource consent application process.

PRINCIPAL REASON

Efficient use of water enables greater use to be made of water which is allocated out of stream. In turn this means that there will be less need to allocate more water from streams, or to decrease minimum flows, to meet future demands for water.

METHODS

Information and Education.
 Water User Groups
 Regional Rules
 Resource Consents

Policy 3

At times of water restrictions on abstractors provide for lesser restrictions to apply to specified community water supply schemes as follows:

- (a) the specified community water supply schemes shall only be required to reduce by 50 percent of the restrictions applying to other abstractors for any period during which restrictions are in force;**
- (b) notwithstanding (a) above, restrictions on the taking of water for domestic use by individuals and for communities should allow for an unrestricted allocation of up to 250 litres per person per day for persons served by the supply system. In determining the amount to be unrestricted, allowances may be made for the normally resident population, for staged increases to meet substantiated projections of population growth and for temporary increases in population.**
- (c) notwithstanding (a) above, restrictions on the taking of water should allow for an allocation sufficient for the reasonable needs of an individual's animals for drinking water.**
- (d) when setting restrictions on the specified community water supply schemes regard should be had to:**
 - (i) the best practicable method for community water supply schemes to restrict their take and in particular their ability to reduce on an instantaneous rate basis or a daily volume basis; and**
 - (ii) the existing physical condition of the water reticulation system and reasonable constraints on the time and resources required to remedy any defects in the system.**

EXPLANATION

Existing community water supply schemes are specified in Schedule B (1) (b) of this Chapter of the plan.

Provision needs to be made for the basic needs of people and stock when water is in short supply. When addressing conditions setting restrictions that may have to be imposed in times of water shortage Environment Canterbury will ensure that the basic domestic needs of people and drinking water requirements for stock are secured.

250 litres per person per day should be unrestricted for the people supplied by these community water supply schemes. This amount of water is a reasonable volume for domestic health and hygiene purposes, without allowing for additional uses such as garden irrigation.

Over and above this, restrictions on these community water supply schemes should be 50 percent of what would apply to other abstractions. A minimum 50 percent allocation gives the Community the ability to strategically allocate the water that it is able to take.

The fact that the Opuha Dam and associated augmentation scheme is now in existence means that for most of the time restrictions will not have to be imposed at all on the major Opihi River water supply take for Timaru District Council at Waitohi. This take is small in relation to the total out of stream allocation. It is the equivalent to the irrigation demand of about four farms.

Environment Canterbury is aware that it may be difficult for some small community water supply schemes to restrict their instantaneous rate of take and that it is more appropriate that they be restricted on their daily volume. Environment Canterbury will look to enable the best practicable method in these circumstances. Environment Canterbury is also aware that some water supply systems (e.g. Fairlie and open race stockwater systems) are in a poor state of repair and have high rates of water loss or are less efficient (e.g. open races require more water than piped schemes). Restrictions on such abstractions will mean it is difficult for these schemes to supply the essential amounts of water required. The state of these systems and the strategy for their upgrade are matters that Environment Canterbury will have regard to at the time of resource consent expiry and replacement or review. Environment Canterbury will consider setting a phase-in time for compliance with these restrictions in resource consent conditions.

PRINCIPAL REASON

When water is in short supply there needs to be a reduction in takes from the river and this burden is to be shared across all abstractors. However provision still needs to be made for basic domestic and stockwater needs. Existing community water supply schemes systems are not always efficient and may be in need of upgrade. Allowance should be made for the existing deficiencies of these schemes where they are to be upgraded, so that this can occur without undue hardship on the community.

METHODS

Regional Rules
Resource Consents

Policy 4

- (a) **Allocation limits are set to protect the availability of water for existing permit holders (A Permits), who will have priority, and still allow water to be abstracted at times of high flows via the granting of B Permits;**
- (b) **B Permits are exercised only when river flows rise to higher levels that provide for all “A” Permits to be exercised and for additional in stream flows;**
- (c) **The “A” allocation limit for the Opihi River Catchment (excluding the Temuka River Catchment) is a maximum of 5.6 cubic metres per second;**
- (d) **The “A” allocation limit for the Temuka River Catchment is a maximum of 1.6 cubic metres per second;**
- (e) **The “B” allocation limit for the Temuka River Catchment is a maximum of 0.4 cubic metres per second;**
- (f) **The allocation limits are the sum of the maximum consented abstraction rates for surface water abstractions plus the sum of the calculated stream depletion effects for hydraulically connected groundwater abstractions.**

EXPLANATION

Allocation limits have been set using a system of higher and lower priority permits. For the Opihi River, the higher priority permit or A Permit allocation is essentially that amount of water that was entitled to be taken prior to the Plan notification date of 30 July 1994.

For the Temuka River, the “A” Permit allocation is that amount of water that was associated with consents granted prior to 1 January 1999 and consents granted for applications to take water that had been applied for and were being processed by Environment Canterbury as at that date.

The Plan provides for “A” Permits, when expiring, to retain this priority where they are replaced by another permit granted for the same rate of take and quantity of water, provided there is a reasonable need for the water sought and the applicant is able to abstract and apply that water.

The allocation limits are measured by the sum of maximum surface abstractions and the sum of the calculated stream depletion effects after 30 days of pumping of ground water abstractions from hydraulically connected groundwater that are subject to restrictions imposed by this Plan.

Any “A” Permit allocation involving “A” Permits or parts of “A” Permits that are not maintained as “A” Permits ceases to exist. The “A” allocation may therefore, at least in theory, reduce over time.

To provide for an additional instream allocation, river flows must rise before the lower priority “B” Permit abstractions are allowed to occur. “B” Permits are capped for the Temuka River.

PRINCIPAL REASON

This policy gives security to the investments of existing permit holders. Not setting a limit would mean that each additional permit granted would adversely affect, in a progressively more significant way, all existing permits. The policy also provides for access to otherwise unavailable water at times of high flow. Also, by setting a limit on the water allocated, river flows above this limit will remain in the river to provide further protection to instream values.

It would be inequitable to continue to issue permits which diminish the value of existing permits but it would not be efficient to allow all water above the minimum flow to run to the sea without allowing its use.

METHODS

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Resource Consents

Policy 5

To provide for opening of the Opihi River mouth in accordance with the Regional Coastal Environment Plan:

- a) **for flood mitigation purposes; or**
- b) **for water quality, fish passage, and cultural purposes provided that this should be carried out in consultation with Environment Canterbury, District Councils, Opuha Dam Partnership, Takata Whenua, the Department of Conservation, and the Central South Island Fish and Game Council as is appropriate.**

EXPLANATION

A combination of low flows in the lower Opihi River and sea conditions can cause the river mouth to close and continuing low river flows can maintain this closure. If the mouth remains closed for a significant period, adverse effects can arise. These can affect the ecology of the lagoon, impede fish passage through the mouth, cause localised flood nuisances and threaten stopbank integrity. The minimum flows have been set to mitigate against this occurrence but these flows will not always secure this and alternative strategies will be required.

The following table lists trigger levels, any one of which, subject to the stated conditions, may necessitate mouth opening.

Environmental Factors	Trigger levels	Conditions necessary for opening
Water Temperature	Above 24°C	Sea conditions favourable to prevent immediate closure.
Water pH	Above 9.0	
Water Level	2.8 m above Mean Sea Level in terms of the Lyttelton Datum (1937)	River conditions suitable for upstream passage in migration periods.
Fish Passage through the mouth	Mouth closure has exceeded 15 days.	

Fish are vulnerable when the water temperature approaches 24°C and/or the pH approaches 9. Adjoining land is subject to flooding once lagoon levels reach 2.8m above Mean Sea Level in terms of the Lyttelton Datum (1937), and these levels also mean water will be lapping against stopbanks and weakening them if this occurs for any period. Lack of fish passage through the mouth is also set as a trigger. Mouth closure can restrict migration of indigenous fish such as eels and also introduced fish species such as salmon (including juveniles) and sea run trout. Sustained closure and change in salinity can also affect lagoon dwelling species such as mullet and flounder. There may be other circumstances and reasons for needing to open the mouth and this list is not intended to be exclusive.

There are circumstances when it may not be appropriate to open the mouth even though the trigger levels have been reached, for example:

- (a) if sea conditions are such that it is dangerous to work at the mouth;
- (b) if the mouth is likely to close within a short period of it being opened; or
- (c) if during the salmon migration period there is insufficient flow to enable passage upstream.

It is intended that these concerns be addressed at the time through the consultation promoted by the policy. There may also be opportunity to open the mouth by the release of higher flows from the Opuha Dam or to combine such a release with mechanical opening of the mouth. This is enabled by Rule 2 Standard and Term clause (e). This allows for the release of an artificial fresh and then requires a compensatory lower flow until the volume released is re-balanced.

This Policy seeks to achieve integrated management of the catchment. However in doing so it addresses an activity that will occur in the Coastal Marine Area, and therefore falls within the ambit of the Regional Coastal Environment Plan. The Policy is included in this Plan for completeness and coherence for dealing with the Opihi River resource management issues in an integrated way.

PRINCIPAL REASON

To provide for the opening of the Opihi River mouth by mechanical or other means in order to maintain water quality, fish passage, flood protection and environmental integrity.

METHOD

Works -River Mouth Openings

Policy 6

Before developing any land use controls for protecting water yields in the Opihi River Catchment Environment Canterbury will fully investigate the effects on water yield of different land uses and land management practices

EXPLANATION

In a catchment with low flows extensive land use change, particularly afforestation, may be a significant factor affecting water yields.

PRINCIPAL REASON

Land use can affect water yields but more investigation is needed of those effects before considering the merits of land use controls in this particular catchment.

METHOD

Investigations.

Issue 2

Augmentation of the flows in the Opihi River Catchment by water released from dam storage, diversions or other methods and:

- (a) **the effects on the river including the effects on river ecology, natural character and cultural values; and**
- (b) **how water is allocated.**

Objective 2

Provide for the augmentation of the flows in the Opihi River Catchment to protect and enhance its overall ecological functioning and other instream values and to enable the efficient and equitable use of the water by those who augment the river flows.

PRINCIPAL REASON

There is insufficient water in the catchment at present to meet the needs of existing and potential abstractors while retaining adequate water instream. This can be alleviated through redistribution of seasonal river flows through storage or diversion from other catchments.

It is equitable and efficient that those who augment the river should receive benefits otherwise no augmentation scheme would proceed. At the same time it is appropriate that a project involving the diversion or damming of water should result in instream environmental benefits as well as economic benefits to mitigate any adverse effects.

Policy 7

Those who augment the Opihi River flows will be enabled to abstract water, from the river and hydraulically connected groundwater, provided that, along with other relevant consent conditions, instream flow requirements in the vicinity and downstream of the take are met and that stored or diverted water is released as necessary to meet minimum flow requirements for the augmentation scheme.

EXPLANATION

Those augmenting the river are required to release any available water from storage or diversions to mitigate the effects of abstractions downstream and to maintain minimum flows in the Opihi River at Saleyards Bridge and downstream of this Bridge. Those abstracting water from or adjacent to tributaries, (e.g. the Te Ngawai River and the Upper Opihi River), where the augmentation scheme is unable to augment the flows in the tributary upstream of the point of take, will be required to comply with minimum flow requirements specific to that tributary. In addition the augmentation scheme will be required to concurrently release the equivalent volume of water from storage or diversion as necessary to maintain the minimum flow requirements applying to the Opihi River at Saleyards Bridge.

The establishment of the Opuha Dam has necessitated that the affiliation of abstractors to the augmentation scheme be recognised in order that different conditions relating to restrictions and minimum flows can be applied. As a consequence, A and B Permits have been further subdivided into A – affiliated or N – non-affiliated. This has resulted in the creation of four types of permits as follows:

- “AA” Permits - A Permits affiliated
- “AN” Permits – A Permits non-affiliated
- “BA” Permits – B Permits affiliated.
- “BN” Permits – B Permits non-affiliated.

(These terms are defined in the Definitions of Terms – Appendix 1)

This ensures minimum flows are set to provide for the augmented flow enabled by the damming of the Opuha River, to accommodate non affiliated users and to accommodate the event when the augmentation scheme is unable to provide augmented flows. Other augmentation proposals such as further dams or diversions may require a change to this Plan.

PRINCIPAL REASON

To establish criteria for allowing an augmentation scheme to proceed.

METHODS

Regional Rules
Resource Consents

Policy 8

Those who abstract from the Opihi River and its tributaries and from hydraulically connected groundwater and who are not augmenting the river flows will only be able to abstract on the basis of the unmodified flow in the Opihi River as estimated by Environment Canterbury, rather than on the basis of the actual flow.

EXPLANATION

Those who provide the augmented flows are given first call on them over other abstractions. Abstractions not part of an augmentation scheme are to be restricted on the basis of unmodified flows (i.e. flows which would have occurred without the augmented water).

The unmodified flow will be that which would flow in the absence of any dam or augmentation and will be estimated by Environment Canterbury.

The establishment of the Opuha dam has necessitated that the affiliation of abstractors to the augmentation scheme be recognised in order that different conditions relating to restrictions and minimum flows can be applied. As a consequence, A and B Permits have been further subdivided into: A – affiliated or N – non-affiliated. This has resulted in the creation of four types of Permits as follows:

- “AA” Permits - A Permits affiliated
- “AN” Permits – A Permits non-affiliated
- “BA” Permits – B Permits affiliated.
- “BN” Permits – B Permits non-affiliated.

(These terms are defined in the Definitions of Terms – Appendix 1)

PRINCIPAL REASON

To provide for an equitable abstraction regime associated with higher river flows; and ensure that the benefits which come to abstractors from augmentation, go to those responsible for such augmentation.

METHODS

Regional Rules
Resource Consents

5.3 METHODS

5.3.1 Investigations

Environment Canterbury will continue with investigations in the Opihi River Catchment to help identify the impacts of different land uses and land management practices on the flows in the Opihi River and its tributaries. This will include examining the impacts of exotic forestry on water yields, drainage of wetlands and the role played by native grasslands in collecting moisture. Environment Canterbury’s forthcoming Natural Resources Regional Plan will specifically address the effects of land use change on water yield.

The relationship between land use and water yields will depend in part on the inter-connection of groundwater and the river system. This will need to be considered in any detailed investigation of land use impacts.

Environment Canterbury will by the end of the year 2000 investigate the need for placing minimum flow restrictions on the Te Ngawai River, the Opihi River upstream of its confluence with the Opuha River, the Orakipaoa Stream, and the North Opuha River and the South Opuha River upstream of the Opuha Dam.

Where the introduction of minimum flow provisions is shown to be necessary these will be instituted through the Plan Change provisions of the First Schedule of the Act.

PRINCIPAL REASON

Investigations of land use effects are needed to assist Environment Canterbury to regulate, or to use other means of managing water allocation and to protect instream values.

5.3.2 Information and Education

Environment Canterbury will undertake an environmental education and liaison programme to promote the efficient use of water in the Opihi Catchment, commencing before the end of 1996, especially covering the adoption of water conservation (eg. use of water efficient transfer systems and technology). The programme will attempt to increase the awareness of the impact of river flows on aquatic ecosystems. Environment Canterbury will liaise with water users to explain how the relationship between the river and groundwater has been defined in order to determine the effect of groundwater abstractions on surface water in the catchment.

PRINCIPAL REASON

Community awareness and understanding are needed in addition to regulation, to assist Environment Canterbury to manage water allocation and protect instream values.

5.3.3 Water User Groups

Water user groups are groups of abstractors formed, with the agreement of Environment Canterbury, to share or roster available water at times of shortage. Encouragement and support will be given by Environment Canterbury to the formation and involvement of water user groups in achieving restrictions on abstractions.

PRINCIPAL REASON

Water user groups can play a valuable role in achieving reduced abstractions with minimal economic effect on their members, through rostering of water use. The agreement of Environment Canterbury to the involvement of any particular group is necessary to ensure that arrangements with such groups can successfully achieve the required reductions in water use.

5.3.4 WORKS - Opihi River Mouth Openings

Subject to appropriate coastal permits, Environment Canterbury will mechanically open the Opihi River Mouth on behalf of the Opihi River Rating District for flood mitigation purposes.

Through funding from a different source, Environment Canterbury will also mechanically open the Opihi River Mouth for the purposes of managing other adverse events in the Opihi Lagoon in accordance with Policy 5 b).

Policy 5 provides for consultation amongst the interested parties when adverse conditions are developing or are present and likely to necessitate mouth opening. This consultation will need to consider other alternatives to mechanical opening (including the release of water from the Opuha Dam) that may mitigate the adverse effects.

PRINCIPAL REASON

The “natural” functioning of the Opihi River mouth is an issue of particular concern to many of the parties interested in the Opihi River. The natural functioning of the mouth has been adversely affected by water abstraction and is now likely to be improved by the River enhancement. However, there may still be rare occasions when the mouth will close, and there is a need for remedial action to prevent environmental damage. This method provides a means for opening the mouth.

5.3.5 Resource consents

Permits to abstract surface water and groundwater that is hydraulically connected to surface water shall be classified as surface takes or hydraulically connected groundwater takes. They shall be further classified as "A" Permits or "B" Permits.

Permits shall have conditions that specify how and when restrictions shall be applied. Conditions on the resource consent shall allow restrictions to be achieved by sharing within an approved water user group.

Groundwater Takes

For groundwater takes, conditions shall require the take to be reduced by the same proportion applying to surface water takes. This may be achieved by reduction in the pumping rate or by a reduction in the daily volume abstracted.

For groundwater permits classified as "A" Permits the conditions on the permit shall provide for an exemption from restrictions at a specified pumping rate or daily volume abstracted that would have a calculated effect on surface water depletion, resulting from a 30 day pumping period, of 5 litres per second or less.

Community Water Supply Schemes

For the community water supply schemes specified in Schedule B of the Standards and Terms for Rule 1 of this plan conditions on the permit:

- (a) May provide for an amount of up to 250 litres per person per day for persons served by the supply system to be unrestricted. The conditions may allow for staging of increases in this exemption to allow for substantiated projections of population growth and for exemptions for temporary increases in population.
- (b) May allow for the amounts required for the reasonable needs of an individual's animals for drinking water to be unrestricted.
- (c) For existing takes classified as "A" Permits, may if necessary, provide for staging of the imposition of restrictions within 10 years to allow for time and resources to be applied to remedying defects in the reticulation system.

Augmentation Affiliation

Opihi River takes (except those from the Temuka river) from surface water and from hydraulically connected groundwater shall be classified as either affiliated to the Opuha Dam Augmentation Scheme or not affiliated to the Opuha Dam Augmentation Scheme.

An affiliated "A" permit shall be designated as an "AA" Permit and a non-affiliated "A" permit shall be designated as an "AN" Permit. Similarly, an affiliated "B" permit shall be designated as an "BA" Permit and a non-affiliated "B" permit shall be designated as an "BN" Permit.

The taking of water in terms of an "AA" Permit or an "BA" Permit shall only occur while the consent holder holds shares in the Opuha Dam Augmentation Scheme that represent entitlements to be supplied with all of the water applying to the Permit.

The taking of water in terms of an "AA" Permit or an "BA" Permit shall only occur if the shares in the Opuha Dam Augmentation Scheme are uniquely identified by the consent holder as applying to the permit and to no other permit and the details of those shares are advised in writing in advance to Environment Canterbury.

The "AA" Permit or "BA" Permit holder shall be required to notify Environment Canterbury, if the consent holder no longer holds, or reduces the number of, the relevant shares in the Opuha Dam Augmentation Scheme.

When advised by Environment Canterbury that the condition is invoked, and except where the permit holder is required to cease or reduce the take because of a low unmodified flow in the river, the taking of water in terms of an “AN” permit shall only be in accordance with a schedule of proposed daily abstractions provided in advance to Environment Canterbury.

Measuring and Recording Device

A measuring and recording device shall be used to continuously measure the taking of water in terms of a Permit to within an accuracy of 10 percent. The pumping rates, hours of operation and volume of water abstracted shall be recorded each day in a log kept for that purpose. The measuring and recording device and the log shall be available for inspection on demand by Environment Canterbury.

A lesser or no requirement for measuring or recording may apply for takes of less than 5 litres per second or for piped water abstractions of constant capacity.

Review of Conditions

Once this Plan becomes operative, Environment Canterbury may review the conditions on water permits so as to impose new minimum flow conditions. Permits to take surface water and hydraulically connected groundwater affecting the flows in the Opihi River or its tributaries, (except those affecting only the flows in the Temuka River or its tributaries), will therefore be designated as “AN” or “BN” Permits. However, the permit holder may request that a new “AA” or “BA” Permit be issued at the same time as the review is undertaken. These new permits would replace all or part of the “AN” or “BN” Permits, with any residual entitlements not associated with shares in the Opuha Dam Augmentation Scheme remaining as separate “AN” or “BN” Permits.

PRINCIPAL REASON

To provide guidance for the drafting of conditions on consents to abstract surface water and hydraulically connected groundwater.

Such guidance is necessary because of the complexities involved in the proper classification of consents and the different circumstances that may apply in each case.

Measurement and advice of “AN” abstractions in advance is required because Opuha Dam Augmentation releases need to allow for such abstractions in meeting minimum flow requirements after abstractions.

5.3.6 Regional Rules

5.3.6.1 ABSTRACTION

The rule that follows controls the abstraction of water from the Opihi River or its tributaries, and from hydraulically connected groundwater where it has been assessed that an individual take can have a significant effect on surface water flows.

PRINCIPAL REASON

To provide guidance and direction for consent authorities when considering applications for permits to abstract water, and to implement the policies in this Plan relating to instream flow and abstraction regimes, efficiency of water use and augmentation of river flows.

Rule 1 Discretionary Activity for which Environment Canterbury has restricted its discretion

The taking of water from any surface waters of the Opihi River, its lagoon, or its tributaries, or from hydraulically connected groundwater where its effect on surface water depletion, resulting from a 30 day pumping period, exceeds a rate of five litres per second, is a discretionary activity for which Environment Canterbury has restricted its discretion.

STANDARDS AND TERMS

The activity shall comply with the following standards and terms:

- a) The take is to be restricted in accordance with Schedules A and B.
- b) Fish shall be prevented from entering the water intakes.
- c) For takes classified as “AA” or “BA” Permits, the taking of water in terms of the permit shall only occur while the consent holder holds shares in the “Dam Company” that represent entitlements to be supplied with all of the water applying to the permit.
- d) For takes classified as “AA” or “BA” Permits, the taking of water in terms of the permit shall only occur if shares held by the consent holder in the “Dam Company” are uniquely identified by the consent holder as applying to the permit and to no other permit, and the details of those shares are advised in writing in advance to Environment Canterbury.
- e) For takes classified as “AA” or “BA” Permits, the consent holder shall notify Environment Canterbury if the consent holder no longer holds, or reduces the number of, the relevant shares in the “Dam Company”.
- f) For takes classified as “AN” Permits, and at any time this term is invoked by Environment Canterbury, the taking of water in terms of the permit shall not be in excess of the amounts specified in a schedule of proposed daily abstractions provided in advance to Environment Canterbury, except where the take is required to cease or to be reduced in accordance with Schedules A or B.
- g) A measuring and recording device shall be used to continuously measure the taking of water to within an accuracy of 10 percent. The pumping rates, hours of operation and volume of water abstracted shall be recorded each day in a log kept for that purpose. The measuring and recording device and the log shall be available for inspection on demand by Environment Canterbury. A lesser or no requirement for measuring or recording may apply for takes of less than 5 litres per second or for piped water abstractions of constant capacity.

Application to Groundwater Abstractions

- h) For “A” Permits, abstractions from hydraulically connected groundwater shall be restricted as for surface water abstractions except that the rate or daily volume of abstraction need only be reduced to the specified pumping rate or daily volume of abstraction that would have a calculated effect on surface water depletion, resulting from a 30 day pumping period, of 5 litres per second or less.
- i) For “B” Permits, abstractions from hydraulically connected groundwater shall be restricted as for surface water abstractions
- j) For abstractions from hydraulically connected groundwater, restrictions may be achieved by reducing the volume abstracted on a daily basis.

WATER USER GROUPS

- k) When abstractions are subject to restrictions, these restrictions may be achieved by sharing within a water user group. Where Environment Canterbury, in consultation with a Water Users Committee representing all water users in a defined catchment who are subject to the restrictions, has determined there to be a water sharing regime that limits the combined abstractions from those water users in accordance with the restrictions, then the taking of water in accordance with that determination may be deemed to be in compliance with those restrictions.

INFORMATION ON FLOWS

- l) To determine the river flows on which restrictions are based or the availability of water for abstraction on any given day, the consent holder shall be obliged to make inquiries of Environment Canterbury through its automated answer-phone or other information service, to ascertain the applicable flows or availability of water for abstraction on that day.

INTERPRETATION OF THE STANDARDS AND TERMS

Measurement and Assessment of Flows

For the purposes of Schedules A and B the following measurement sites and methods shall apply:

- (i) Flow measurements or estimates shall occur at or in relation to the following sites:
- (a) Opihi River at State Highway 1;
 - (b) Opihi River at Saleyards Bridge;
 - (c) Opihi River at Rockwood;
 - (d) Te Ngawai River at Cave;
 - (e) Opuha River at Clayton Road (North and South branches);
 - (f) Temuka River at Manse Bridge.
- (ii) Flows in the Opihi River and its tributaries that are referred to in Schedules A and B shall be deemed to be those advised by Environment Canterbury on a daily basis through its automated answer-phone or other information service. The flows advised may represent estimates by Environment Canterbury of the actual flows occurring at any time, based on recorded flows or estimated flows elsewhere in the catchment.
- (iii) The “unmodified flow” at State Highway 1 on the Opihi River will be estimated by Environment Canterbury using established mathematical relationships between flows at key flow measurement sites in the catchment. This estimate will use measured or estimated flows into dam storage and measured or estimated flows at Rockwood and other necessary flow measurement sites and will be adjusted for advised or estimated daily takes and diversions of flow above the measurement sites.
- (iv) In any 24 hour period commencing from 7 a.m. on one day to 7 a.m. on the next day, the flow, including the “unmodified” flow, in the Opihi River or its tributaries, on which the restrictions in Schedules A and B are determined shall be the mean of the flows for the immediately previous period from 4 a.m. to 6 a.m., as estimated or measured by Environment Canterbury, and advised through its automated answer-phone or other information service.

RESTRICTION OF DISCRETION

Environment Canterbury will restrict the exercise of its discretion when deciding to grant or refuse a resource consent, and in imposing any conditions, to the following matters:

- a) The reasonable need for the quantities of water sought, and the ability of the applicant to abstract and apply the quantities sought.
- b) The availability and practicality of using alternative supplies of water including alternative public or community reticulated supplies.
- c) The implementation of an abstraction regime which enables an augmentation scheme to operate in accordance with the policies and rules in this Plan.
- d) In the case of a take from groundwater, including the effects of the combined take from a person's bore field:
 - i) the adverse effects on surface flows in close proximity to the point of take;
 - ii) the adverse effects on takes from neighbouring bores.
 - iii) the adverse effects on the ability of existing downstream water permit holders and those taking water for reasonable community or individual domestic or stockwater needs, to abstract the water allowed to be taken by their permit or by the Act.
- e) In the case of a surface take:
 - i) the adverse effects on the flows in the tributary or in the vicinity of the take;
 - ii) the adverse effects on the ability of existing downstream water permit holders and those taking water for reasonable domestic or stockwater needs, to abstract the water allowed to be taken by their permit or by the Act;
 - iii) the effect on natural variability of river flows.
- f) The collection, recording, monitoring and provision of information concerning the exercising of the consent in accordance with Section 108(4) of the Act.
- g) Any recharge of abstracted water directly back into surface water or indirectly through groundwater.

NOTIFICATION

An application for a resource consent required by this rule may be considered without notification or the need to obtain the written approval of affected persons in accordance with Section 94 (1A) of the Act.

EXEMPTIONS FROM RULE 1

Rule 1 does not apply to:

- a) Abstractions specified as permitted activities by a rule in any other regional plan.
- b) Abstractions from hydraulically connected groundwater where it can be established, using accepted hydrological estimates (such as estimates using methods adopted by the United States Geological Survey. Refer to *Computation of Rate and Volume of Stream Depletion by Wells*, C T Jenkins, Chapter D1 in Book 4 Hydrological Analysis and Interpretation, US Department of the Interior, Geological Survey Branch, 1968.), that the surface water depletion resulting from a 30 day pumping period will not exceed five litres per second.

(Note that abstractions from groundwater may still need to be authorised by another regional plan or by a resource consent even though they are not affected by Rule 1.)

PROVISIONS IN OTHER REGIONAL PLANS

Environment Canterbury's Transitional Regional Plan allows for the abstraction of natural water from any surface water resource as a Permitted Activity, provided that the volume abstracted does not exceed 10 cubic metres per day, at a rate not exceeding 5 litres per second. It also allows for the abstraction of natural water from any groundwater resource as a Permitted Activity, provided the volume abstracted does not exceed 20 cubic metres per day (or 100 cubic metres per day at a rate not exceeding 10 litres per second for properties greater than 20 hectares in area) and subject to separation distances.

EFFECT ON EXISTING RESOURCE CONSENTS

Rule 1 shall affect, under Section 130 of the Act, the exercise of existing resource consents for the taking of water from any surface waters of the Opihi River, or its lagoon, or its tributaries, or from hydraulically connected groundwater.

The holders of resource consents shall comply with the terms of this rule from the date at which the new conditions on their resource consent commence in accordance with Section 116 of the Act.

When this rule becomes operative, Environment Canterbury may serve notice, under Section 128 of the Act, on the holders of all such resource consents of its intention to review the conditions of their resource consent, where, in Environment Canterbury's opinion, it is appropriate to do so in order to enable the standards set by this Rule to be met.

SCHEDULE A

RESTRICTIONS ON ABSTRACTIONS

(1) Restrictions on Abstraction from the Opihi River Catchment, (excluding the Temuka River Catchment).

The taking of water from the Opihi River. Its lagoon, or its tributaries or from hydraulically connected groundwater, other than the takes restricted by clause (2) of this schedule or clauses (3) or (4) of Schedule B, shall be restricted as follows:

(a) “AN” Permits

- (i) For “AN” Permits, abstractions shall cease when the “unmodified flow” of the Opihi River at SH1 Bridge is at or below 2.5 cubic metres per second.
- (ii) For “AN” Permits, when the “unmodified flow” of the Opihi River at State Highway 1 Bridge is between 2.5 cubic metres per second and 8.1 cubic metres per second, the taking of water in terms of this permit shall be no more than the percentage of the maximum allowable rate of abstraction determined by the following formula:
Allowable percentage = (“Unmodified flow” in cubic metres per second minus 2.5 cubic metres per second) times 100 divided by 5.6 cubic metres per second.
Where 2.5 cubic metres per second is the minimum flow and 5.6 cubic metres per second is the allocation limit.
- (iii) The “unmodified flow” and water available for abstraction shall be those advised daily by Environment Canterbury.

(b) “AA” Permits

- (i) “AA” Permits shall be restricted as for “AN” Permits, except where subclauses (1)(b)(ii) or (1)(b)(iii) of this Schedule apply.
- (ii) Subclause (1)(b)(i) of this Schedule shall not apply while: the “Dam Company” is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are at or above 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937).
- (iii) Subclause (1)(b)(i) of this Schedule shall not apply while: the “Dam Company” is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are between 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937) and 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and the rate of abstraction is no more than 50 percent of the maximum allowable rate of abstraction.
- (iv) Notwithstanding subclause (1)(b)(iii) of this Schedule, an “AA” Permit shall not be required to be restricted to a greater extent than if it were classified as an “AN” Permit.

(c) “BN” Permits

For “BN” Permits, abstractions shall cease when the actual flow of the Opihi River at State Highway 1 Bridge is at or below 15 cubic metres per second.

(d) “BA” Permits

- (i) “BA” Permits shall be restricted as for “BN” Permits, except where subclauses (1)(d)(ii) or (1)(d)(iii) of this Schedule apply.

- (ii) Subclause (1)(d)(i) of this Schedule shall not apply while: the “Dam Company” is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are at or above 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937).
- (iii) Subclause (1)(d)(i) of this Schedule shall not apply while: the “Dam Company” is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are between 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937) and 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and the rate of abstraction is no more than 50 percent of the maximum allowable rate of abstraction.

(2) Restrictions on Abstraction from the Temuka River Catchment

The taking of water from the Temuka River or its tributaries or from hydraulically connected groundwater is to be restricted as follows:

(a) Restrictions on “A” Permits from 1 April to 30 September in any year

- (i) For “A” permits abstractions are to cease when the actual flow in the Temuka River at Manse Bridge is at or below 1.0 cubic metres per second.
- (ii) For “A” permits, where Environment Canterbury has determined there to be a water sharing regime for all such permits, the combined rate of abstraction is to be reduced so as to maintain the actual flow of the Temuka River at Manse Bridge at 1.0 cubic metres per second or higher.
- (iii) For “A” permits, where no water sharing regime has been determined by Environment Canterbury for all such permits, the rates of abstraction shall be no more than 50 percent of the maximum allowable rate of abstraction when the actual flow of the Temuka River at Manse Bridge is at or below 1.3 cubic metres per second

(b) Restrictions on “A” Permits from 1 October in any year to 31 March in the following year

- (i) For “A” permits abstractions are to cease when the actual flow in the Temuka River at Manse Bridge is at or below 0.7 cubic metres per second.
- (ii) For “A” permits, where Environment Canterbury has determined there to be a water sharing regime for all such permits, the combined rate of abstraction is to be reduced so as to maintain the actual flow of the Temuka River at Manse Bridge at 0.7 cubic metres per second or higher.
- (iii) For “A” permits, where no water sharing regime has been determined by Environment Canterbury for all such permits, the rates of abstraction shall be no more than 50 percent of the maximum allowable rate of abstraction when the actual flow of the Temuka River at Manse Bridge is at or below 1.0 cubic metres per second

(c) Restrictions on “B” Permits

- (i) For “B” permits, from 1 April to 30 September in any year, abstractions are to cease when the actual flow in the Temuka River at Manse Bridge is at or below 1.9 cubic metres per second.
- (ii) For “B” permits, from 1 October in any year to 31 March in the following year, abstractions are to cease when the actual flow in the Temuka River at Manse Bridge is at or below 1.6 cubic metres per second.

SCHEDULE B

RESTRICTIONS ON ABSTRACTIONS FOR PRIVATE OR COMMUNITY RETICULATED DOMESTIC AND STOCK WATER SUPPLY SCHEMES

1) Water Supply Schemes

This Schedule B applies to the following private or community water supply scheme takes and to new permits granted in replacement for these:

Name of Scheme	Source	Take Type	Rate (L/S)	Volume (m ³ /day)	Management Authority	Consent Number
Stockwater Supply						
Totara Valley Stock Supply (Pvt)	Te Ngawai (Sterndale St)	Surf	1	32	J. P. Allan	SCY 740123
Kimbell Stockwater	Opihi (trib)	Surf	1	86.4	Mackenzie Dist Cl	CRC 972264
Kimbell	Opihi (trib)	Surf	17	1468	Mackenzie Dist Cl	SCY 700181
Fairlie Creek Stock Supply	Opihi	Surf	20	1713	Mackenzie Dist Cl	SCY 700182
Ashwick Flat stock supply	Sth Opuha	Surf	85	7340	Mackenzie Dist Cl	CRC 972200
Ashwick Flat stock supply	Opihi (Stoneleigh)	Surf	40	3456	Mackenzie Dist Cl	CRC 972198
Spur Rd Water Supply Scheme	Opihi	Surf	3	259	Mackenzie Dist Cl	SCY 740017
Nth Opuha River	Nth Opuha	Surf	2	143	J & C Galwey	SCY 740125B
Opuha River	Opuha	Surf	1	100	D. E. Bray	SCY 830142B
Beautiful Valley Water Supply	Te Moana	Surf	1	37	S. J. Sheen	SCY 850187
Beautiful Valley Water Supply	Te Moana	Surf	2	129	Timaru District Cl	SCY 828034
Rural, Public, or Community Water Supply and Stockwater Supply						
Downlands water supply (supplement)	Opihi	Grd	22	792	Timaru District Cl	SCY 810075
Albury rural water supply scheme	Te Ngawai	Surf	13	1088	Mackenzie Dist Cl	CRC 990686
Coal Creek (Private)	Opihi (trib)	Surf	3	143	Anderson & Others	SCY 720049
Woodbury Stock Water Race	Waihi	Surf	43	3715	Woodbury Water Race Committee	CRC 915001B
Seadown Stock & domestic supply	Opihi	Grd	20	1227	Timaru District Cl	SCY 720113
Rural, Public, or Community Water Supply						
Timaru Urban Supply	Opihi	Grd	329	28409	Timaru District Cl	CRC 920695
Pleasant Point water supply	Opihi	Grd	50	1850	Timaru District Cl	CRC 981008
Downlands water supply	Te Ngawai	Surf	79	6826	Timaru District Cl	SCY 810081
Brothers Water Supply Scheme	Te Ngawai	Surf	4	235	Timaru District Cl	SCY 790153
Fairlie water supply scheme	Opihi	Surf	28	2447	Mackenzie Dist Cl	SCY 700185
Burkes Pass Water Supply	Opihi	Surf	6	520	Mackenzie Dist Cl	CRC 971594
Fairlie Township Creek (Pvt)	Opihi	Surf	1	21	K. & M. O'Grady	SCY 810069
Allandale rural water supply scheme	Opuha	Surf	11	979	Mackenzie Dist Cl	SCY 700184
Coal Creek Private	Opihi (trib)	Surf	2	181	P Johnson & Others	SCY 810030
Punaroa Water Supply Scheme	Opihi (trib)	Surf	2	93	Mackenzie Dist Cl	CRC 950041
Temuka water supply	Waihi /Dobies	Grd	44	3819	Timaru District Cl	SCY 700301
Winchester water supply	Waihi /Dobies	Grd	11	752	Timaru District Cl	SCY 750122
Te Moana Downs rural supply	Te Moana	Surf	12	1045	Timaru District Cl	SCY 810077

(2) Restrictions Not to Apply to the Following Extent.

Takes shall be restricted as set out in clauses (3) and (4) below except to the following extent:

- (a) an amount of up to 250 litres per person per day for persons served by the supply system shall remain unrestricted;
- (b) an amount sufficient for the reasonable needs of an individual's animals for drinking water served by the supply scheme shall remain unrestricted;
- (c) the imposition of restrictions may be staged to allow for the current inefficient state of the reticulated supply system and the reasonable constraints on the time and resources required to remedy any defects in the system, within the life of this Plan.

(3) Restrictions on abstraction for Private and Community Reticulated Domestic and/or Stock water supply schemes from the Opihi River Catchment (excluding the Temuka River Catchment)

The taking of water from the Opihi River, its lagoon, or its tributaries or from hydraulically connected groundwater by private or community water supply schemes for domestic and /or stock water supply purposes, other than the takes restricted by clause (4) of this schedule, shall be restricted as follows:

(a) "AN" Permits

- (i) For "AN" Permits, the rates of abstraction shall be no more than 50 percent of the maximum allowable rate of abstraction when the "unmodified flow" of the Opihi River at State Highway 1 Bridge is at or below 2.5 cubic metres per second.
- (ii) For "AN" Permits, the rates of abstraction shall be reduced by half the minimum applicable reduction applying to "AN" Permits subject to Schedule A, when the "unmodified flow" of the Opihi River at State Highway 1 Bridge is above 2.5 cubic metres per second.
- (iii) The "unmodified flow" and water available for abstraction shall be those advised daily by Environment Canterbury.

(b) "AA" Permits

- (i) "AA" Permits shall be restricted as for "AN" Permits, except where subclauses (3)(b)(ii), (3)(b)(iii) or (3)(b)(iv) of this Schedule apply.
- (ii) Subclause (3)(b)(i) of this Schedule shall not apply while: the "Dam Company" is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are at or above 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937).
- (iii) Subclause (3)(b)(i) of this Schedule shall not apply while: the "Dam Company" is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are between 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937) and 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and the rates of abstraction are no more than 75 percent of the maximum allowable rate of abstraction.

- (iv) Subclause (3)(b)(i) of this Schedule shall not apply while: lake levels at the Opuha Dam are at or below 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and the rates of abstraction are no more than 50 percent of the maximum allowable rate of abstraction; and the “Dam Company” is releasing sufficient water to compensate for these abstractions.
- (v) Notwithstanding subclauses (3)(b)(iii) and (3)(b)(iv) of this Schedule, an “AA” Permit shall not be required to be restricted to a greater extent than if it were classified as an “AN” Permit.

(c) “BN” Permits

For “BN” Permits, abstractions shall cease when the actual flow of the Opihi River at SH1 Bridge is at or below 15 cubic metres per second.

(d) “BA” Permits

- (i) “BA” Permits shall be restricted as for “BN” Permits, except where subclauses (3)(d)(ii), (3)(d)(iii) or (3)(d)(iv) of this Schedule apply.
- (ii) Subclause (3)(d)(i) of this Schedule shall not apply while: the “Dam Company” is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are at or above 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937).
- (iii) Subclause (3)(d)(i) of this Schedule shall not apply while: the “Dam Company” is meeting the requirements to augment the Opihi River that are specified in the Standards and Terms of Rule 2 of this Chapter of this Plan; and lake levels at the Opuha Dam are between 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937) and 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and the rates of abstraction are no more than 50 percent of the maximum allowable rate of abstraction.
- (iv) Subclause (3)(d)(i) of this Schedule shall not apply while: lake levels at the Opuha Dam are at or below 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and the rates of abstraction are no more than 50 percent of the maximum allowable rate of abstraction; and the “Dam Company” is releasing sufficient water to compensate for these abstractions

(4) Restrictions on abstraction for Private and Community Reticulated Domestic and/or Stock water supply schemes from the Temuka River.

The taking of water from the Temuka River or its tributaries or from hydraulically connected groundwater is to be restricted as follows:

(a) Restrictions on “A” Permits from 1 April to 30 September in any year

- (i) For “A” permits, rates of abstraction shall be no more than 50 percent of the maximum allowable rate of abstraction when the actual flow in the Temuka River at Manse Bridge is at or below 1.0 cubic metres per second.
- (ii) When the actual flow in the Temuka River at Manse Bridge is above 1.0 cubic metres per second, the rate of abstraction for “A” permits is to be restricted by half the minimum applicable restriction applying to “A” Permits subject to Schedule A.

(b) Restrictions on “A” Permits from 1 October in any year to 31 March in the following year

- (i) For “A” permits, rates of abstractions shall be no more than 50 percent of the maximum allowable rate of abstraction when the actual flow in the Temuka River at Manse Bridge is at or below 0.7 cubic metres per second.
- (ii) When the actual flow in the Temuka River at Manse Bridge is above 0.7 cubic metres per second the rate of abstraction for “A” permits is to be restricted by half the minimum applicable restriction applying to “A” Permits subject to Schedule A.

(c) Restrictions on “B” Permits

- (i) For “B” permits, from 1 April to 30 September in any year, abstractions are to cease when the actual flow in the Temuka River at Manse Bridge is at or below 1.9 cubic metres per second.
- (ii) For “B” permits, from 1 October in any year to 31 March in the following year, abstractions are to cease when the actual flow in the Temuka River at Manse Bridge is at or below 1.6 cubic metres per second.

5.3.6.2 AUGMENTATION

The rule that follows is intended to regulate damming, use, diverting or discharge of water in the Opihi River or its tributaries and to provide guidance for the consideration of Environment Canterbury in deciding whether or not to grant a consent to dam, use, divert or discharge water for the purpose of augmentation and in imposing conditions on such consents.

PRINCIPAL REASON

The damming, use, diversion or discharge of water in the Opihi River or its tributaries would, in the absence of rules, be considered a non-complying activity. By having rules Environment Canterbury can make it clear that augmentation and enhancement of river flows is supported, albeit subject to environmental safeguards.

Rule 2 Discretionary Activity

The damming, diverting, or use of river flows in the Opihi River, or its lagoon, or its tributaries; or the discharge of water from storage behind a dam, or water diverted from another catchment, into the Opihi River or its tributaries; is a discretionary activity.

STANDARDS AND TERMS

The activity shall comply with the following standards and terms:

Opuha Dam Releases for Augmentation

- (1) The Opuha Dam and the associated Augmentation Scheme shall be managed in accordance with the following terms:**
 - a) Except as provided for by clauses (d), (e) and (f) below, the Dam Company shall discharge available water from storage behind the Opuha Dam or from associated storage weirs, as necessary to maintain the flows in the Opihi River at Saleyards Bridge at or above the flows specified in clauses (b) and (c) below. The Dam Company shall in addition discharge available water sufficient to provide for the sum of the surface and stream depletion effects of abstractions occurring downstream of Saleyards Bridge that are at that time authorised to be taken pursuant to “AA”, “BA” or “AN” Permits.

b)

Months	Flow at Saleyards Bridge (in cubic metres per second) when Opuha Lake level is above 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937).
January, February	3.5
March	7.5
April	8.0
May, August	4.5
June, July	4.0
September, December	6.0
October	8.5
November	7.0

(c)

Months	Flow at Saleyards Bridge (in cubic metres per second) when Opuha Lake levels below 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937), but above 370 metres above Mean Sea Level in terms of the Lyttelton Datum (1937).
January, February	3.35
March	5.35
April	5.6
May, August	3.85
June, July	3.6
September, December	4.6
October	5.85
November	5.1

- (d) When the minimum flows specified in the tables in clauses (b) and (c) above decrease or increase from one month to the next, the minimum flow requirements may be met by progressively decreasing or increasing the river flows (as applicable) for a period of up to 48 hours prior to the commencement of the month and up to 48 hours after the commencement of the month. This must be with the agreement of all members represented on the Opuha Environmental Flow Release Advisory Group, and is subject to Environment Canterbury being advised in advance in writing of the details of the proposed transition of flows.

- e) The minimum flows specified in the table in clause (b) above may be reduced to the minimum flows specified in the table in clause (c) above for a sufficient period to fully compensate for the release of an artificial fresh in the river system. The release of the artificial fresh and the subsequent reduction of flows to compensate for the volume of water released, must be with the agreement of all members of the Opuha Environmental Flow Release Advisory Group. The reduction of flows must occur immediately after the release of the fresh, and is subject to Environment Canterbury being advised in advance in writing of the details of the proposed release of the fresh and of the compensating lower flows.
- f) When the minimum flows specified in the tables in clauses (b) and (c) above decrease or increase as a result of the water level in the Opuha dam increasing above, or falling below 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937), the minimum flow requirements may be met by progressively decreasing or increasing the river flows (as applicable) for a period of up to 96 hours. This must be with the agreement of all members of the Opuha Environmental Flow Release Advisory Group, and is subject to Environment Canterbury being advised in advance in writing of the details of the proposed transition of flows.
- g) When the dam level is at or below 370 m above Mean Sea Level in terms of the Lyttelton Datum (1937), water may be released to provide for abstractions by community water supply schemes that are listed in Schedule B of Rule 1 and categorised as “AA” or “BA” Permits, for up to 50 percent of their allowable take.
- h) On the agreement of all parties represented on the Opuha Environmental Flow Release Advisory Group, releases of water from Opuha dam storage may be made to provide buffering for anticipated flood inflows.

EXEMPTIONS FROM RULE 2

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

(Under the Transitional Regional Plan the diversion of and discharge of natural water associated with minor realignments of, and minor improvements to, watercourses is permitted (subject to some conditions and limits), and the damming of intermittently flowing rivers and streams is permitted (subject to conditions including height not exceeding 3 metres and storage not exceeding 1,000 cubic metres.)

EFFECT ON EXISTING RESOURCE CONSENTS

Rule 2 shall affect, under Section 130 of the Act, the exercise of existing resource consents for the damming, diverting, or use of river flows in the Opihi River, or its lagoon, or its tributaries and for the discharge of water from storage behind a dam, or water diverted from another catchment, into the Opihi River or its tributaries.

The holders of resource consents shall comply with the terms of this rule from the date at which the new conditions on their resource consent commence in accordance with Section 116 of the Act.

When this rule becomes operative, Environment Canterbury may serve notice, under Section 128 of the Act, on the holders of all such resource consents of its intention to review the conditions of their resource consent, where, in Environment Canterbury's opinion, it is appropriate to do so in order to enable the standards set by this Rule to be met.

FINANCIAL CONTRIBUTION

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted pursuant to Rule 2.

The financial contribution shall be made for the purposes of:

- a) restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or
- b) ensuring that there are positive effects on the environment, at the same or any other location in the region, to offset any adverse effects of the activity on natural or physical resources.

The financial contribution shall be determined as follows:

- (a) Where the environment can be restored, the financial contribution shall be limited to:
 - (i) The costs of measures of restoration actually undertaken or to be undertaken; or
 - (ii) The costs of restoring the environment to a pre-activity state.
- (b) Where the environment can not be restored, the financial contribution shall be limited to an amount calculated by the consent authority as if the environment could be restored to a pre-activity state.
- (c) Where a financial contribution is received for damage to the environment that can not be restored, the contribution shall be used for the purpose of environmental enhancement or maintenance in the Canterbury Region.
- (d) Notwithstanding paragraphs (a), (b) and (c) above, a financial contribution shall be no greater than 100% of the construction cost of the project for which the resource consent is granted.

5.4 ENVIRONMENTAL RESULTS ANTICIPATED

Implementation of the above water quantity policies and methods is expected to have the following environmental results:

- a) Sufficient flows of water in the rivers for the protection of instream values.
- b) Efficiency in the use of water.
- c) Greater availability and enhanced supply of water for abstractive and instream uses.

5.5 MONITORING

For water quantity the following indicators should be monitored to assess the suitability and effectiveness of this part of the Plan, and any need for it to be reviewed:

- a) River flows.
- b) River flows and abstractions relative to those quantities prior to the plan.
- c) Adoption of efficient methods of using water.
- d) The ecological status of river ecosystems.
- e) Compliance with conditions on water permits.
- f) Incidents reported to Environment Canterbury relating to low river flows.

WATER QUALITY SUMMARY DIAGRAM

6 Surface Water Quality

6.1 INTRODUCTION

Point and non-point discharges (contaminants included in runoff) into the Opihi River and tributaries is having the following adverse effects:

- a) degradation of fisheries and aquatic habitat;
- b) degradation of mahika kai;
- c) reduction of recreational opportunities and amenity values;
- d) reduced suitability of water as a source of drinking water (including increased treatment costs);
- e) reduction of cultural values, including degradation of Takata Whenua spiritual values associated with water, and degradation of Mauri.

Non-point source discharges include leaching of fertiliser and agricultural effluent and rainfall run-off carrying contaminants into streams and rivers.

The magnitude of these problems can be greater in the lower catchment due to the cumulative effect of discharges.

6.2 ISSUE RESOLUTION

Issue 1

Point source and non-point source discharges of contaminants into the Opihi River or its tributaries can adversely affect their ecological value or their present and future use by, and value to, the Canterbury community. Point source discharges can also compromise the cultural relationship Takata Whenua have with water.

Particular discharges of concern are sewage and stormwater discharges from communities, and agricultural run off. Sewage discharges to water are particularly culturally offensive to Takata Whenua. Low water quality adversely affects the use of the river system for drinking water for both people and stock and for recreation, as well as having an adverse effect on river ecology and amenity.

The adverse effects of contaminant discharges on the river and the lagoon are more acute during periods of low river flows and when the river mouth is closed.

Objective 1

Enable present and future generations to gain cultural, social, recreational, economic and other benefits from the water quality of the Opihi River, its lagoon and its tributaries through the enhancement of water quality and the elimination of discharges of human sewage while:

- a) **Safeguarding their existing value for efficiently providing sources of drinking water for people;**
- b) **Safeguarding: the life supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna, and areas of significant indigenous vegetation;**
- c) **Safeguarding their existing value for providing mahika kai for Takata Whenua;**

- (d) Protecting wahi tapu and other wahi taonga of value to Takata Whenua;**
- (e) Preserving the natural character of lakes, and rivers, and their margins and protecting them from inappropriate use and development;**
- (f) Protecting the habitat of trout and salmon; and**
- (g) Maintaining, and where appropriate, enhancing amenity values.**

PRINCIPAL REASON

This objective aims at achieving a standard of water quality in accord with the desires of the community, recognising the ecosystem values of the catchment, the strong cultural concerns relating to water pollution, the community dependence on the resource for drinking water supply, and its high use for recreation.

Policy 1

- (a) No new discharges of treated or untreated human sewage should be made:**
 - (i) into the Opihi River or its tributaries; or**
 - (ii) onto or into land in circumstances which may result in that sewage entering the Opihi River or its tributaries.**
- (b) Existing discharges of treated or untreated human sewage into the Opihi River or its tributaries, or onto or into land in circumstances which may result in that sewage entering the Opihi River or its tributaries should cease by 31 December 2003.**
- (c) Contaminants emanating from natural processes as a result of the discharge of treated or untreated human sewage onto or into land, should only enter the Opihi River or its tributaries, after passing through soil.**
- (d) Set and maintain water quality standards for the Opihi River and its tributaries that improve their value for cultural purposes, and provide water quality suitable for aquatic ecosystem purposes, for water contact recreation and as sources of water for public water supply systems.**

EXPLANATION

All new discharges of treated or untreated human sewage into surface water shall be prohibited. Existing sewage discharges into the Opihi River and its tributaries should cease from 31 December 2003. All replacement resource consents for such existing discharges should be granted only if they expire prior to, or on this date and shall not be granted for any period beyond 31 December 2003. Human sewage is defined as human excrement and is part of normal waste from a community, which is likely to also include other effluent and trade wastes. Implementation of this policy requires the community, particularly Geraldine, Pleasant Point, Burkes Pass, Fairlie and Temuka, to develop alternative methods of human sewage disposal.

There is a need to provide for discharges of sewage onto or into land. It is inevitable that minor quantities of contaminants emanating as a result of natural processes will eventually enter the river as a result of discharges onto or into land or into holding ponds. This cannot be avoided.

Water quality will not be allowed to fall below the water quality standard as the result of a discharge of a contaminant. It is set to improve cultural and ecosystem values, and enable the waters to be used for water supply and contact recreation. This means improving the quality in some areas, and maintaining the present quality in others.

PRINCIPAL REASON

Water quality standards give a clear and measurable standard for water quality, and provide a basis for controlling discharges which threaten water quality. The setting of water quality standards for the Opihi River is a priority in the Regional Policy Statement.

The discharge of human sewage directly into water is culturally offensive to Takata Whenua, and to many other people in the catchment. Banning discharges therefore achieves cultural and aesthetic objectives. Human sewage is also a major contributor to the degradation of water quality.

31 December 2003 allows a practicable and reasonable timeframe for a cessation of direct discharges to the river; this will apply even if the consent expires before this date and is replaced by a new consent for the same discharge. An explicit expiry date prior to 31 December 2003 is necessary because it is not possible to review the conditions of a resource consent so as to effectively make it a prohibited activity.

METHODS

Investigations.
Information and Education.
Regional Rules.

Policy 2

Promote land use practices and investigate controls on land use which improve the water quality of the Opihi River and its tributaries to improve cultural values and provide water quality suitable for aquatic ecosystems purposes, for water contact recreation and as sources of water for public water supply systems.

EXPLANATION

Promotion involves encouragement of good land use practices and increasing community awareness and understanding. Such practices include maintenance of existing riparian and stream-side vegetation where this helps to avoid contamination, avoiding ground disturbance of riparian areas where this leads to sediment run-off into the river system, fencing and planting of riparian strips along waterways, and the exclusion of stock from natural waterways and river beds. Remedial action should also be taken to rehabilitate or repair past damage to riparian areas so as to improve water quality.

PRINCIPAL REASON

There is evidence that some land use practices are causing contamination in the Opihi River system. Land use controls may be used to maintain water quality but are ruled out until investigations establish their merit in particular circumstances. There is insufficient information about exactly what land use controls may be necessary. There are also non-regulatory means available for dealing with the problem.

Such beneficial land use practices may include riparian vegetation to intercept diffuse nutrients in shallow groundwater and stockproof fencing of water courses to prevent direct nutrient discharges to natural water.

METHODS

Investigations.
Information and Education.

6.3 METHODS

6.3.1 Investigations

Commencing before the end of 1996 Environment Canterbury will investigate the effects of land use practices and stormwater runoff on the water quality of the Opihi River system. This will involve the investigation of the potential impacts of the adoption of various land management practices and of stormwater discharges from urban centres in the catchment.

PRINCIPAL REASON

The effectiveness of forms of control of land use (if any) and the contribution of other means of reducing non-point source contaminants are presently unknown or uncertain. Regulatory controls are inappropriate without such knowledge.

Regulatory controls on stormwater discharges alone are only a partial solution. Stormwater discharges are unavoidable and the contamination problem involves more than simply controlling the final discharge.

Priority is given to stormwater from the major towns in the area because of their higher potential for contamination.

6.3.2 Information and Education

Environment Canterbury will commence an education and information programme for the Opihi River Catchment before the end of 1996 to raise awareness of sources of water quality problems and ways to avoid or reduce contamination including the protection, provision and enhancement of riparian vegetation and buffer zones. The campaign will involve publicity through the media as well as dissemination of educational material to industrial and agricultural organisations, schools and to the public.

PRINCIPAL REASON

Many non-point sources of contamination cannot be directly controlled or enforced. A behavioural change can only be induced by information and education.

6.3.3 Regional rules

6.3.3.1 DISCHARGES

The rules that follow control the discharge of contaminants affecting the Opihi River and its tributaries. The rules apply to discharges into the water bodies or onto or into land in circumstances which may result in contaminants entering the water bodies.

PRINCIPAL REASON

To provide guidance and direction for consent authorities when considering applications for discharge permits.

Rule 1 Discretionary Activity

The discharge of contaminants, other than treated or untreated human sewage, into the Opihi River or its tributaries, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering these water bodies is a discretionary activity.

STANDARDS AND TERMS

The activity shall comply with the following standards and terms:

- a) The standards contained in the water quality class below shall be observed. The standards apply after reasonable mixing of any contaminant or water with the receiving water and disregards the effect of any natural perturbations that may affect the water body.

**Class OPIHI water
(being water managed for aquatic ecosystem, fishery, contact recreation,
water supply and particular cultural and aesthetic purposes)**

- 1) The maximum cover of stream or river beds by periphyton as filamentous growths or mats (greater than 3 millimetres thick) shall not exceed 40%, as a result of any discharge of a contaminant.
- 2) Bacterial or fungal slime growths shall not be visible to the naked eye as plumose growths or mats, as a result of any discharge of a contaminant.
- 3) BOD₅ of GF/C-filtered water shall not exceed 2 grams per cubic metre, as a result of any discharge of a contaminant.
- 4) The visual clarity of the water shall not be rendered so low as to be unsuitable for bathing, by the presence of contaminants.
- 5) The concentration of dissolved oxygen shall be not less than 80% of saturation concentration, as a result of any discharge of a contaminant.
- 6) Fish or other aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.
- 7) There shall be no significant adverse effect on aquatic life as a result of any discharge of a contaminant.

- 8) The natural temperature of the water shall not be changed by more than 3° Celsius and shall not exceed 25° Celsius, and the temperature of the water shall not adversely affect the spawning of trout or salmon during the spawning season.
- 9) The median faecal coliform concentration, based on not less than five samples taken within any 30 day period, shall not exceed 200 faecal coliforms per 100 millilitres.
- 10) The water shall not be rendered unsuitable for treatment (equivalent to coagulation, filtration, and disinfection) for human consumption by the presence of contaminants.
- 11) The water shall not be tainted or contaminated by the presence of contaminants, so as to make it unpalatable or unsuitable for consumption by humans after treatment (equivalent to coagulation, filtration, and disinfection), or unsuitable for irrigation.

EXEMPTIONS FROM RULE 1

Rule 1 does not apply to:

- a) discharges which are specified as permitted activities by any other regional plan.

Rule 2 Discretionary Activities

The following discharges are Discretionary Activities:

- (a) **the discharge, before 1 January 2004, of treated or untreated human sewage into the surface waters of the Opihi River or its tributaries, or onto or into land in circumstances which may result in that sewage (or any other contaminant emanating as a result of natural processes from that sewage) entering these water bodies; and**
- (b) **except as provided for as a Prohibited Activity by Rule 3 of this chapter of this plan, the discharge, after 31 December 2003, of treated or untreated human sewage onto or into land in circumstances where contaminants emanating as a result of natural processes from that sewage, may enter the surface waters of the Opihi River or its tributaries, after passing through soil.**

STANDARDS AND TERMS

The activity shall comply with the following standards and terms:

- (a) the standards contained in the water quality class specified as Class Opihi in Rule 1 of this chapter of the plan shall be observed for any contaminants, including human sewage, entering the surface waters of the Opihi River or its tributaries. The standards apply after reasonable mixing of any contaminants with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

Rule 3 Prohibited Activities

The following discharges are Prohibited Activities for which no resource consent shall be granted:

- (a) the discharge, after 31 December 2003, of treated or untreated human sewage:**
 - (i) into the surface waters of the Opihi River or its tributaries, or onto or into land in circumstances which may result in that sewage entering these water bodies; or**
 - (ii) onto or into land in circumstances where contaminants emanating as a result of natural processes from that sewage may enter the surface waters of the Opihi River or its tributaries, without passing through soil.**

6.4 ENVIRONMENTAL RESULTS ANTICIPATED

Implementation of the above water quality policies and methods is expected to have the following environmental results:

- a) Adequate quality of sources of drinking water.
- b) Protection and improvement of water quality for aquatic ecosystems.
- c) Water quality suitable for Mahika Kai.
- d) Water quality suitable for water contact recreation.

6.5 MONITORING

For water quality the following indicators should be monitored to assess the suitability and effectiveness of this part of the plan, and any need for it to be reviewed:

- a) Concentrations of contaminants in surface water in the Opihi River catchment.
- b) Compliance with discharge consent conditions.
- c) The ecological status of river ecosystems.
- d) Incidents recorded or reported to Environment Canterbury relating to unauthorised water pollution incidents.
- c) The perception of water quality by the Takata Whenua.

Part 3 Processes and Monitoring

7 Cross-Boundary Processes

7.1 INTRODUCTION

The coverage of this Plan extends to both the Timaru District and the Mackenzie District. The Plan also involves part of the coastal marine area at the Opihi River mouth. The Opihi River runs through Timaru District, with many of its upper tributaries sourced in Mackenzie District. Population centres in both Timaru and Mackenzie District will be affected by restrictions imposed on water abstraction and by the prohibition of sewage discharges to surface waters of the Opihi River system.

Integrated resource management for the Opihi River has two key elements:

- a) Ensuring that resource issues which cross the boundary of the two districts or the Coastal Marine Area are dealt with by all agencies involved in management of those areas.
- b) Ensuring consistency of management of resource issues along the whole river system.

The principal cross-boundary issues are those which involve the two territorial authorities, and the Minister of Conservation's role in the coastal marine area.

7.2 CROSS-BOUNDARY ISSUES

The cross-boundary issues include:

- a) The effects of management of water quality and quantity for one section of the River having an impact on activities within another district.
- b) The need for activities of the two district councils to comply with provisions of this plan, in particular with respect to stormwater and sewage discharges and the abstraction of water for community water supply.
- c) The effects of management of water quality and quantity for the River on management of the River mouth and lagoon within the Coastal Marine Area and vice versa.

7.3 PROCESSES TO BE USED TO DEAL WITH CROSS-BOUNDARY ISSUES

The processes to be used to deal with issues which cross local authority and Coastal Marine Area boundaries and issues between territorial authorities are described below.

The Act identifies areas for inter-agency cooperation with territorial local authorities and the Minister of Conservation. Particular procedures are required for consents and preparing and changing plans.

It is important that the issues of this Plan are reflected in the objectives, policies and methods of District Plans and that there is consistency between this Plan and the Regional Coastal

Environment Plan for the Opihi River mouth and lagoon areas. In addition on-going liaison with territorial authorities and the Department of Conservation will be maintained in relation to cross-boundary issues which may arise including in particular:

- a) Discussions on the content of District Plans to ensure the development of complementary policies.
- b) Discussions on development proposals, the means of compliance with this Plan and resource consents.
- c) Joint hearings where applications for resource consents in relation to the same proposal have been made to two or more consent authorities including Environment Canterbury.
- d) The obtaining of appropriate coastal permits by Environment Canterbury for the artificial opening of the Opihi River Mouth and the ongoing monitoring of the exercising of these permits.
- e) Liaison with District Councils, Opuha Dam Partnership, Takata Whenua, the Central South Island Fish and Game Council and the Department of Conservation about the management of the Opihi River and its effects on the Opihi River Mouth and lagoon, including the circumstances when the mouth should be opened artificially.

8 Monitoring and Review

8.1 MONITORING PROCEDURE

The procedures to be used to review the content of this plan and to monitor the effectiveness of the Plan as a means of achieving its objectives and policies are outlined below. The results of these monitoring programmes will be reported regularly to Environment Canterbury. These reports will include analyses of the effectiveness of this Plan's measures in achieving the objectives and policies.

To meet the Act's environmental and policy effectiveness monitoring requirements, relevant to this regional plan, Environment Canterbury will carry out two types of monitoring:

- a) Monitoring the environment to assess whether specific anticipated environmental results are achieved.
- b) Compliance monitoring of resource consents and permitted activities to ensure compliance with conditions.

8.2 MONITORING ANTICIPATED ENVIRONMENTAL RESULTS

The following tables outline the environmental monitoring that Environment Canterbury will undertake to assess whether anticipated environmental results are achieved.

Table 8.1 Water Quantity: anticipated environmental results and associated monitoring and reporting

Anticipated environmental result	Environmental indicator(s)	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting
Sufficient flows of water in the rivers for the protection of instream values.	River flows.	Nine river flow measurement sites and one gauging site.	Four automatic with continuous recording and others on electronic interrogation.	Annually.
	The ecological status of river ecosystems.	Liaison with Fish and Game Council, Department of Conservation, Ministry of Fisheries, Opuha Dam Partnership, and Royal Forest and Bird Protection Society and compile data from each organisation.	Ongoing and at least annually.	Annually.
	The ecological status of river ecosystems with particular reference to: Water Quality Degradation. River Flow Regulation. Implementation of Minimum Flows Lagoon/Estuary Health	Aquatic health and habitat monitoring (including invertebrates and periphyton) at: Sites in the Temuka Catchment At least 4 sites on the Opuha/Opihi River Sites on the Te Ngaiwai and upper Opihi Rivers Sites in the Opihi River Lagoon	At least twice a year.	Annually.
	Incidents recorded, or reported to Environment Canterbury, relating to low river flows.	As reported.	As reported.	Approx. six weekly for Environment Canterbury Committee.
Efficiency in the use of water.	Adoption of efficient methods of using water.	Liaison with Ministry of Fisheries, water permit holders, and Federated Farmers. Survey water use methods.	Ongoing Five yearly	Annually Five yearly.
Greater availability and enhanced supply of water for abstractive and instream uses.	River flows and abstractions relative to those quantities prior to the plan.	Nine river flow measurement sites and one gauging site.	Four automatic with continuous recording and others on electronic interrogation.	Five yearly.

Table 8.2 Water Quality: anticipated environmental results and associated monitoring and reporting

Anticipated environmental result	Environmental indicator(s)	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting
Adequate quality of sources of drinking water.	Concentrations of contaminants in surface water.	23 water quality monitoring sites including eight sites downstream from major effluent discharge points. Sampling by the district councils and the Department of Health.	Quarterly for indicator bacteria, dissolved reactive phosphorus, total phosphorus, dissolved inorganic nitrogen, total nitrogen, algal biomass, pH, dissolved oxygen, biochemical oxygen demand, temperature and suspended solids. Annually for chloride and sulphate.	Annually.
Protection and improvement of water quality for aquatic ecosystems.	The ecological status of river ecosystems.	See table 8.1 (water quantity).	See table 8.1 (water quantity).	See table 8.1 (water quantity).
	Concentrations of contaminants in surface water.	See above.	See above.	See above.
	Incidents recorded, or reported to Environment Canterbury, relating to unauthorised water pollution incidents.	As reported.	As reported.	Approx, six weekly as required for Environment Canterbury committee.

Table 8.2 Water Quality: anticipated environmental results and associated monitoring and reporting continued

Anticipated environmental result	Environmental indicator(s)	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting
Water quality suitable for Mahika Kai.	The perception of water quality by the Takata Whenua.	Liaison with the Takata Whenua.	Annually.	Annually.
	Concentrations of contaminants in surface water.	See above.	See above.	See above.
Water quality suitable for water contact recreation.	Concentrations of contaminations in surface water.	See above. Six sites specifically monitored for assessment of suitability for water contact recreation.	See above. At least 15 times over 12 weeks for indicator bacteria during the summer period.	See above. As required by the public and public health authorities, and approx. six weekly as required for Environment Canterbury committee.

8.3 COMPLIANCE MONITORING

The following table sets out the compliance monitoring and reporting that Environment Canterbury will undertake to ensure that activities comply with legal requirements.

Type of authorisation	Method of monitoring	Frequency of monitoring	Reporting
Permits to take water.	Inspection of abstraction records, or monitoring of abstraction rates. Fish screen inspections. Site gauging inspections for gravity intake sites. Site inspections.	At least annually, but varying in accordance with compliance monitoring manual ² One to four times in irrigation season. At least two annually. When abstraction restrictions are in force.	Annually.
Permits to dam, use, or divert water.	Inspections of structures during and after construction. Flows and levels for large diversions, discharges or structures.	As required. At least annually, but varying in accordance with compliance monitoring manual.	Annually.
Discharge permits.	Sampling of discharge quality. Site Inspections.	At least annually, but varying in accordance with compliance monitoring manual. At least annually.	Annually.
Permitted Activities	Site inspections where there are conditions on permitted activities.	At least annually, but varying in accordance with compliance monitoring manual.	Annually.

[2]. The monitoring programme for the different types of resource consents are detailed in Environment Canterbury's Compliance Monitoring Manual. The extent of compliance monitoring depends on the actual or potential adverse effects of the activity on the environment.

8.4 REVIEW PROCEDURE

The Act states that a plan must be reviewed within ten years but may be reviewed if necessary before the expiry of ten years. It is considered that this Plan may require earlier review where:

- a) There is a need to reflect change and greater knowledge about the management of the Opihi River.
- b) Major changes arise from investigations carried out as a consequence of the Plan, such as the inclusion of minimum flows for tributaries of the Opihi River, in particular the Te Ngawai River, the Opihi River upstream of its confluence with the Opuha River; the Orakipaoa Stream, and the North Opuha River and the South Opuha River upstream of the Opuha Dam.
- c) Other Regional Plans come into effect which incorporate all or parts of this Plan or which make some provisions redundant.

The monitoring procedures outlined above will indicate the need for an earlier formal review of the plan.

In the event of an early review, or at the time of the ten year review, a formal report to Environment Canterbury will assess the need for the plan to change and recommend any changes required.

9 Making Resource Consent Applications and Providing Information

9.1 FORM OF APPLICATION

Applications for a resource consent must be made in accordance with the procedures and in the forms prescribed in the Act and regulations made under the Act. Suitable forms are available from Environment Canterbury's offices at Christchurch and Timaru.

9.2 INFORMATION TO BE PROVIDED

The information that must be provided with any application for a consent to:

- a) take water from any surface waters of the Opihi River or its tributaries, or from hydraulically connected groundwater; or
- b) dam, divert or use water in the Opihi River or its tributaries; or discharge water into the Opihi River or its tributaries from stored or diverted water; or
- c) discharge contaminants into the Opihi River or its tributaries or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering these water bodies;

is specified in Section 88 and the Fourth Schedule of the Act. In particular it must include an assessment of the actual or potential effects the proposed activity may have on the environment, and the way in which any adverse effects will be mitigated.

If in the opinion of Environment Canterbury further information is required, it may request additional details under Section 92 of the Act. Environment Canterbury will only request further information where the amount or detail originally provided is insufficient in relation to the scale and significance of the actual or potential effects the activity could have on the environment, and where, in its opinion, additional information is necessary for it to sufficiently understand the proposal, its environmental effects, or the proposed ways of mitigating these effects.

Section 88(6)(a) of the Act provides that information accompanying an application “*shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment*”. In other words, if the environmental effects are likely to be minor less detail will be required than if the effects could be significant or their extent is not known. Sections 88 and 92, and the Fourth Schedule of the Act are reproduced in Appendix 2.

Particular information is required as follows:

- a) Particular information required for a consent application for a discretionary activity under Chapter 5, Rule 1:
 - i) The need for the quantities of water sought.
 - ii) The availability of alternative supplies of water including alternative public or community reticulated supplies.
 - iii) Details of provisions to be made to prevent fish entering water intakes.

- iv) In the case of takes from groundwater:
 - a) The effects the take has on surface flows in close proximity to the point of take.
 - b) The effects on takes from neighbouring bores.
 - c) the effects on the ability of existing downstream water permit holders and those taking water for domestic or stockwater purposes to abstract the water allowed to be taken by their permits or by the Act.
- v) In the case of takes from surface water:
 - a) the effect on surface flows at the point of take.
 - b) the effects on the ability of existing downstream water permit holders and those taking water for domestic or stockwater purposes to abstract the water allowed to be taken by their permits or by the Act.
- (b) Particular Information required for a consent application for a discretionary activity under Chapter 5, Rule 2:
 - i) The effects on flows of water in the Opihi River and its tributaries.
 - ii) The effects on flora, fauna, and the habitat of fauna, and on cultural, amenity and landscape values.
 - iii) Details of provisions to be made for fish screens and fish bypass.
 - iv) The effects on the availability of augmented water for abstraction and the efficiency of the use of that water.
 - v) The safety of a dam in terms of its construction and design and risks and effects of a collapse of any structure.
 - vi) Proposed financial contributions in the form of money, land, works, services or any combination thereof, to restore or offset any damage to or loss of any natural or physical resources.
- c) Particular Information required for a consent application for a discretionary activity under Chapter 6, Rule 1:
 - i) Effluent discharge details (chemical composition, volume, rate and method of discharge).
 - ii) The effects of the discharge with reference to the water quality standard.
 - iii) Details of the operation and management of contaminant disposal, contingency plans in the event of failure of plant, and contact personnel in emergency or for complaint inquiries.
 - iv) An assessment of alternative methods of disposal.
 - v) The effects of the discharge on cultural values.

Appendices

Appendix 1 Definition of Terms

The use of italics in this Appendix indicates the meanings are taken from the Resource Management Act 1991.

“A” Permits

For the purposes of this Plan “A” Permits are:

- (i) For the Opihi River (excluding the Temuka River), existing permits to take water, granted prior to 1994 and within an allocation limit of 5.6 cubic metres per second; or
- (ii) For the Temuka River, existing permits to take water, granted prior to 1 January 1999, or permits granted for applications to take water applied for and being processed by Environment Canterbury as at 1 January 1999, up to a maximum of 250 cubic metres per hectare per week in the case of irrigation takes, and within an allocation limit of 1.6 cubic metres per second; or
- (iii) For the Opihi River, including the Temuka River, new permits which are granted as replacements for “A” permits on their expiry or review where the rate of take and the allocated volume is not more than the original “A” permit and where there is no significant change in location; or
- (iv) For the Opihi River, including the Temuka River, permits which are the result of a transfer in whole or part of an “A” permit.

“AA” Permits.

“AA” Permits are “A” Permits that are “affiliated” to the “Dam Company” where the abstractor holds shares in the “Dam Company” that:

- (a) represent entitlements to be supplied with an amount of augmented water equal to that able to be abstracted in terms of the permit; and
- (b) are uniquely identified with the permit.

Actual Flow

Actual flow means the amount of water that is flowing instream at that actual point in time.

Allocation Limit

The allocation limit is the sum of the maximum rates of abstraction for surface water takes plus the sum of the calculated stream depletion effects of groundwater abstractions. In the case of abstractions from hydraulically connected groundwater, the allocation limits include only the sum of the calculated rates of stream depletion after 30 days pumping at the average pumping rate, not the sum of the maximum allowable rates of groundwater abstraction.

Allocative efficiency

Allocation of resources to uses that make optimum use of them.

Amenity values

Amenity values means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

“AN” Permits.

“AN” Permits are “A” Permits, that are not “affiliated” to the “Dam Company”.

Augmented Water

Water that is released from the Opuha Dam, available as a consequence of water being released from the Opuha Dam, or released from another augmentation scheme.

“B” Permits

For the purposes of this Plan “B” Permits are permits to take water from the Opihi River and lagoon or its tributaries, or from hydraulically connected groundwater, other than “A” permits.

There is no allocation limit set for “B” permits for the Opihi River Catchment (excluding the Temuka Catchment). An allocation limit is set for “B” permits for the Temuka River Catchment of 0.4 cubic metres per second.

“BA” Permits

“BA” Permits are “B” permits that are “affiliated” to the “Dam Company” where the abstractor holds shares in “Dam Company” that:

- (a) represent entitlements to be supplied with an amount of augmented water equal to that able to be abstracted in terms of the permit; and
- (b) are uniquely identified with the permit.

Bed

Bed means - (a) in relation to any river ... the space of land which the waters of the river cover at its fullest flow without overtopping its banks.

“BN” Permits.

“BN” Permits are “B” Permits that are not “affiliated” to the “Dam Company”

BOD

Biochemical oxygen demand, oxygen consumed by the degradation of organic matter by organisms, usually measured at 20°C and over five days (BOD₅).

Coagulation

The changing from fluid to a more or less solid state.

Coastal environment

An environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes three distinct but interrelated parts: the coastal marine area; the active coastal zone; and the land backdrop.

The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore whether above or below mean high water springs, dunes, beaches, areas of coastal vegetation and coastal associated fauna, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands, including estuaries, and in the absence of such features (particularly in urban areas where the natural shoreline has been modified), all the land that extends 40 metres inland of mean high water springs. (Department of Conservation (1992) Draft New Zealand Coastal Policy Statement)

Coastal marine area

The coastal marine area means the foreshore, seabed, and coastal water, and the airspace above the water- (a) of which the seaward boundary is the outer limits of the territorial sea; (b) of which the landward boundary is the line of mean high water springs, except that where that line

crosses a river, the landward boundary at that point shall be whichever is the lesser of - (i) one kilometre upstream from the mouth of the river; or (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

Community Water Supply Scheme

Community Water Supply Scheme means a water supply scheme listed in Schedule B of the Standards and Terms for Rule 1 of Chapter 5 of this Plan that is established and operated principally to supply water for domestic, industrial and/or stock water purposes.

Contaminant

Contaminant includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat - (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

“Dam Company”

The “Dam Company” means the Opuha Dam Limited or the South Canterbury Farmers Irrigation Society or their successors where those organisations have control of the storage and release of water in relation to the Opuha Dam and control of the access to augmented water.

Discharge

Discharge includes emit, deposit and allow to escape.

Ecosystem

Ecosystem means plants, animals, their physical environment, and the dynamic processes that link them.

Effect

In the Act, unless the context otherwise requires, the term “effect”... includes -

- (a) Any positive or adverse effect;*
- (b) Any temporary or permanent effect;*
- (c) Any past, present, or future effect;*
- (d) Any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect, and also includes -*
- (e) Any potential effect of high probability; and*
- (f) Any potential effect of low probability which has a high potential impact.*

Efficiency

Efficiency includes both technical and allocative efficiency, and means that for any given level of output, inputs are minimised.

Enhancement

To intensify or increase in quality or value.

Environment

Environment includes:

- (a) Ecosystems and their constituent parts, including people and communities;*
- (b) All natural and physical resources;*
- (c) Amenity values; and*

- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

Environment Canterbury

is the name by which the Canterbury Regional Council is referred to in this plan.

Environmental results anticipated

The intended results or outcomes on the environment as a consequence of implementing the policy or policies and methods of implementation. They provide a means of assessing the success of the objectives, policies and methods.

Erosion

Erosion includes processes of wearing away of the land surface by natural agents and the transport of the material that results.

Explanation

A statement to provide background and facilitate understanding. Explanations are not intended to extend or distort the literal meaning and intent of policies.

Fauna

Fauna means animals, and includes both indigenous and introduced fauna.

Filamentous

Filamentous means fibrous or thread-like.

Flora

Flora means plants, and includes both indigenous and introduced flora.

Habitat

Habitat means the natural home of plants or animals, or communities of them. It has both biological and physical components which among other things may include water, rocks, soil, or vegetation.

Human sewage

Human sewage means human excrement including urine and faecal material.

Hydraulically Connected Groundwater

Hydraulically connected groundwater is groundwater that is laterally connected to a river with a stream depletion factor less than 100 days, using the method published by Jenkins, C.T. (1977) Computations of rate and volume of stream depletion by wells, in Techniques of Water Resources Investigations of the United States Geological Survey, Chapter D1, Book 4, 3rd edition.

Indigenous flora and fauna

This includes plants and animals which were introduced by Maori but excludes flora and fauna introduced to New Zealand since the arrival of Europeans.

Intrinsic values

Intrinsic values in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

- (a) *Their biological and genetic diversity; and*
- (b) *The essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.*

Introduced flora and fauna

This only includes plants and animals introduced to New Zealand since the arrival of Europeans.

Issue

A matter of concern to the region's community in relation to some aspect of natural and physical resources and the environment of the region. These matters are addressed in the Regional Policy Statement as either: significant resource management issues of the region; or resource management issues of significance to iwi.

Kaitiakitanga

Kaitiakitanga means the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

Land

Land includes land covered by water and the air space above land.

Landscapes

Natural features and landscapes are categories that sometimes overlap. As a general rule features tend to be smaller in extent and are experienced from the outside, while landscapes cover large areas and are experienced from within. Natural means a predomination of elements that are natural rather than made by people.

Local authority

Local authority means a regional council or territorial authority.

Maori

Ordinary people. Since 1820 used to distinguish the native, indigenous, people of this country, the Takata Whenua.

Mahika kai

Food and other resources, and the areas that they are sourced from.

Mauri

Life force.

Method

A specific action, procedure, programme or technique adopted to carry out a policy.

Mitigate

In relation to an effect, means to lessen or eliminate the severity or incidence of an effect, and includes compensation both before and after the effect.

Monitoring Site

Monitoring Site means a location at which river flow or water quality data is collected and shall include the following defined sites:

SH1 Bridge in the case of the Opihi River is the flow recording site in the vicinity of the bridge on State Highway 1 where it crosses the Opihi River. Flows at this point shall be adjusted so that they do not include any contribution to the flow from the Levels Plains Irrigation Scheme races.

Saleyards Bridge is the flow recording site in the vicinity of the bridge on the Waitohi Pleasant Point Road where it crosses the Opihi River.

Rockwood is the flow recording site in the vicinity of the bridge on Raincliffe Road where it crosses the Opihi River;

Cave is the flow recording site in the vicinity of Cave on the Te Ngawai River;

South Opuha River is the flow recording site in the vicinity of the bridge on Clayton Road where it crosses the South Opuha River;

North Opuha River is the flow recording site in the vicinity of the bridge on Clayton Road where it crosses the North Opuha River;

Manse Bridge in the case of the Temuka River is the flow recording site in the vicinity of bridge on Waitohi Temuka Road where it crosses the Temuka River.

Mouth

Mouth, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of a river either - (a) as agreed and set between the Minister of Conservation, the Regional Council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or (b) as declared by the Environment Court under Section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative.

Natural and physical resources

Natural and physical resources includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Natural features

Natural features and landscapes are categories that sometimes overlap. As a general rule features tend to be smaller in extent and are experienced from the outside, while landscapes cover large areas and are experienced from within. Natural means a predomination of elements that are natural rather than made by people.

Noise

Noise includes vibration.

Non-point discharge

Run-off or leachate from land, onto or into land, air, a water body or the sea.

Objective

Objective means a statement of a desired outcome.

Opihi River

The Opihi River, unless the context requires otherwise, includes all of its tributaries.

Opuha Dam Partnership

Opuha Dam Partnership means the Partnership or Company or their successors who are responsible for the day to day operation of the Opuha Dam.

Opuha Dam

Opuha Dam means the dam and associated weir structures constructed on the main stem of the Opuha River located at or about NZMS 260.J37 409-877.

Opuha Environmental Flow Release Advisory Group

Opuha Environmental Flow Release Advisory Group means the group responsible for modifying the environmental release flows within the provisions of the Plan and shall be comprised of the following members:

- (i) a representative of the Opuha Dam Partnership;

- (ii) one instream representative (appointed jointly by the Department of Conservation and the Central South Island Fish and Game Council),
- (iii) one Takata Whenua representative, and
- (iv) one representative of irrigators (appointed by South Canterbury Federated Farmers),
- (v) one representative of the Timaru and MacKenzie District Councils.

Periphyton

Plants, usually algae, attached to solid surfaces in water bodies.

Plumose

With feathery filaments.

Point discharge

A discharge from a specific and identifiable outlet, onto or into land, air, a water body or the sea.

Policy

A statement that guides or directs decision-making. A policy indicates a general commitment to a general course of action in working towards an objective.

Plan

Plan means a regional plan or district plan.

Reasons

The principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement.

Region

Region means, in relation to a regional council, the region of the regional council as determined in accordance with the Local Government Act 1974.

Regional coastal plan

Regional coastal plan means an operative plan approved by the Minister of Conservation under the First Schedule, and includes all operative changes to such a plan (whether arising from a review or otherwise).

Riparian

Of or on a river bank or stream bank.

Sustainable management

Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while: (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Takata Whenua

People of the land, the people who hold the turangawaewae and the manawhenua in an area, according to tribal and hapu custom.

Taonga

Treasured possessions, includes both tangible and intangible treasures, for example, the Maori language.

Technical efficiency

Technical efficiency includes avoidance of waste.

Temuka River

The Temuka River, unless the context requires otherwise, includes all of its tributaries.

Territorial authority

Territorial authority means a city council or a district council.

Territorial sea

Territorial sea means the territorial sea of New Zealand as defined by Section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

Unmodified Flow

“Unmodified flow” means the amount of water that would have been flowing instream if there were no dam storage, augmenting of river flows or abstractions occurring. This is calculated or estimated by Environment Canterbury in accordance with the provisions of Rule 1 of Chapter 5 of this Plan.

Wahi Taonga

Places (wahi) of special value.

Wahi Tapu

Places of sacred and extreme importance.

Water Permit

A consent to do something that otherwise would contravene section 14 of the Resource Management Act. This can include the taking, using, damming or diverting of surface water or groundwater. For the purposes of this Plan water permits to abstract water have been defined as A and B Permits and further subdivided as being affiliated or non-affiliated to the “Dam Company”.

Appendix 2 Sections 88, 92 and the Fourth Schedule

The use of italics in this Appendix indicates reproduction from the Resource Management Act 1991.

SECTION 88 MAKING AN APPLICATION -

- (1) *Any person may, in the manner set out in subsection (4), apply to the relevant local authority for a resource consent.*
- (2) *No application shall be made for a resource consent -*
 - (a) *For a prohibited activity; or*
 - (b) *For any activity described as a prohibited activity by a proposed plan once the time for making or lodging submissions or appeals against the proposed rule has expired and -*
 - (i) *No such submissions or appeals have been made or lodged; or*
 - (ii) *All such submissions and appeals have been withdrawn or dismissed.*
- (3) *An application may be made for a resource consent -*
 - (a) *For a controlled activity or a discretionary activity or a non-complying activity, under a plan or proposed plan; or*
 - (b) *Where there is no plan or proposed plan, for an activity for which a consent is required under Part III.*
- (4) *Subject to subsection (5) an application for a resource consent shall be in the prescribed form and shall include -*
 - (a) *A description of the activity for which consent is sought, and its location; and*
 - (b) *An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated; and*
 - (c) *Any information required to be included in the application by a plan or regulations; and*
 - (d) *A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and*
 - (e) *Where the application is for a subdivision consent, the information specified in section 219.*
- (5) *The assessment required under subsection (4) (b) in an application for a resource consent relating to a controlled activity, or a discretionary activity over which the local authority has restricted the exercise of its discretion, shall only address those matters specified in a plan or proposed plan over which the local authority has retained control, or to which the local authority has restricted the right to exercise its discretion, as the case may be.*
- (6) *Any assessment required under subsection (4)(b) or subsection (5) -*
 - (a) *Shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and*
 - (b) *Shall be prepared in accordance with the Fourth Schedule.*
- (7) *Without limiting subsection (4) or section 92, an application for a resource consent for reclamation shall be accompanied by adequate information to accurately show the area proposed to be reclaimed, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve under section 246(3).*

SECTION 92 FURTHER INFORMATION MAY BE REQUIRED -

- (1) *A consent authority may, at any reasonable time before the hearing of an application, by written notice to an applicant for a resource consent, require the applicant to provide further information relating to the application.*
- (2) *Where the consent authority is of the opinion that any significant adverse effect on the environment may result from an activity to which an application for a resource consent relates, the consent authority may -*
 - (a) *Require an explanation of -*
 - (i) *Any possible alternative locations or methods for undertaking the activity and the applicant's reasons for making the proposed choice; and*
 - (ii) *The consultation undertaken by the applicant; and*
 - (b) *Where the application is for a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to discharge of contaminants), require a explanation of -*
 - (i) *The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects, and the applicant's reasons for making the proposed choice; and*
 - (ii) *Any possible alternative methods of discharge, including discharge into any other receiving environment; and*
 - (c) *Commission a report on any matters raised in relation to the application, including a review of any information provided in an application under section 88(4) or under this section.*
- (3) *Where a consent authority seeks further information under subsection (1) or subsection (2) -*
 - (a) *It may postpone -*
 - (i) *The notification of the application; or*
 - (ii) *The determination of the application (if there is no hearing); or*
 - (iii) *The hearing of the application -*
until the information is received; and
 - (b) *It shall make that information available for public inspection at its principal office at least 15 working days before the hearing; and*
 - (c) *It shall, upon receipt of any report that it commissioned, send a copy of the report to the applicant at least 15 working days before the hearing.*
- (4) *Further information may be required under this section only if the information is necessary to enable the consent authority to better understand the nature of the activity in respect of which the application for a resource consent is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.*

FOURTH SCHEDULE - ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. *Matters that should be included in an assessment of effects on the environment - Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88(6)(b) should include-*
 - (a) *A description of the proposal:*
 - (b) *Where it is likely that an activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:*
 - (c) *Repealed by S225 Resource Management Amendment Act (1993)*
 - (d) *An assessment of the actual or potential effect on the environment of the proposed activity:*
 - (e) *Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:*
 - (f) *Where the activity includes the discharge of any contaminant, a description of -*
 - (i) *The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and*
 - (ii) *Any possible alternative methods of discharge, including discharge into any other receiving environment:*
 - (g) *A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:*
 - (h) *An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:*
 - (i) *Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.*

2. *Matters that should be considered when preparing an assessment of effects on the environment - Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:*
 - (a) *Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects:*
 - (b) *Any physical effect on the locality, including any landscape and visual effects:*
 - (c) *Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
 - (d) *Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations.*
 - (e) *Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:*
 - (f) *Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*