PART D: STATUTORY CONTEXT

6. STATUTORY CONTEXT

Overview

This chapter sets out the key statutory matters under the Resource Management Act 1991 (RMA) relevant to the Project, namely:

- the purpose and principles of the RMA;
- designations and notices of requirement;
- outline plans;
- resource consents;
- proposals of national significance;
- the Environmental Protection Authority process;
- relevant plans and policy documents;
- notices of requirement and outline plans required;
- a summary of the regional resource consents sought;
- resource consents sought under National Environmental Standards; and
- other matters and approvals.

6.1. Resource Management Act 1991

6.1.1. Purpose and principles

Part 2 of the RMA is comprised of sections 5 to 8, and outlines the purpose and principles of the RMA. Section 5 states the purpose of the RMA is to promote the sustainable management of natural and physical resources where 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.

Section 6 of the RMA contains 'matters of national importance' with which 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 in achieving the purpose of the RMA. These are:

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;

f) the protection of historic heritage from inappropriate subdivision, use, and development; and

g) the protection of protected customary rights.

Section 7 of the RMA states that 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 the following issues relevant to the proposed works associated with the construction of the Project and the local environment:

a) Kaitiakitanga;

b) the efficient use and development of natural and physical resources;

ba) the efficiency of the end use of energy;

c) the maintenance and enhancement of amenity values;

d) intrinsic values of ecosystems;

g) any finite characteristics of natural and physical resources;

f) maintenance and enhancement of the quality of the environment; and

i) the effects of climate change.

Section 8 of the RMA states that 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.

6.1.2. Designations and Notices of Requirement

A designation is a planning mechanism that enables existing or future infrastructure to be efficiently managed and land requirements associated with future infrastructure to be signalled in district plans. Where a designation is provided in a district plan, any provisions that might normally apply, including zoning and land use controls, do not apply to public works or projects or works undertaken by the requiring authority (in this case the NZTA) under the designation. There is no current designation in the Christchurch City Plan or the Selwyn District Plan for the CSM2

portion of the Project, although there is a designation in the Selwyn District Plan for the existing road and part of the widening required for the MSRFL portion of the Project.

Pursuant to section 181 of the RMA, a notice of requirement (NoR) to alter the existing designation within Selwyn District is being sought to widen an existing roading corridor (TR1) for the Project (NoR1).

Pursuant to sections 168 to 179 of the RMA, two new designations for State highway purposes are being sought by the NZTA for the land required for the CSM2 part of the Project in Selwyn District and Christchurch City:

- NoR2 – new designation for CSM2 in the Selwyn District; and
- NoR3 – new designation for CSM2 in the Christchurch City.

Section 168(2) applies to the notices lodged by the NZTA and reads as follows:

> *A requiring authority for the purposes approved under section 167 may at any time give notice in the prescribed form to a territorial authority of its requirement for a designation -*
>
> *(a) for a project or work; or*
>
> *(b) in respect of any land, water, subsoil, or airspace where a restriction is reasonably necessary for the safe or efficient functioning or operation of such a project or work.*

The prescribed form for a NoR is set out in Form 18 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 is to be supported by an AEE[56]. The matters that should be included in an AEE are set out in clause 1 of Schedule 4 of the RMA. Clause 2 of Schedule 4 provides direction on further matters that should be considered when preparing an AEE. The AEE (as documented in this report) has been undertaken in accordance with Schedule 4, and also fulfils the requirements of the AEE required in support of the resource consents sought for the Project.

As the notices of requirement will be lodged with the EPA under section 145(3) of the RMA, section 145(7) directs that section 168 applies, except that every reference in that section to a territorial authority must be read as a reference to the EPA. Provided the Project is referred to a Board of Inquiry (BoI) as requested by the NZTA, once the hearings have been held and the proposal and any submissions have been considered, the BoI makes a decision on the matter. Section 149P(4) directs that a BoI:

> *(a) must have regard to the matters set out in section 171(1) and comply with section 171(1A) as if it were a territorial authority; and*
>
> *(b) may -*

[56] The AEE has been included to support the NoR applications. However, it is noted that there is no legal requirement to provide an AEE in accordance with Schedule 4 of the RMA with a NoR.

(i) cancel the requirement; or

(ii) confirm the requirement; or

(iii) confirm the requirement, but modify it or impose conditions on it as the board thinks fit; and

(c) may waive the requirement for an outline plan to be submitted under section 176A.

In making a decision on a NoR under section 171, the BoI will be required to consider the effects on the environment of allowing the requirement, having particular regard to policy statements and plans, whether adequate consideration has been given to alternative sites, routes and methods, whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority and any other matter considered reasonably necessary in order to make a decision. The decision is also subject to an overall assessment under Part 2 of the RMA as to whether the proposal represents sustainable management. An assessment of the effects on the environment of allowing the requirement is provided under Part G of this document. Discussion of the consideration given to the necessity of the work for achieving the Project objectives and alternatives are considered in Parts A and E respectively. An analysis of the Project in relation to the relevant policy framework and Part 2 of the RMA is provided in Part I of this AEE.

6.1.3. Outline Plans

Section 176A of the RMA requires outline plans of works to be constructed on designated land to be submitted to territorial authorities to allow them to request changes before construction is commenced. Section 176A(3) of the RMA states:

An outline plan must show—

(a) The height, shape, and bulk of the public work, project, or work; and

(b) The location on the site of the public work, project, or work; and

(c) The likely finished contour of the site; and

(d) The vehicular access, circulation, and the provision for parking; and

(e) The landscaping proposed; and

(f) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

The information that would be required to be provided with an outline plan has been incorporated within the NoR and supporting documents, particularly on the drawings included in Volume 5 of the documents submitted. The information that would be required to be provided with an outline plan has been incorporated within the NoR and supporting documents. Therefore,

due to the operation of section 176A(2)(b) RMA no outline plans will be required for the initial construction of the Project.

6.1.4. Resource Consents

Applications by the NZTA for regional resource consents and district resource consents under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the "Soil NES") are lodged under section 145(1)(a) to the EPA, and in accordance with section 88 of the RMA. Regional resource consents are necessary for regional matters that form part of the Project. The regional rules applicable to the Project are contained within the Natural Resources Regional Plan (NRRP) and Proposed Land and Water Regional Plan (PLWRP) as set out in section 6.5 below. A summary of all regional consents required is also provided in Table 11, later in this chapter. District resource consents are necessary for contaminated land matters under the Soil NES as an NES prevails over a designation. This is set out in Section 6.6.1 below.

The prescribed form for an application for resource consent is set out in Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. The matters that should be included in an AEE required to support a resource consent application are set out in clause 1 of Schedule 4 of the RMA. Clause 2 of Schedule 4 provides direction on further matters that should be considered when preparing an AEE. The AEE (as documented in this report) has been prepared in accordance with Schedule 4.

As the resource consents will be lodged with the EPA under section 145(5) of the RMA, section 145(5) directs that section 88 applies, except that every reference in that section to a consent authority must be read as a reference to the EPA. Provided the Project is referred to BoI as requested by the NZTA, once the hearings have been held and the proposal and any submissions have been considered, the BoI makes a decision on the matter. Section 149P(2) directs that a BoI must apply sections 104 to 112 and 138A as if it were a consent authority.

In making a decision on a NoR under section 104, the BoI will be required to consider the effects on the environment of allowing the requirement, having particular regard to policy statements, plans and national environmental standards, and any other matter considered reasonably necessary in order to make a decision. The decision is also subject to an overall assessment under Part 2 of the RMA as to whether the proposal represents sustainable management. As for the NoR applications, an assessment of the effects on the environment of allowing the requirement is provided under Part G of this document and an analysis of the Project in relation to the relevant policy framework and Part 2 of the RMA is provided in Part I of this AEE.

6.1.5. Proposals of National Significance

Part 6AA of the RMA provides for the consideration of matters which, singularly or collectively, constitute a proposal of national significance, with section 145 allowing certain matters to be lodged directly with the EPA. These include:

- an application for a resource consent (section 145(1)(a)); and
- a notice of requirement for a new designation or to alter an existing designation (section 145(3)).

As outlined in Section 1.4 of this AEE, the NZTA considers that the Project fulfils the criteria for a proposal of national significance. In accordance with section 145 of the RMA, the NZTA has lodged applications for resource consents and NoRs for the Project directly with the EPA, and the applications and NoRs have also been served on the relevant local authorities (CCC, SDC and ECan).

6.1.6. Environmental Protection Authority (EPA)

The 2009 amendments to the RMA provided for the establishment of an EPA to centralise and streamline the decision making process relating to proposals of national significance in accordance with Part 6AA of the RMA. Under section 145 of the RMA an applicant may lodge a resource consent application and NoR directly with the EPA.

The EPA will recommend to the Minister for the Environment whether the applications should be referred to a BoI, the Environment Court or the local authority for consideration and a decision (section 147). In making a direction, the Minister is to apply section 142(3) which provides guidance in determining whether a matter is, or is part of, a proposal of national significance.

The NZTA has lodged NoRs which incorporate the information which would be required to be provided in an outline plan along with resource consent applications for the Project directly with EPA, with the process for determining the NoRs set out under sections 6.1.2 to 6.1.4 above. As discussed in Part A, the NZTA considers the Project would best be heard and determined by a Board of Inquiry as the Project fulfils the criteria for a proposal of national significance (see section 1.4).

Normally, the requiring authority who lodges the NoR also makes the decision on whether to confirm the NoR. However, if the NoRs are referred to a BoI, the BoI considering the NoRs will cancel or confirm (with or without modifications) the NoRs. Importantly, this is the final decision on the NoRs and is subject only to appeal to the High Court on questions of law.

6.2. Plans and Policy Documents

6.2.1. Overview

The national, regional and district planning and policy documents relevant to the Project (prepared in accordance with the RMA) are listed below.

6.2.2. National Policy Statements

The National Policy Statement for Freshwater Management came into effect on 1 July 2011. This NPS is primarily relevant in developing regional plans but is a matter to be given regard in the

consideration of applications for regional resource consents involving water takes and discharges. Accordingly, it is relevant to the proposed stormwater discharges.

The National Policy Statement on Electricity Transmission came into effect on 10 April 2008 and is relevant to the transmission line modifications required by the CSM2 alignment crossing under the Islington to Springston (ISL-SPN A) 50/66 kV transmission line to the southwest of the Shands Road and Marshs Road intersection.

While not gazetted yet, the Proposed National Policy Statement on Indigenous Biodiversity was publicly notified on 29 January 2011 and may come into effect during the consideration of this application. This NPS has some but very little relevance, as there is negligible indigenous biodiversity that will be affected by the Project.

6.2.3. Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (RPS) was made operative in 1998. The objectives and policies of the RPS are broad and reflect the purpose and principles of the RMA. They cover matters such as transport and water, which are of particular relevance to the Project. The relevant provisions are set out in Technical Report 20 and discussed in Chapter 28 of this AEE.

Environment Canterbury has initiated Proposed Change 1 (PC1) to the RPS to insert a new Chapter 12A addressing growth and development of Greater Christchurch. In addition to the text of PC1 an accompanying map identifies both Business and Residential greenfield areas. Several aspects of PC1 have direct or indirect implications for the Project up to 2041 with respect to identifying land for residential land use and business use. Territorial authorities are required to amend their district plans to give effect to some of the changes, for example zoning changes.

Environment Canterbury released its decision on PC1 in December 2009, but the decision was then subject to appeals to the Environment Court. Before these appeals could be resolved, a version of PC1 was made operative (as Chapter 12A) in October 2011 by the Minister for Canterbury Earthquake Recovery under section 27 of the Canterbury Earthquake Recovery Act 2011. This had the effect of terminating the appeals against PC1. The Minister's decision was then successfully challenged by judicial review and as a result, the Minister's decision has been set aside and the previous proposed version of PC1 (which is subject to appeals to the Environment Court) is relevant for the purposes of this Project.

Key transport provisions from PC1 are listed below:

> *Objective 4: Integration of Land Use, Infrastructure and Funding: Long-term planning for land use change, which ensures that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.*
>
> *Objective 7: Integration of Transport Infrastructure and Land Use: Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns*

and facilitates the movement of goods and provision of services in Greater Christchurch, while: (a) limiting network congestion; (b) reducing dependency on private motor vehicles; (c) reducing emission of contaminants to air and energy use; and (d) promoting the use of active transport modes.

Objective 8: Development and Protection of Strategic Infrastructure: Achieve urban land use and development that does not adversely affect the efficient operation, use and development of strategic infrastructure and enables the development of the additional Strategic Infrastructure necessary to meet the needs of growth in population and economic activity in the Greater Christchurch area.

Policy 9 Transport Effectiveness: (a) Development of Greenfields Areas, Key Activity Centres, and areas accommodating intensification and rural residential activities shall avoid overloading existing and proposed transport network infrastructure, particularly strategic roads, and avoid detracting from the primary through-traffic function of State Highways and arterial roads; (b) The Canterbury Regional Council, territorial authorities and transport infrastructure providers shall ensure that the transport networks within Greater Christchurch provide for the safe, sustainable, integrated movement of goods and people both within the sub-region, and to and from locations outside the sub-region.

6.2.4. Proposed Canterbury Regional Policy Statement

The Proposed RPS was notified on 18 June 2011 and submissions closed on 15 August 2011. Decisions were notified on 20 July 2012 with the appeal period closing 10 August 21012. Four appeals were received.

The key provisions for this Project are the objectives and policies addressing urban development within Greater Christchurch, which generally seek to integrate the development of strategic transport infrastructure with land use planning. The key provisions are those listed above from PC1 (which will form a chapter in the Proposed RPS once appeals are resolved).

6.2.5. Canterbury Natural Resources Regional Plan

The Canterbury Natural Resources Regional Plan (NRRP) was made fully operative on 11 June 2011. With respect to the NRRP planning maps, the zones and notations applicable to the Project include:

- the “Christchurch Clean Air Zone 2” (the eastern end of the alignment, between Halswell Junction Road and Springs Road);
- the “Coastal Confined Gravel Aquifer System” (near the eastern-end of the Project, around John Paterson Drive);
- “Semi-Confined or Unconfined Aquifers” (affecting the majority of the alignment);
- “Ground Water Protection Zones 1, 1A and 2” (near the eastern-end of the alignment);

- "Drainage Scheme 6 Zone" (eastern end of the alignment, but not directly relevant as no consents required under Chapter 6); and
- the Selwyn-Waimakariri groundwater allocation zones (most of alignment) and the Christchurch-West Melton (Marshs Road east) – these notations are relevant to water takes).

Table 11 below summarises the proposed activities in relation to the NRRP rules, and also sets out the various resource consents required in accordance with the NRRP. The scope of activities requiring consideration under the NRRP includes:

- earthworks;
- the storage of hazardous substances;
- bores;
- the taking or diverting of water including groundwater;
- the discharge of stormwater, groundwater and contaminants; and
- the undertaking of works within a stream bed.

6.2.6. Proposed Land and Water Regional Plan

The Proposed Land and Water Regional Plan (PLWRP) was publically notified 11 August 2012. Submissions closed on 5 October 2012. This proposed plan will eventually replace Chapters 4 to 8 of the NRRP relating to land and water resources, and embeds throughout the Plan the provisions currently found in Chapter 2 relating to Ngai Tahu and the management of natural resources. At this stage, while the rules have effect from the notification date, the PLWRP can only be afforded limited weight as it has not progressed through the public submission process.

With respect to the PLWRP planning maps, the zones and notations applicable to the Project include:

- the "Coastal Confined Gravel Aquifer System" (near the eastern-end of the Project, around John Paterson Drive);
- "Semi-Confined or Unconfined Aquifers" (affecting the majority of the alignment);
- "Soil Erosion Risk LH1" (affecting the entire alignment);
- "Christchurch Groundwater Protection Zone" (affecting the eastern-end of the Project from Marshs Road);
- "Selwyn/Waimakariri Groundwater Allocation Zone" (most of alignment) and the "Christchurch/West Melton Groundwater Allocation Zone" (Marshs Road east) – these notations are relevant to water takes; and
- "Selwyn-Waihora" (most of alignment) and "Christchurch-West Melton" in respect of the Canterbury Water Management Strategy sub-regional sections included in the PLWRP.

Table 11 below also summarises the proposed activities in relation to the PLWRP rules, and also sets out the various resource consents required in accordance with the PLWRP. The scope of activities requiring consideration under the PLWRP is similar to those in the NRRP and includes:

- earthworks;
- the storage of hazardous substances;
- bores;
- the taking or diverting of water including groundwater;
- the discharge of stormwater, groundwater and contaminants; and
- the undertaking of works within a stream bed.

6.2.7. Selwyn District Plan

The existing and proposed designations sought for the Project within Selwyn District means that resource consents are not required under the Selwyn District Plan (pursuant to Section 176 of the RMA), and detailed consideration of any rules contained within the Selwyn District Plan is therefore not necessary. The objectives and policies of the Selwyn District Plan are relevant to the consideration of the proposed designation and are addressed in the statutory assessment in Chapter 28 of this AEE.

Zoning and notations

With respect to the underlying zoning, from Marshs Road the zoning is entirely Inner Plains (Rural) until Living 1 zoning of the properties fronting Park Lane in Rolleston, but no Living 1 land is required for the Project.

There are two plan notations in the Selwyn District Plan that are near to the Project footprint:

- a heritage building (H208) sited on a property adjacent to the proposed route on its southern side, known as the Trents Chicory Kiln. This heritage building is also listed as Category II with the Historic Places Trust. It does not fall within the designation boundaries; and
- the Project is partially located within the Christchurch International Airport noise contours as noted on the Selwyn District Plan maps.

Plan Changes

There are two proposed plan changes to the Selwyn District Plan – PC17 (now PC32) and PC12 – that are of relevance to the Project. In addition, PC7 is a recently operative plan change applicable to the Project area. These are summarised as follows:

1. PC17 was to create a new rural-residential zone (Living 4) to accommodate 170 rural residential households in six locations near to Rolleston, Lincoln, Prebbleton and West Melton. Of potential relevance to MSRFL, a new rural-residential area was proposed just east of the Rolleston Living 1 zone with a boundary adjoining SH1 (Main South Road). The Proposed PC17 was withdrawn on 28 March 2012 and Proposed Plan

Change 32 (PC32) was notified in its place. Submissions on PC32 closed on 4 May 2012. The purpose of PC32 was to respond to the changes inserted into the RPS through the Minister's version of Chapter 12A (although noting this is no longer operative) and submissions received on PC17. It proposes to incorporate more detailed and prescriptive Living 3 Zone objectives and policies to inform the assessment of privately requested plan changes seeking a Living 3 Zone. PC32 does not propose the rezoning of any sites to Living 3 Zone densities and its scope is restricted to amending and proposing new objectives, policies and rules of the District Plan to manage rural residential activities within the Greater Christchurch Urban Development Strategy area of the Selwyn District.

2. PC12 (operative)is a plan change which aims to provide for a more sustainable land transport system, better urban form and to cater for future transport networks. This plan change recognises that transport standards have a strong influence on the urban environment and seeks to ensure that the District Plan encourages a good standard of development. PC12 allows for a variety of living environments to be created and integrated design of transport and land development. PC12 changes to the transport objectives and policies and the rules for roading and subdivision. PC12 was has been made operative , however it is subject to appeal to the Environment Court.
3. PC7 (operative) rezoned land identified in PC1 to the RPS and the Lincoln and Rolleston Structure Plans. This provides for the future urban growth of both townships in accordance with the UDS. The plan change was notified 27 February 2010 and became operative on 5 March 2012. Of relevance to MSRFL is an area of land located between the current edge of Rolleston town and the rural-residential area noted in regard to PC17. This area has been rezoned (Living Z) to provide for residential development. The outline development plan for this area provides for a set-back from SH1. The land requirement plan for MSRFL does not extend into the land subject to PC7.

The Project will service the residential growth areas provided for by these proposed or operative plan changes and help in facilitating the integration of land-use with transport infrastructure.

Land Subject to Existing Designations

The NZTA has a designation for the purpose of 'State highway' (Designation TR1 as listed in the Selwyn District Plan) relating to that part of the route within Selwyn District. In addition, the section of SH1 proposed for widening presently has land designated on its western side for such purposes. Where the proposal begins near Robinsons Road, a 10m wide strip of designated land extends west towards Weedons Road where it narrows to 6m before terminating short of the intersection (Designation TR4). Another section of designated land for road widening is located near the Hoskyns Road intersection where the proposed four-laning merges with the existing road network. This designated land is approximately 250 m in length and is 7.5m at its maximum width (Designation TR2).

Designated land within the Project footprint that is not identified for roading purposes is identified as follows:

- New Zealand Railways Corporation designation for the Main South Line (Designation RC1); and
- Gravel reserve required by SDC, located near the intersection of Larcombs Road and Main South Road (SH1) (Designation D275);

Consultation has been carried out with these existing requiring authorities and formal approval will be sought prior to construction, in accordance with section 177 of the RMA. It is not expected that the Project will prevent of hinder the public works to which these existing designations relate.

Other designated land located within two kilometres of the proposed alignment but unaffected by the Project footprint includes the following:

- the Weedons Depot and Communications Site required for defence purposes by the Ministry of Defence located on Jones Road (Designation DE4); and
- a gravel reserve located near the intersection of Curraghs and Jones Roads, across the Main Trunk Rail Line (D274), a cemetery on Maddisons and Weedons Ross Road (D178) and two areas located on Maddisons (D203) and McClelland Roads (D125) designated for the purpose of recreation reserve. SDC is the requiring authority for these designations.

6.2.8. Christchurch City Plan

The proposed designation for the part of the Project within Christchurch City (Marshs Road through to its merger with CSM1) means that resource consents are not required under the Christchurch City Plan (pursuant to Section 176 of the RMA) for the works within the proposed designation, and detailed consideration of rules contained within the Christchurch City Plan is therefore not necessary.

The objectives and policies of the Christchurch City Plan are relevant to the consideration of the proposed designation and are addressed in the statutory assessment in Chapter 28 of this AEE.

Consideration of the network utilities rules is necessary in relation to one aspect of the Project which is located outside of the proposed designation. The proposed artificial lowering of the groundwater level under the proposed stormwater ponds located at Halswell Junction Road (the Maize Maze and Ramp Ponds) will involve the placement of an underground drainage system under the ponds which will continue via an underground pipe for a length outside of the proposed designation area, until it terminates with an outfall within the bed of Upper Knights Stream. Under the Christchurch City Plan – Part 9 General City Rules, the placement of an underground utility is a permitted activity, where a utility is not specified as a controlled, discretionary or non-complying activity (Rule 4.3.1). It is noted that the utility rules supersede zone rules and the placement of an underground pipe will comply with all relevant community and critical standards. Accordingly, while the pipeline is outside of the proposed designation, no land use consent is required for this.

Zoning and notations

With respect to the underlying zoning, from the north-eastern end of the proposed alignment towards the south-west the Christchurch City Plan shows the zoning as Business 7 (Wilmers Road – subject to special provisions); Rural 2 (Templeton – Halswell); Business 5 (General Industrial); and Rural 2 (Templeton – Halswell) to the Marshs Road boundary.

There are three plan notations in the Christchurch City Plan that are within the vicinity of the Project:

- an Ecological Heritage 'A' Site (15.06) located on the corner of Springs and Wilmers Roads, identified as containing Danthonia grassland (this is outside the proposed designation);
- an indicative road proposing to join Colombia Ave to Klondyke Drive to the North of the proposed route; and
- airport approach slope boundaries noted on the planning maps relating to Wigram airfield which is no longer in use.

The NZTA is the requiring authority for the only relevant nearby designation noted on the planning maps (being the designation for the Christchurch Southern Motorway (CSM1). There are no other designations within a 1 km radius of the proposed alignment.

Plan Changes

There are no proposed plan changes to the Christchurch City Plan that are relevant to the Project. There are however, land development plan changes applicable to the Project area, which have recently become operative. These are summarised as follows:

1. Plan Change 54 (PC54) became operative on 16 July 2012, having been privately initiated by Calder Stewart Industries Ltd. It has rezoned some 39.05 ha of land on Shands Road between Sir James Wattie Drive and Marshs Road from Rural 2 to Business 5 (General Industrial) Zone. The subject site is bounded by Sir James Wattie Drive to the north, Shands Road to the west, the Hornby railway siding to the east, and Marshs Road to the south. The proposed CSM2 alignment runs through part of this site which is subject to PC54. The Plan Change seeks to enable general industrial use of the site. The proposed development will also incorporate a small café/ retail amenity area, landscape buffer areas that include a stormwater infiltration system, and cycle and walkways. The site will be serviced by an internal loop road that provides access to Marshs Road and Sir James Wattie Drive.
1. Plan Change 60 (PC60) became operative on 1 November 2011. This private Plan Change request was made by Fulton Hogan Land Development Ltd. Its purpose is to facilitate future urban development (residential and commercial business activities) within a 129 ha block of land bound by Halswell Junction Road to the north, Murphys Road to the east and Quaifes Roads to the south (to be known as 'Halswell West'). The subject site is also intersected by Whincops Road. This site is located to the south and east of the proposed CSM2 alignment. 'Halswell West' was zoned Rural 2 however PC60 rezoned this area to a new Living G zone to provide for residential and

commercial business activities. Within this Living G (Halswell West) Zone there are three different density ranges proposed for residential development.

2. Plan Change 47 (PC47) became operative on 3 June 2011, having been requested by John Jones Steel Ltd to rezone land from Rural 2 to Business 5. The site is bordered to the north by the Shands Road Industrial Park (Business 5 zoning) and Rural 2 land to the south and east. The rail line adjoins the site to the east. The proposed CSM2 alignment crosses a corner of this site.
3. Plan Change 5 (PC5) became operative on 11 July 2011. The purpose of PC5 is to facilitate future urban development within the block of land commonly known as the 'Awatea block'. The entire Awatea block is 205 ha; however PC5 rezoning applies to approximately 148 ha of land that was previously zoned Special Purpose (Awatea) and Rural 2. The areas formerly zoned as Special Purpose (Awatea) have been replaced with a combination of new Living G (Awatea) and Business 7 Zones; and those formerly Rural 2 have been replaced with a combination of a new Living G (Awatea) Zone and Conservation 3 Zone. A cap has also been imposed on the number of residential allotments that may be created prior to 2020 to achieve the consolidation objectives of the RPS and the City Plan. The CSM2 alignment traverses Business 7 zoned land that is now subject to additional provisions. These provisions are intended to manage the visual effects of any development on residential character, amenity and outlook. To ensure that future urban development over the entire 205 ha Awatea block occurs in a comprehensive and integrated manner, development is subject to an outline development plan.

The Project will directly serve the substantial urban growth facilitated by these plan changes, all of which have completed the statutory plan change process, with development now underway.

6.2.9. Recovery Strategy for Greater Christchurch

Under section 15 of the Canterbury Earthquake Recovery Act, the Recovery Strategy is a statutory document that must be read together with, and forms part of the RPS, regional plans and district plans. RMA policy statements and plans must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy. Sections 3 to 8 of the Recovery strategy have this statutory effect, with the rest of the Strategy providing additional information.

The Recovery Strategy sets out goals for economic recovery, social recovery, cultural recover, built environment recovery and natural environment recovery. The most relevant goals in the Recovery Strategy are in the built environment goals:

- coordinating and prioritising infrastructure investment that effectively contributes to the economy and community during recovery and into the future;
- supporting innovative urban design, buildings, technology and infrastructure to redefine greater Christchurch as a safe place built for the future;
- rebuilding infrastructure and buildings in a resilient, cost-effective and energy-efficient manner;
- developing an integrated transport system that meets the changed needs of people and businesses and enables accessible, sustainable, affordable and safe travel choices;

- zoning sufficient land for recovery needs within settlement patterns consistent with an urban form that provides for the future development of greater Christchurch;
- having a range of affordable housing options connected to community and strategic infrastructure that provides for residents participation in social, cultural and economic activities; and
- drawing on sound information about on-going seismic activity and environmental constraints including other natural hazards and climate change.

6.3. Notices of Requirement lodged

The NZTA is lodging three notices with the EPA for the designation of land required to undertake maintenance, operation, use and the improvement of a State highway and associated local roads:

1. NoR (1) to alter the existing designation for State Highway 1 (Main South Road) and associated works to the local road network within the Selwyn District Plan;
2. NoR (2) for new State Highway designation for CSM2 section and associated works to the local road network within the Selwyn District Plan; and
3. NoR (3) for new State Highway designation for CSM2 and associated works to the local road network within the Christchurch City Plan.

Once the Project has been constructed and is operational, the area of land required for the on-going operation and maintenance may reduce in area. Some of the designated land may be surplus to requirements as it may only be required during construction. The works required to local roads and the new rear access roads adjacent to Main South Road will be handed over to the local councils to maintain, once constructed. Once construction has been completed, the NZTA intends to review these designations and determine whether or not to uplift any part(s) of the designation(s) under section 182 of the RMA on the grounds that they are no longer required. Review of the Project designations is included as a proposed condition of the designations.

The proposed lapse period for the designations is 15 years.

6.4. Outline plans not required

As stated in Section 6.1.3 above, the information that would be required to be included in an outline plan has been incorporated within the documentation supporting the NoRs lodged with the EPA in accordance with section 176A(2)(b) of the RMA.

6.5. Resource consents required under regional plans

As stated in section 6.2.5 and 6.2.6 above, the proposed works will include the discharge of stormwater, groundwater and contaminants to land and to water in limited situations, earthworks activities, taking and discharge of water associated with dewatering, storage of hazardous substances, the diversion of water from stockwater races and works within the bed of a stream.

The NRRP (Chapter 6) and PLWRP (Rules 5.112-5.117), covering the land use consent requirements for works within the beds of lakes and rivers, are not considered to be relevant to

the stockwater / land drainage races within the Project, specifically, the proposed water race closures and alterations. Section 2 of the RMA defines "river" as *"a continually or intermittently flowing body of fresh water and includes a stream and modified watercourse but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity generation and farm drainage canal)."*

This definition is also contained within section 6.2.2.3 of Chapter 6 of the NRRP and section 2.10 of the PLWRP. With the exception of Upper Knights Stream, the fresh water bodies within the Project footprint are all artificial watercourses (water supply races) and as such do not meet the definition of "river" in the NRRP or PLWRP. Therefore, activities in the water races are not restricted under section 13 of the RMA. Accordingly, regional land use consents are not necessary for the water race alterations.

The water contained with the water supply races is however captured by the RMA definitions for "water" and "water body" and as such, Chapters 4 and 5 of the NRRP and rules relating to water quality and water quantity in the PLWRP are relevant.

The Upper Knights Stream is regarded as a stream under the regional plans and the location of this is annotated on the NRRP planning maps. This watercourse is considered below in relation to section 13 of the RMA.

The following assessment considers each of the proposed activities with respect to the NRRP and PLWRP and determines the status of each activity (with the most restrictive activity status applying) and the regional resource consents required.

6.5.1. Land use consents

Excavation of land

The Project will involve earthworks over an unconfined or semi-confined aquifer and in a small location over the Coastal Confined Gravel Aquifer System (John Paterson Drive). It is noted that some of the stormwater infrastructure will be designed to operate within one metre of groundwater, however groundwater interaction is not expected during the construction phase. This is a future scenario only, arising due to future predicted groundwater level increases. Notwithstanding this, a precautionary approach has been adopted with respect to the consent scoping. It has been assumed that groundwater may be encountered during excavation work, either in the areas designed to interact with groundwater (described below), or through earthworks accidentally intercepting any unknown springs and affecting confined groundwater.

NRRP: Rule WQL36 states that the excavation of land over an unconfined or semi-confined aquifer requires resource consent where the volume exceeds 100 cubic metres in a 12 month period and the excavation depth exceeds five metres or is deeper than the highest groundwater level which can reasonably be expected to occur. Over the Coastal Confined Gravel Aquifer System, the excavation requires consent where there is less than 1 m of undisturbed material between the base of the excavation and Aquifer 1.

Rule WQL36 Excavation of land in the Coastal Confined Gravel Aquifer System or over an unconfined or semi-confined aquifer.

The use of land to excavate more than 100 cubic metres of material in any 12 month period from land:

(a) over an unconfined or semi-confined aquifer and the depth of excavation:

(i) exceeds five metres; or

(ii) is deeper than the highest groundwater level which can reasonably be expected to occur at the site, based upon the relevant and available groundwater data; or

(b) in the Coastal Confined Gravel Aquifer System where there is less than one metre of undisturbed material between the base of the excavation and Aquifer 1;

is –

1. a restricted discretionary activity if such use complies with all of the conditions of this Rule;

2. a discretionary activity if such use is within Christchurch Groundwater Protection Zone 1B or complies with conditions 1(a), 1(b) or 1(c);

3. a non-complying activity if such use does not comply with any one or more of Conditions 1(a), 1(b), 1(c) or 1(d).

Conditions

1. The use of land shall not occur within:

(a) 50 metres of the bed of any permanently or intermittently flowing river, or a lake; or

(b) 50 metres of a wetland boundary; or

(c) a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2; or

(d) Christchurch Groundwater Protection Zone 1, 1A, 1C, 1D or Zone 2, as shown on the Map Volume Part 1 - Planning Maps.

The excavation required for the Project is deeper than the highest groundwater level which can reasonably be expected to occur at the site in isolated places (e.g. where Robinsons Road passes under the State highway and the Halswell Junction Road stormwater detention ponds). These areas are illustrated on the "Drainage Long section" plans included in Volume 5. Accordingly, excavation defaults to a non-complying activity as the affected part of the Project occurs within the Christchurch Groundwater Protection Zones 1, 1A and 2.

PLWRP: Rule 5.155 is similar to Rule WQL36, but outlines that excavation can be undertaken as a permitted activity provided the conditions are met. Where any of these conditions cannot be met the activity will be discretionary (Rule 5.156). There is a separate rule for excavation over the Coastal Confined Aquifer System (Rule 5.157) which is also permitted provided conditions are met (the activity defaults to non-complying if Condition 1 is not met – Rule 5.159).

Rule 5.155 The use of land to excavate greater than 100 m^3 of material within any 12 month period over an unconfined or semi-confined aquifer is a permitted activity provided the following conditions are met:

1. *The excavation is not deeper than 1 m above the highest known groundwater level for the site; and*
2. *The excavation does not occur within:*
   (a) *50 m of the bed of a permanently or intermittently flowing river, a lake or wetland boundary; or*
   (b) *the Christchurch Groundwater Protection Zone, as shown on the Planning Maps.*

Rule 5.157 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System is a permitted activity, provided the following conditions are met:

1. *There is not less than 1 m of undisturbed material between the base of the excavation and Aquifer 1; and*
2. *The excavation does not occur within 50 m of the bed of a permanently or intermittently flowing river, a lake or wetland boundary.*

The majority of the Project has been determined as being within semi-confined or unconfined aquifers. The CSM2 section north of Marshs Road is within the Christchurch Groundwater Protection Zone, and the local road works required at John Paterson Drive are within with Coastal Confined Gravel Aquifer Zone. The Project will involve earthworks with a volume of more than 100 cubic metres in a 12 month period and will be deeper than 1 m above the highest known groundwater level, as described above. These excavation volumes and depths will occur within the Christchurch Groundwater Protection Zone and potentially the Coastal Confined Gravel Aquifer Zone. The proposed earthworks in these locations are therefore determined to be a discretionary activity within the Christchurch Groundwater Protection Zone pursuant to Rule 5.156 and a non-complying activity within the Coastal Confined Gravel Aquifer Zone pursuant to Rule 5.159.

Deposition of fill

The Project will involve the deposition of fill into the excavated areas over an unconfined or semi-confined aquifer and the Coastal Confined Gravel Aquifer System.

NRRP: Under Rule WQL37, deposition of more than fifty cubic metres of material into land excavated to a depth in excess of five metres over an unconfined or semi-confined aquifer is a controlled activity subject to meeting a number of conditions. If any of these conditions are not able to be met, the deposition is a discretionary activity.

Rule WQL37 Deposition of more than fifty cubic metres of material into excavated land over an unconfined or semi-confined aquifer

Conditions

1. *The material shall only consist of cleanfill.*
2. *The volume of vegetative matter in any cubic metre of material deposited shall not exceed three percent.*
3. *The material shall not be deposited into groundwater.*
4. *Any cured asphalt deposited shall be placed in the land at least one metre above the highest groundwater level expected at the site.*
5. *A management plan shall be prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002.*

It is expected that conditions 1, 3, 4, and 5 are able to be met. Condition 2 relating to the volume of organic material in deposited fill, may not be met in the base of some stormwater treatment ponds, because of the need for filter layers, which may exceed a rate of 3% per cubic metre (5-10% of organic material is expected to be necessary in this situation). The deposition of fill associated with construction of soak pits/ treatment ponds which exceed a depth of 5 m is therefore a discretionary activity in accordance with Rule WQL37.

PLWRP: The conditions associated with Rule 5.160 are the same as Rule WQL37, and the activity is also specified as controlled. If any of these conditions are not able to be met, the deposition is a discretionary activity (Rule 5.161).

Rule 5.160 The use of land for the deposition of more than 50 m^3 of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the highest level of groundwater which can reasonably be expected to occur at the site is less than 30 m below the natural land surface is a controlled activity, provided the following conditions are met:

1. *The material is only cleanfill;*
2. *The volume of vegetative matter in any cubic metre of material deposited does not exceed 3%;*
3. *The material is not to be deposited into groundwater;*

4. *Any cured asphalt deposited is to be placed in the land at least 1 m above the highest groundwater level expected at the site; and*

5. *A management plan shall be prepared in accordance with section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002.*

It is expected that the above conditions are able to be met with the exception of Condition 2, relating to the volume of organic material in deposited fill. The deposition of fill associated with construction of soak pits/ treatment ponds which exceed a depth of 5 m is a discretionary activity in accordance with Rule 5.161 of the PLWRP.

Hazardous substance storage during construction

The Project will involve the storage and use of hazardous substances, such as on-site fuel supplies, during the construction phase.

NRRP: The use of land to store or use a specified hazardous substance needs to be considered under Rules WQL38A and WQL38B. Hazardous substances such as diesel, petrol or oil stored in temporary construction management areas outside of the Christchurch Groundwater Protection Zones are permitted for up to 5000 litres subject to compliance with conditions.

Rule WQL38A Use of land to store or use a specified hazardous substance

The use of land to store or to use a specified hazardous substance in or on land; is –

1. *a permitted activity if such land use complies with Conditions 1, 2, 3, 4 and 5, or Conditions 6, 7 or 9 of this Rule;*

Based on the experience of constructing CSM1, it is expected that less than 5000 litres of hazardous substances will be stored on site at any one time during construction. Storage sites can be outside the Christchurch Groundwater Protection Zone. Relevant conditions under Rule WQL38A include hazardous substance design, containment, management and certification along with location restrictions including not within 20m of a bore, not within a flood area or within 100m of an active fault. There are no known faults at ground surface or mapped within the Project area, and any areas identified as being prone to flooding can be avoided. It has therefore been determined that any hazardous substance storage will be a permitted activity and no resource consent is required under the NRRP.

PLWRP: Rule 5.162 addresses the storage of hazardous substances in a portable container and use of the hazardous substances. Where the conditions cannot be met under Rule 5.162 the activity is a restricted discretionary under Rule 5.163.

Rule 5.162 The use of land for the storage in a portable container and use of a hazardous substance listed in Part A of Schedule 4 is a permitted activity provided the following conditions are met:

1. *The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 litres;*
2. *The container(s) are located in an area, or a structure, that will contain a leak or spill of the substance and will allow the spilled substance to be collected;*
3. *Equipment that is suitable to absorb any leak or spill of the substance (a "spill kit") is located with the container at all times, along with instructions on how to use the spill kit;*
4. *The container(s) are not located within:*
   (a) *20 m of a surface water body or a bore;*
   (b) *A group or community drinking water supply protection area as set out in Schedule 1; and*
5. *The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.*

The storage of hazardous substances may exceed 2,000 L (up to 5000 litres is possible) so resource consent is required under Rule 5.163 of the PLWRP.

Contaminated land

While contaminated land investigations were carried out during the earlier investigation phase of this Project, it is concluded that concentrations of contaminants in all soil samples collected within the designated zone for the Project were less than the standards for contaminants in soil that are protective of human health ($SCSs_{(health)}$) of the National Environmental Standard for Assessing and Managing the Contaminants in Soil to Protect Human Health (Soil NES) for industrial land use. This means that remedial action to reduce contamination, cap or remove soil is not necessary. Further detail is provided in Chapter 22 of this AEE.

NRRP: Rule WQL46 relates to the investigation of contaminated land and provides for this activity as permitted. Rule WQL47 relates to the discharge of contaminants from the remediation of contaminated land (restricted discretionary activity) is not applicable to this Project as remediation is not required. Rules WQL46 and 47 could only be relevant in the event of unexpected contamination being encountered during the construction phase.

PLWRP: Once again, Rule 5.168 will only be relevant if future site investigations are required during construction. It is anticipated that all conditions could be met and that any future site investigations would be a permitted activity.

Rule 5.168 The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:

1. *The site investigation is to be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, February 2004) and reported on in accordance with Section 4 of the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, November 2003); and*

2. *The person or organisation initiating the site investigation provides a copy of report of the site investigation to the Canterbury Regional Council within two months of the completion of the investigation.*

Bores

The Project is likely to require further geotechnical investigation bores, including bores with a water monitoring function (piezometer). A bore / infiltration facility related to the intermittent pumping of water from the Robinsons Road overpass will also be required and some domestic and stockwater wells will need to be relocated as a part of the Project. This includes bores within the Project footprint and those within 30 metres of the designation boundary that may need to be relocated to serve land severed by the Project. A global consent to install bores within the designation area for the Project and all land adjoining the proposed designation is sought for this Project (refer to the designation drawings in the Plan Set, Volume 5).

NRRP: The bores associated with geotechnical investigations required for the Project are considered under Rule WQL35.

Rule WQL35 Construction and use of a bore, excluding a groundwater bore or a hydrocarbon bore

The use of land to construct, use, alter, or maintain a bore for any purpose other than (a) taking, investigating or monitoring of groundwater; or (b) hydrocarbon exploration or production; is -

1. *a permitted activity if such use complies with all of the conditions of this Rule;*

Conditions

1. *The use of land shall not result in a discharge of groundwater from an aquifer or the movement of groundwater between water bearing layers in an unconfined or semi-confined aquifer, or between an unconfined or semi-confined aquifer and a confined aquifer*

2. *When a bore is not in use, it shall be capped to prevent the entry of contaminants down the bore.*

3. *The bore shall not be located within 20 metres:*

   (a) Of a drinking water supply well; or

(b) Where the aggregate quantity of a specified hazardous substances stored or used is more than Threshold 1 of Schedule WQL11; or

(c) Of the boundary with a neighbouring property, except for any test pit less than five metres deep constructed for a geotechnical investigation.

4. The bore shall not penetrate more than 50 metres below the land surface in an area of an unconfined, semi-confined, or confined aquifer.

5. The terms of Clause 3.1 of Schedule WQL4 shall apply if the bore is:

(a) Located within the Coastal Confined Gravel Aquifer System and intercepts the water table; or

(b) Is more than 5 metres deep.

The purpose of this rule is to ensure that a bore or gallery accessing groundwater is maintained over its life so that it does not provide a conduit for contaminants at or near the land surface to enter into the groundwater, and the conditions seek to control the extraction of water in this respect.

All other bores, including any investigation bores where groundwater monitoring (piezometers) are installed require consideration under Rule WQL31:

Rule WQL31 Construction of a groundwater bore or a water infiltration gallery

The use of land to construct a bore or to excavate land for a water infiltration gallery, for the purpose of taking, investigating or monitoring groundwater; is –

1. a restricted discretionary activity if such use complies with all of the conditions of this Rule;
2. a non-complying activity if such use does not comply with any of the conditions of this rule.

Conditions

1. The activity shall comply with Schedule WQL4 Standards and Terms for the construction of bores and water infiltration galleries.

2. The information recorded as a requirement of Section 3 "Record Keeping" of Schedule WQL4 Standards and Terms for the construction of bores and water infiltration galleries, shall be forwarded to Environment Canterbury within one month of completion of the work.

Geotechnical investigation bores are deemed to be a permitted activity under the NRRP as they will meet all the relevant conditions of Rule WQL35, therefore no resource consent is required for these bores.

Land use consent, in accordance with Rule WQL31 of the NRRP, is sought for all other bores associated with the Project, including the Robinsons Road groundwater collection field associated with the intermittent pumping (diversion) of water from the Robinsons Road overpass, as a discretionary activity (restricted). In addition, the gravity operated groundwater intervention proposed for the ponds located near Halswell Junction Road, will involve a groundwater collection facility also.

The decommissioning of existing bores within the Project footprint and use of all new bores associated with the Project are permitted activities pursuant to Rules WQL33 and WQL32 of the NRRP.

PLWRP: The relevant bore rules do not take effect until 1 November 2013, however this Project is not likely to commence construction until after this time.

Rule 5.78 From the 1st of November 2013, the use of land, including the bed of a lake or river, for the installation, maintenance and use of a bore, other than a bore for geotechnical investigation, or a water infiltration gallery is a permitted activity provided the following conditions are met:

1. *The bore or gallery is installed by a bore driller or bore drilling company that holds a current accreditation under the Canterbury Regional Council Bore Installers Accreditation Programme;*
2. *The bore is not for hydrocarbon exploration or production;*
3. *The screening of any bore or gallery may only be into a single aquifer or water-permeable zone and all aquifers or water-permeable zones of differing pressure, water quality, or temperature are sealed to prevent the interconnection or movement of groundwater between aquifers or water-permeable zones;*
4. *Any bore constructed to abstract groundwater is screened to below any minimum water level for the groundwater zone as set out in Sections 6-15 of this Plan;*
5. *Contaminants or water are prevented from entering the top of the bore or gallery or underlying groundwater by:*
    - *(a) Covering or capping the bore or the above ground portion of the gallery pipe, when not in use;*
    - *(b) Sealing the exterior of the bore with bentonite or concrete grout from ground level to above the screen or 1 m below ground level, whichever is the lesser; and*
    - *(c) Sealing the bore-head or above ground portion of the gallery pipe at ground or pumphouse floor level with a concrete pad of at least 0.3 m radius and 0.1 m thickness which is contoured to slope away from the bore or pipe; and*

6. *Information on bore or gallery location, bore installation (including bore logs and intended uses), and other relevant information to update the wells database is submitted to the Canterbury Regional Council within 20 working days of drilling the bore.*

Rule 5.79 From the 1st of November 2013, the use of land, including the bed of a lake or river, for the installation, maintenance and use of a bore for geotechnical investigation or monitoring is a permitted activity provided the following conditions are met:

1. *For any non-permanent bore, it is decommissioned by filling with clean material and compacted or sealed at the surface to prevent contaminants entering the bore;*
2. *For any permanent bore, including monitoring bores, contaminants or water are prevented from entering the top of the bore or underlying groundwater by:*
   (a) *Covering or capping the bore when not in use;*
   (b) *Sealing the exterior of the bore (the annulus) with bentonite or concrete grout from ground level to above the screen or 1 m below ground level, whichever is the lesser; and*
   (c) *Sealing the bore-head at ground or pumphouse floor level with a concrete pad of at least 0.3 m radius and 0.1 m thickness which is contoured to slope away from the bore or pipe; and*
3. *Information on bore or gallery location, bore installation (including bore logs and intended uses), and other relevant information is submitted to the CRC within 20 working days of drilling the bore.*

Geotechnical investigation bores are deemed to be a permitted activity under the PLWRP as they will meet all conditions of Rule 5.79, therefore no resource consent is required for these bores.

Under the PLWRP all other bores associated with the Project would be permitted from 1 November 2013 as it is considered that all conditions could be met under Rule 5.78.

The decommissioning of existing bores within the Project footprint and use of all new bores associated with the Project are permitted activities pursuant to Rule 5.78 and 5.79 of the PLWRP.

Works in the bed of a stream

The Project largely avoids any natural waterways (as identified on the NRRP planning maps). However, there is one lowland stream, Upper Knights Stream, identified on the planning maps located within the Project footprint. There are 2 locations where this is relevant. The first location relates to the realignment of John Paterson Drive, which extends for approximately 20 metres into the marked stream location on the planning maps. At this location, there is no stream bed evident on site, as the water has been diverted into a nearby stockwater race and the land is

flat farmland, however it is regarded as a stream bed for the purpose of this assessment[57]. The second location is the new outlet pipe proposed to divert groundwater and discharge this into Upper Knights Stream. This is located outside of the designation area, to the south of the existing John Paterson Drive within a formed (but dry) stream bed. The road realignment and pipe outlet therefore require consideration in relation to relevant rules regarding works within the beds of rivers and lakes.

NRRP: The installation of the under pond drainage system at Halswell Junction Road requires the construction of a pipe outlet structure and associated scour protection within Upper Knights Stream. The erection or placement and use of structures in the bed of a river, including associated disturbance and discharge, is a permitted activity under Rule BLR4 provided permitted activity conditions can be met.

Rule BLR4 Erection or placement, and use of structures

1. The erection or placement of a new structure, and use of that structure in, on, over or under the bed of a lake or river; or

2. Any excavating, drilling, tunnelling or other disturbance, planting or removal of any plant or part of any plant, or depositing of a substance or reclamation of the bed necessary to undertake the activities in (1) above; or

3. The discharge of sediment to water necessary to undertake the activities in 1 and 2 above; is:

(a) a permitted activity provided the activity complies with all the conditions of this rule;

Conditions

1. The activity shall not be undertaken in, on, under or over the beds of any high naturalness water body listed in Schedule WQN5 in Chapter 5 or Schedule BLR6.

2. For culvert crossings, the width of the bed at the point of crossing shall be less than 5 metres wide; and

(a) the activity shall not be undertaken within an area identified in Schedule BLR5, unless it is undertaken by or on behalf of Environment Canterbury's Regional Engineer in charge of the Scheme; and

(b) the culvert length (inlet to outlet) shall be no greater than 7.5 metres; and

(c) culverts shall be single or double barrels only and the minimum culvert diameter shall be 300 millimetres for single barrel culverts and 1 metre per culvert for double barrel culverts; and

[57] Advice provided by MWH on behalf of ECan, confirmed that the NRRP planning maps should be relied upon for determining the location of stream beds for consent purposes.

(d) the minimum fill height over the culvert shall be either 500 millimetres, or the diameter of the culvert, whichever is the greater; and

(e) the culvert inlet and outlet shall be protected against erosion; and

(f) the culvert shall be installed at a level no higher than bed level, and no lower than 100 millimetres below the level of the bed of the river, stream or lake; and

(g) the culvert shall provide a fifty percent annual exceedance probability flood flow capacity without increasing upstream water levels; and

(h) the culvert shall provide a five percent annual exceedance probability flood flow capacity without increasing water levels to an extent and degree that will cause flooding of upstream, adjacent, or downstream properties; and

(i) the location is not within any urban area or settlement.

3. Any bridge shall be single span and shall not have piers within the bed; and

(a) the bridge span shall be no more than 10 metres long; and

(b) any such bridge and the approaches shall be designed so that a five percent annual exceedance probability flood event shall not cause any increase in upstream water levels; and

(c) the soffit (underside) of any bridge shall be higher than the top of the river bank, and at least 500 millimetres above the five percent annual exceedance probability flood level; and

(d) no excavation of the banks or the bed of a river or stream shall be carried out; and

(e) the bridge abutments shall be constructed parallel to the flow.

4. The catchment area above any dam or weir shall not exceed 100 hectares, or the mean annual flow of the river being dammed shall not exceed 200 litres per second.

5. Any dam or weir shall not be capable of impounding more than 5000 cubic metres of water, and shall be less than three metres in total height above the bed.

6. The activity shall not be the erection or placement of a jetty or whitebait stand.

7. No plant species identified in Schedule BLR1 shall be planted or introduced.

8. Crack willow shall only be planted or introduced for flood control purposes within those flood control rating district scheme areas where it already exists, as identified in Schedule BLR4.

9. The activity and any associated equipment, materials or debris shall not obstruct or alter the passage of water in a manner that causes:

(a) any more than minor Increase in the risk or potential for flooding of surrounding lands;

(b) any more than minor destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structures in, on, under or over the bed of a lake or river;

(c) any more than minor increase in erosion of the river or lake bed; or

(d) drainage of water from the bed or diversion of flows within the bed.

10. Any discharge of sediment into water associated with the activity shall not after reasonable mixing cause a change in colour of more than five Munsell Units, or a decrease in clarity of more than 20%, for more than eight hours in any 24-hour period, and shall not exceed 40 hours in total in any calendar month. For the purposes of this condition "reasonable mixing" shall be 50m from the point of discharge in a lake, and either 200m or ten times the width of the current flow of the river, whichever is the lesser from the point of discharge, in a river or stream.

11. No vegetation used for flood control or bank stabilisation shall be disturbed, removed, damaged or destroyed, except by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes.

12. The activity shall not restrict access to lawfully established structures, including flood protection works, or to flood control vegetation, for the purposes of their use, repair or maintenance.

13. The activity shall not obstruct the passage of fish both upstream and downstream, or be undertaken within any significant salmon spawning sites listed in Schedule WQN14 in Chapter 5.

14. The activity and any associated equipment, materials or debris shall not obstruct or alter the navigation of the bed or water body in a manner that has the potential to cause injury to any person.

15. The structure shall be kept in sound condition for the purpose for which it was constructed and be kept clear of accumulated debris.

16. Any substance deposited in, on, under or over the bed associated with the activity, shall be of inert materials, uncontaminated with any hazardous substance and shall not be deposited into surface water or at or below the water table.

17. Any deposited substance in, on, under or over the bed associated with the activity, such as riprap, fill material, retaining walls or anchored tree protection, which remains visible once the activity is complete shall be of colour and material type that blends with the surrounding natural environment.

18. The activity shall not occur within any section of the water body that is backed up by the tide.

19. The activity shall not include any refuelling of machinery or vehicles on the bed.

20. Upon completion of the activity:

(a) any reject, surplus or unused bed material stored in the bed shall be spread out;

(b) any excavated areas shall be left with battered slopes not exceeding a 3:1 slope angle (3 horizontal to 1 vertical); and

(c) all equipment and temporary structures associated with the activity shall be removed from the bed.

It is considered that the pipe outlet structure can meet all of the conditions above and is a permitted activity under the NRRP.

PLWRP: The relevant rule within the PLWRP for the pipe outlet structure is Rule 5.114.

Rule 5.114: The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, maintenance, or removal of pipes, ducts, cables or wires is a permitted activity, provided the following conditions are met:

1. The activity is not undertaken in, on, or under the bed of a lake listed as a high naturalness lake in Sections 6-15;

2. The activity does not involve the deposition of any substance, other than bed material, on the bed of a lake or river;

3. The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection works;

4. Within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour;

5. Marker posts are erected for the lifetime of the pipes, ducts, cables or wires; and

6. The works do not occur in flowing water.

It is considered that the pipe outlet structure can meet all of the conditions above and is a permitted activity under the PLWRP.

The works required for the John Paterson Road realignment require reclamation / disturbance of a (former) stream bed, identified on the planning maps as Knights Stream. However, it is noted that there is no physical stream bed in this location.

NRRP: This activity requires consideration under Rule BRL5:

Rule BLR5 Excavation, drilling, tunnelling, depositing, reclamation, drainage or disturbance in, on, under or over the bed

1. The excavating, drilling, tunnelling, depositing,reclamation, drainage or disturbance (but not including excavation of materials for the erection, reconstruction, placement, use, alteration, extension, demolition or removal of a structure classified by Rules BLR2, BLR3, BLR4 or BLR7) in, on, over or under the bed of a lake or river,

is:

(a) a permitted activity provided the activity complies with all the conditions of this rule;

(b) a discretionary activity where Condition 1 is not complied with;

(c) a prohibited activity where Condition 12 is not complied with; or

(d) a restricted discretionary activity where any other condition is not complied with.

This rule does not apply to activities in artificial lakes and detention and retention lakes classified by Rule BLR1.

1. The activity shall not be undertaken in, on, or under the beds of any high naturalness lakes listed in Table WQN19 of Schedule WQN5 in Chapter 5 or Schedule BLR6;

2. No part of the activity shall occur within surface water or at or below the water table.

3. The activity shall not involve the disturbance or removal of any rocks with a diameter greater than 500 millimetres on any axis.

4. The activity shall not include the deposition of any substance, other than bed material, on the bed.

5. The activity shall not be, or result in, the reclamation of the bed.

6. The volume excavated by any person or on behalf of any person, organisation or corporation:

(a) in the bed of any river or lake shall not exceed 20 cubic metres per week and not more than 50 cubic metres in any 12 consecutive months or,

(b) between 1 February and 31 August, in the beds listed in Schedule BLR2, shall not exceed 50 cubic metres per month and not more than 250 cubic metres in any 12 consecutive months period; or,

(c) between 1 February and 31 August, in the beds listed in Schedule BLR3, shall not exceed 100 cubic metres per month and not more than 500 cubic metres in any 12 consecutive months period.

7. Any excavation undertaken in accordance with Condition 6 above will include the removal of excavated material (other than surplus or reject material) from the bed within ten days of that material being excavated.

8. The Customer Service Centre of Environment Canterbury shall be notified before any excavation of more than 50 cubic metres in any four weeks is undertaken in accordance with Conditions 6(b) or (c) of this rule. This notification must state, the location of the excavation site, the quantity of material to be excavated, the approximate dates when the activity is to be undertaken and a contact phone number of the person undertaking the activity.

9. To avoid destabilising any lawfully established structure in, on, under or over the bed of a lake or river the activity shall:

(a) be undertaken at a distance greater than 50 metres from any lawfully established dam, weir, culvert crossing, bridge, surface water intake plant or network utility pole or pylon and 150 metres from any lawfully established water level recorder; and

(b) not be undertaken within 5 metres of any existing flood control structures or to a depth exceeding 1 metre.

10. The activity, or any associated equipment, materials or debris shall not obstruct or alter the passage of water in a manner that causes:

(a) any more than minor increase in the risk or potential for flooding of surrounding lands;

(b) any more than minor destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structures in, on, or under or over the bed of a lake or river;

(c) any more than minor increase in erosion of the river or lake bed; or

(d) drainage of water from the bed or diversion of flows within the bed.

11. No vegetation used for flood control or bank stabilisation shall be disturbed, removed, damaged or destroyed, except by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes.

12. No plant species identified in Schedule BLR1 shall be planted or introduced.

13. The activity and any associated equipment, materials or debris shall not obstruct or alter the navigation of the bed or water body in a manner that has the potential to cause injury to any person.

14. The activity shall not include any refuelling of machinery or vehicles on the bed.

15. Upon completion of the activity:

(a) all reject surplus or unused bed material stored in the bed shall be spread out;

(b) any excavated areas shall be left with battered slopes not exceeding a 3:1 slope angle (3 horizontal to 1 vertical) and any flow channels disturbed during the activity shall be reinstated; and

(c) all equipment and temporary structures associated with the activity shall be removed from the bed.

16. The activity shall not occur within any section of the water body that is backed up by the tide.

The conditions relating to deposition and reclamation may not be satisfied through road realignment within the former stream bed location. So for the avoidance of doubt, consent is sought for reclamation and disturbance as a restricted discretionary activity under Rule BRL5.

PLWRP: Under the PLWRP, the previously cited Rule 5.114 is the relevant permitted activity rule for bed disturbance. In respect of the road realignment in the location of the former stream bed, the conditions relating to deposition and returning the bed to its original contour may not be satisfied. There is no other disturbance to stream bed rule in the PLWRP that applies where the conditions of Rule 5.114 is not met. On this basis, it is concluded that the disturbance of the former stream bed for the realignment of John Paterson Drive is a discretionary activity pursuant to Rule 5.6 of the PLWRP. Rule 5.6 is listed below in relation to discharge activities.

Earthworks adjacent to stream beds

Earthworks adjacent to stream beds are also controlled by rules in the applicable regional plans.

NRRP: Any excavation works within the riparian area associated with the placement of the outlet structure will be permitted under Rule BLR8, as the relevant permitted activity conditions can be met.

Rule BLR8 Land use activities adjacent to the bed of a lake or river that are within 7.5 metres of the bed or a flood protection structure

1. The use of land adjacent to the bed of a lake or river that is within 7.5 metres of the bed, or within 7.5 metres of any flood protection structure; or

2. The discharge of sediment to water necessary to undertake the activities in 1. above;

is:

(a) a permitted activity provided the activity complies with all the conditions of this rule;

or

(b) a restricted discretionary activity where any condition is not complied with.

Conditions

1. The activity and any associated equipment, materials or debris shall not cause:

(a) any more than minor increase in the risk or potential for flooding of surrounding lands;

(b) any more than minor destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structure in, on, under or over the bed of a lake or river or land adjacent to the bed; or

(c) any more than minor increase in erosion of a flood protection structure or the bed of a lake or river or land adjacent to the bed.

2. No vegetation used for flood control or bank stabilisation shall be disturbed, removed, damaged or destroyed except by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes.

3. Any discharge of sediment into water associated with the activity shall not after reasonable mixing cause a change in colour of more than five Munsell Units, or a decrease in clarity of more than 20%, for more than eight hours in any 24-hour period, and shall not exceed 40 hours in total in any calendar month. For the purposes of this condition "reasonable mixing" shall be 50m from the point of discharge in a lake, and either 200m or ten times the width of the current flow of the river, whichever is the lesser from the point of discharge, in a river or stream.

4. The activity shall not restrict access to lawfully established structures, including flood protection works and flood control vegetation, or prevent access to the bed or banks of the river, for the purposes of their use, repair or maintenance.

5. No disturbed or cut vegetation shall be left in a position where it could enter surface water.

6. The activity shall not include any refuelling of machinery or vehicles.

PLWRP: Excavation works within the riparian area associated with the placement of the outlet structure and road realignment are captured by Rule 5.148.

Rule 5.148 The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:

a. 20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or

b. 10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;

is a permitted activity provided the following conditions are met:

1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:

(a) An area of 500 m^2 or 10% of the area, whichever is the lesser; or

(b) A volume of 10 m^3 of Hill and High Country Land and land zoned LH2 on the Planning Maps;

2. Any discharge of sediment associated with the activity into the water in a river, lake , wetland or the Coastal Marine Area does not exceed 8 hours in any 24 hour period, and does not exceed 24 hours in total in any 6 month period;

3. Any cultivation is across the contour of the land;

4. Any trenches excavated for infrastructure are back-filled and compacted within 10 days of being excavated;

5. The activity does not occur within a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;

6. Any earthworks or cultivation is not within 5 m of any flood control structure and

7. Earthworks associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet conditions 1 or 2.

Earthworks associated with the construction of the pipe outlet structure and the realignment of John Paterson Drive, within 10m of the mapped Upper Knights Stream bed may exceed the earthworks limit in condition (1) above, accordingly, consent is sought under Rule 5.149 as a restricted discretionary activity as set out below.

Rule 5.149 Vegetation clearance, earthworks or cultivation outside the bed of a river or lake or adjacent to a wetland boundary but within:

1. 20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or

2. 10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;

that does not comply with the conditions in Rules 5.147 or 5.148 is a restricted discretionary activity.

6.5.2. Water permits

Diversion of water

The Project will necessitate the temporary diversion of water from water races used for stockwater supply during construction (e.g. by shutting off the water races) and the permanent realignment of some races, and therefore diversion of water.

NRRP: As the water will be diverted only and not 'used' or 'dammed', and as the diversion is for the purpose of road construction and use, Rule WQN4 is relevant to the temporary diversion of water races:

Rule WQN4 Taking and/or diverting and using of water from a surface water body or an artificial watercourse for road construction and road maintenance use

1. *The taking and/or diverting and using of water from a surface water body or an artificial watercourse, for road construction and road maintenance use; is –*

   (c) a restricted discretionary activity where any one or more of conditions 1 to 7 is not complied with.

Conditions

1. *The take and/or diversion, and use shall not exceed 15 litres per second and 100 cubic metres per day except in the Rakaia River and tributaries where the following applies (list omitted).*
2. *The take and/or divert, and use shall be for a period of no longer than two months.*
3. *Environment Canterbury shall be notified in writing at least one week in advance of the intention to take and/or divert water under this rule. This notification shall include the commencement date and completion date of this activity, and shall identify the relevant minimum flow site and minimum flow that will be applied to meet condition 5. If there is no relevant minimum site or flow, the notice shall state this.*
4. *The take and/or diversion shall not at any time exceed 10 percent of the flow at the point of take.*
5. *Where the take and/or diversion is from a water body with a minimum flow that is set in Schedule WQN1 or listed in Appendix WQN1, the take and/or diversion shall cease when the flow is at or below the minimum flow at the closest minimum flow site downstream of the take or diversion.*
6. *The take and/or diversion shall not be from any wetland unless authorised under Rule WQL2 as a permitted activity.*

7. *Fish shall be prevented from entering the water intake as set out in Schedule WQN12 unless they are already being prevented from entering the canal or water storage facility or other artificial watercourse at the initial point of take.*

8. *Where the take and/or diversion is from an irrigation canal or hydroelectricity canal or a water storage facility there shall be an existing written agreement with the holder of the resource consents for the taking and/or diversion of water into the canal or water storage facility for the abstractor to take or divert water.*

9. *The take shall not be from the parts of the Rangitata River or tributaries that are subject to the National Water Conservation (Rangitata River) Order.*

The conditions attached to Rule WQN4 will not be met given the diversion of water will be for a period of longer than two months and for more than 15 litres per second. Some water races will be permanently diverted or closed, for example along Main South Road. Others will be temporarily diverted while siphon arrangements are installed under the new road. The diversion of water during construction will therefore be a restricted discretionary activity under Rule WQN4 of the NRRP.

PLWRP: The PLWRP considers the diversion to be a take and discharge to the same watercourse and where the conditions can be met this will be a restricted discretionary activity. Where the taking and discharge does not meet one or more of the conditions in Rule 5.99 the activity will be a non-complying activity, pursuant to Rule 5.100.

Rule 5.99 The taking and use of water from a lake, river or artificial watercourse and discharge of the same water to the same lake, river or artificial watercourse is a restricted discretionary activity, provided the following conditions are met:

1. *Limits have been set for that surface water body in Sections 6-15 or the lake or river is subject to a Water Conservation Order;*

2. *The taking of water and subsequent discharge will have no effect on the limits set for that water body in Sections 6-15 or the flow and allocation regime set out in the Water Conservation Order;*

3. *The maximum distance from the point of take to the point of discharge is not more than 250 m; and*

4. *The take or diversion is not from a natural wetland, hapua or a high naturalness lake or river that is listed in Sections 6-15.*

The conditions in Rule 5.99 will not be met for the majority of the permanent diversions which are listed below, along with the approximate length of the diversions:

- Weedons Ross Road (north side) - 430m;

- Weedons Ross Road (south side) - 190m;
- Main South Road - 2.1km;
- Robinsons Road - 290m;
- North of Robinsons Road - 150m;
- Waterholes Road - 250m;
- Trents Road - 620m;
- Marshs Road - 530m;
- Springs Road - 480m;
- Halswell Junction Road (Montgomery's drain) - 500m; and
- John Paterson Drive - 150m.

The diversion of water is therefore a non-complying activity under Rule 5.100 of the PLWRP, due to the condition limiting length of diversions to 250 metres.

Taking of groundwater for de-watering

The removal of water for site de-watering will occur during construction of the road, however no significant de-watering is proposed.

NRRP: The taking of water for site de-watering is permitted under Rule WQN12 provided conditions can be met:

Rule WQN12 Taking of water from groundwater for site de-watering

1. *The taking of water from groundwater for the purpose of de-watering of sites for carrying out excavation, construction and geotechnical testing; is –*

   (a) a permitted activity provided the activity complies with all the conditions in this rule.

Conditions

1. *The take shall continue only for the time required to carry out the work but not exceeding nine months.*
2. *The take shall not lower the groundwater level more than eight metres below the ground level of the site.*
3. *The take shall not, in combination with other takes, cause ground subsidence.*
4. *The take shall not have a moderate, high or direct hydraulic connection to a surface water body, determined in accordance with Schedule WQN7.*
5. *The take shall not cause a reduction in the rate and volume of water available from a community or private drinking water supply bore.*

6. *The take shall not cause a wetland to be de-watered, except where this is authorised under Rule WQL2 as a permitted activity.*

PLWRP: Similar to the NRRP, the de-watering is a permitted activity under Rule 5.92 provided conditions can be met, which are slightly more restrictive than the NRRP rule. Where these conditions cannot be met the activity will be restricted discretionary under Rule 5.93.

Rule 5.92 The taking of water from groundwater for the purpose of de-watering for carrying out excavation, construction and geotechnical testing and the associated use and discharge of that water is a permitted activity, provided the following conditions are met:

1. *The take continues only for the time required to carry out the work but not exceeding 6 months;*
2. *The abstraction is not from site where an activity or industry listed in Schedule 3 has occurred or is occurring;*
3. *The take does not lower the groundwater level more than 8 m below the ground level of the site;*
4. *The take does not have a moderate, high or direct stream depletion effect on a surface water body, determined in accordance with Schedule 9, unless the abstracted groundwater is being discharged to the surface water body to which it is hydraulically connected;*
5. *An assessment of interference effects, undertaken in accordance with Schedule 12, does not show that any community, group or private drinking water supply bore will be prevented from taking water;*
6. *At the point and time of any discharge to surface water, the rate of flow in the river or artificial watercourse is at least five times the rate of the discharge;*
7. *The concentration of suspended solids in any discharge to a surface water body does not exceed 50 g/ m^3; and*
8. *The discharge is not within a group or community drinking water supply protection area as set out in Schedule 1.*

As no significant de-watering is anticipated during the construction of the Project, it has been determined that these conditions are able to be met and the construction de-watering activity will therefore be a permitted activity under both the NRRP and PLWRP.

Taking of groundwater during operation

It is proposed to divert and pump water from the Robinsons Road overpass area and the Maize Maze/ Ramp Ponds (on an intermittent basis) during operation of the Project to provide adequate drainage in these locations. Groundwater will be taken and discharged to both ground and

surface water at Robinsons Road and will be taken and discharged to two surface water locations in the case of the Maize Maze/ Ramp Ponds (Montgomery's Drain and Upper Knights Stream). These takes are non-consumptive takes and will only occur during when groundwater levels are high, so won't affect other users.

NRRP: This meets the definition of a water take and therefore needs to be assessed in accordance with Rules WQN13 and WQN14:

Rule WQN13 Taking of water from within an allocation block for a groundwater allocation zone listed in Schedule WQN3 or Schedule WQN4

(1) The taking of water from a groundwater allocation zone for which an allocation block is set in Schedule WQN3 or Schedule WQN4 that is not classified by Rules WQN9, WQN10, WQN11 or WQN12; is –

(c) a non-complying activity where:

(i) condition 1 is not complied with and the take is from a water body with an allocation block set in:

(1) Schedule WQN3 and the taking is for individual or community stockwater supply, group drinking water supply or community drinking water supply; or

(2) Schedule WQN4; or

(ii) condition 2 is not complied with and the take has a stream depletion effect that is to be included within the A surface water allocation block:

(1) set in Schedule WQN1 and the taking is not for individual or community stockwater supply, group drinking water supply or community drinking water supply; or

(2) determined using Schedule WQN2.

Rule WQN14 Taking of water from groundwater for which no allocation limit has been set

(1) The taking of water via a single bore or borefield from groundwater that is not classified by Rules WQN9, WQN10, WQN11, WQN12 or WQN13, and that has no allocation regime set in Schedule WQN4; is

(b) a non-complying activity where Condition 1 is not complied with.

Condition:

(1) The take is an existing take that was lawfully established prior to 1 January 2002 that has not expired for more than six months.

As the Robinsons Road location is in the Selwyn-Waimakariri allocation zone, and that zone is already over-allocated. Therefore any groundwater take is determined to be a non-complying activity and resource consent is required under the NRRP.

The Halswell end of the Project is located within the Christchurch-West Melton allocation zone, which does not have an allocation limit listed in Schedule WQN4. Accordingly, the Maize Maze/ Ramp Ponds groundwater pumping to Montgomery's Drain and gravity diversion to Upper Knights Stream are a non-complying activity under Rule WQN14.

PLWRP: As the take is non-consumptive the PLWRP contains a rule specific for this purpose (Rule 5.105), as a permitted activity. Where the conditions cannot be met the activity is a discretionary under Rule 5.106.

> *Rule 5.105 The non-consumptive taking and using of groundwater, including for heating or cooling purposes, and the associated discharge to groundwater, is a permitted activity provided the following conditions are complied with:*
>
> 1. *The discharge of the groundwater is to the same aquifer or groundwater source as the abstraction, and the discharge is within 50 m of the abstraction point;*
> 2. *The use of the water is for non-commercial purposes; and*
> 3. *No contaminants, other than water of the same or different temperature, enter the groundwater.*

The discharge points for the groundwater takes are further than the 50 metre limit in condition 1. Therefore, the taking of groundwater is a discretionary activity under the PLWRP, pursuant to Rule 5.106.

6.5.3. Discharge permits

Discharge of stormwater onto land

The Project involves the discharge of stormwater onto land during construction and operation.

NRRP: The stormwater discharge onto land needs to be considered under Rule WQL6:

> *Rule WQL6 Discharge of stormwater onto or into land*
>
> *The discharge of stormwater onto or into land where contaminants may enter groundwater; is*
>
> 1. *a permitted activity if the discharge:*
>
> *(a) was lawfully established at 4 July 2004; or*
>
> *(b) is solely from a roof and complies with Conditions 1 and 2; or*
>
> *(c) is from any other source, including a road, and complies with Conditions 1 and 3;*

2. *a discretionary activity if the discharge is:*

   (a) *solely from a roof and does not comply with Conditions 1 or 2; or*

   (b) *from any other source, including a road, and does not comply with any one or more of Conditions 1, 3(b), 3(c) or 3(d); unless another person, who has applied for, or been granted, a discharge permit under Rule WQL8 provides written authority for the activity*

Conditions

1. *Discharge from any source*

   (a) *The discharge shall not cause stormwater from up to and including a 24 hour duration 2% exceedance probability rainfall event to enter any other property beyond the boundary of the property or area in which the discharge occurs, unless written authorisation from the affected landowner is obtained;*

   (b) *The discharge shall not result in the ponding of stormwater on the ground for more than 48 hours;*

   (c) *The discharge shall not cause erosion of soil;*

   (d) *The discharge system shall be located at least one metre above the highest groundwater level that can be reasonably inferred for the site at or about the time the system is constructed; and*

   (e) *The discharge shall not be onto or from a property that has been registered by the Environment Canterbury on its Listed Land Use Register as a site that is; 'not investigated', 'below guideline values for', 'managed for', 'partially investigated', 'significant adverse environmental effects' or 'contaminated for'.*

2. *Discharge solely from a roof*

(not applicable)

3. *Discharge from any source other than a roof*

   (a) *The discharge shall not be within a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2 if:*

      (i) *the discharge was not lawfully established before the date this rule became operative; and*

      (ii) *the discharge is from that part of a road, including a State Highway that has four lanes for motor vehicles.*

   (b) *The discharge shall not be from a property where:*

(i) an activity or industry specified in Schedule WQL9 is occurring; or

(ii) the quantity of hazardous substances stored or handled exceeds the thresholds in Schedule WQL9; and the hazardous substances may become entrained in stormwater.

(c) A discharge that is:

(i) solely from a sealed road; or

(ii) from a combination of sources; and is located in an area where the depth to unconfined or semi-confined groundwater is less than six metres as indicated in Map Volume - Part 2 Indicative Maps, shall either be via a fully vegetated soil treatment system with the following characteristics:

(1) a minimum depth of 200 millimetres of soil, and

(2) an infiltration rate between 20 and 50 millimetres per hour, and

(3) at least 5 per cent clay content in the soil, and

(4) be designed to capture and infiltrate all contributing stormwater for rainfall events up to and including a 24 hour duration ten per cent annual exceedance probability; or via an alternative stormwater treatment system that is certified in writing by a suitably qualified and competent person as providing at least equivalent stormwater treatment. A copy of that certification, design plans for the system and appropriate technical documentation that demonstrates the technical basis for the certification shall be provided to the Environment.

(d) Unless the discharge from a combination of sources was lawfully established before the date this rule became operative, or the discharge is into a stormwater collection system for an authorised stormwater discharge, the discharge shall not be from an area of disturbed land of greater than:

(i) 1000 square metres within Zone BP in Map Volume - Part 1 Planning Maps, or

(ii) two hectares in any other location.

There are performance aspects of the stormwater design that will not meet the above conditions outlined in the NRRP as detailed in Technical Report 3, Volume 3. For example, some collection and treatment detention basins or disposal fields will be within one metre of groundwater, for example to manage stormwater from the Halswell Junction Road off-ramp area and the Robinsons Road overpass. There is also one property on the MSRFL corridor which is registered on the ECan listed land use register (former landfill on the NW corner of Robinsons Rd) and one property registered adjacent to the CSM2 corridor (McVicars timber treatment site Halswell Junction Road),

and there will be discharge onto and from these properties. In addition, the area of disturbed ground required for construction of the Project will be greater than 2 hectares overall and the design allows for ponding of stormwater for more than 48 hours within the stormwater treatment ponds only to allow for the controlled release of water to Montgomery's Drain. As a result, the construction of the Project is unable to satisfy the permitted activity conditions for stormwater discharges. As such, the proposed stormwater discharges to land during construction and operation of the Project is determined to be a discretionary activity pursuant to Rule WQL6 and resource consent is required.

PLWRP: The stormwater discharge rules in the PLWRP differ from the NRRP provisions in that they are not prescriptive. The discharge of stormwater from a community or network utility operator stormwater system is listed as a restricted discretionary activity. The definition provided for "community or network utility operator stormwater system" has been assumed to apply to the Project.

> *Rule 5.71 The discharge of stormwater from a community or network utility operator stormwater system onto or into land or into or onto land where a contaminant may enter water or into groundwater or a surface water body is a restricted discretionary activity.*

Under the PLWRP the activity will be restricted discretionary under Rule 5.71.

Discharge of stormwater to water

The discharge of overflow water from the stormwater detention basin to Montgomery's Drain / Upper Knights Stream in an extreme rainfall event and the overflow situations outlined in Chapter 19 (refer to Table 32 and Figure 51) need to be considered.

NRRP: Rule WQL7 addresses discharges of stormwater to water. These are provided for as a permitted activity provided the conditions are met, where they cannot be me the discharge is considered under Rule WQL48:

> *The discharge of stormwater into:*
>
> *(a) a river, lake or artificial watercourse; or*
>
> *(b) onto land where it may enter a river, lake or artificial watercourse; is –*
>
> *1. a permitted activity if the discharge*
>
> *(a) was lawfully established at 4 July 2004; or*
>
> *(b) complies with all of the conditions of this Rule.*
>
> *2. Where the discharge does not comply with any one or more of Conditions 1 to 10 of this Rule the activity is classified by Rule WQL48; unless another person, who has applied for,*

or been granted, a discharge permit under Rule WQL8 provides written authority for the activity to be carried out under their permit.

3. *a non-complying activity if the discharge does not comply with Condition 11 of this Rule; unless another person, who has applied for, or been granted, a discharge permit under Rule WQL8 provides written authority for the activity to be carried out under their permit.*

Conditions:

1. *There is no stormwater collection system available for the collection of the stormwater. For the purpose of this condition, "available" means:*
   - *(a) a stormwater collection system passes within 50 m of the discharge location; and*
   - *(b) the stormwater can flow into the collection system under gravity; and*
   - *(c) the stormwater collection system operator will accept the discharge.*
2. *The discharge shall not be from a property where:*
   - *(a) an activity or industry specified in Schedule WQL9 is occurring; or*
   - *(b) the quantity of hazardous substances stored or handled exceeds the thresholds in Schedule WQL9; and the hazardous substances may become entrained in stormwater.*
3. *The discharge shall not be onto or from a property that has been registered by the Environment Canterbury on its Listed Land Use Register as a site that is; 'not investigated', 'below guideline values for', 'managed for', 'partially investigated', 'significant adverse environmental effects' or 'contaminated for'.*
4. *The discharge shall not be into:*
   - *(a) a water race, as defined in Section 5 of the Local Government Act 2002; or*
   - *(b) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system.*
5. *The discharge shall not result in an increase in the flow in the receiving water body at the point of discharge of more than one percent of a flood event with an Annual Exceedance Probability of 20 percent (five year ARI event).*
6. *Unless the discharge was lawfully established before the date this rule became operative, the discharge shall not be from an area of disturbed land of greater than:*
   - *(a) 1000 square metres located in Zone BP in Map Volume - Part 1 Planning Maps; or*
   - *(b) one hectare in any other location.*

7. *Where the discharge is from a roof with no other stormwater, it shall be via a system that prevents any other contaminants from entering the stormwater system.*

8. *The concentration of total suspended solids in the discharge shall not exceed:*

   (a) *50 grams per cubic metre, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or*

   (b) *100 grams per cubic metre where the discharge is to any other river or to an artificial watercourse.*

9. *The discharge of stormwater from an electricity substation area, where oil filled equipment is located, shall only be made to surface water, where:*

   (a) *a connection to a sewerage network is not available, and*

   (b) *the electricity substation area is enclosed within an impervious bunded area, or designed to contain all spillages, or is encircled by interceptor drains, and drains to an oil interceptor of a type and size which gives a concentration of oil and grease not exceeding 15 grams per cubic metre in the discharge as measured by American Society for Testing and Materials (ASTM) Method D4281, or American Public Health Association (APHA) 5520B, and can retain the capacity of the largest container of oil on the site plus 10 percent of that volume; and*

   (c) *a copy of all maintenance records for the stormwater and oil containment systems shall be made available to Environment Canterbury upon request.*

10. *The discharge shall not be within 500 m upstream on a river, or an artificial watercourse, or within 500 m on a lake, from an intake for a community drinking water supply listed in Schedule WQL2.*

11. *Unless the discharge was lawfully established before the date this rule became operative, the discharge shall not be to any water body that is Class NATURAL.*

For the main pond discharges, there are two scenarios for discharge to surface water: overflows from the stormwater ponds during events greater than a 100 year ARI (or combinations of extreme groundwater and lesser rainfall events), and drawing down of the pond during extreme groundwater events.

Both scenarios will discharge into Montgomery's Drain and/or the stormwater network connecting Montgomery's Drain to Upper Knights Stream.

The ponds have been sized for a 100 year total storm detention, therefore condition 5 will be in the overflow scenario. The draw down scenario will occur after the recession of the peak in the prior rainfall event.

Given that the discharges will be significantly diluted (by post-first flush runoff in the overflow scenario and potentially groundwater in the drawdown scenario) and from the downstream end of a treatment system, the water quality aspects are expected to be met without difficulty. Therefore, the discharge of overflow will therefore be a permitted activity in the operational phase of the Project.

The key condition which may be breached in this rule is condition 6, whereby discharges may occur from a large disturbed area if an extreme rainfall event occurs during construction. The relevant rule in this situation is Rule WQL48, addressed below, which requires consent as a discretionary activity.

PLWRP: As per Rule 5.71 above, the discharge of stormwater to water (Montgomery's Drain) will be a restricted discretionary activity in accordance with Rule 5.71.

Discharge of de-watering water

The discharge of water from site de-watering activities needs to be considered. As noted above, no significant dewatering is anticipated for the construction of the Project.

NRRP: Rule WQL2 outlines dewatering discharge as permitted provided it complies with the associated conditions. Where these conditions cannot be met the discharge is considered under Rule WQL48.

Rule WQL2 Discharge of land drainage, site dewatering, aquifer test or bore development water into a river, lake or artificial watercourse, or onto land which may result in water or a contaminant entering a river, lake or artificial watercourse

The discharge of land drainage water, site dewatering water, aquifer test or bore development water:

(a) into a river, lake or artificial watercourse; or

(b) onto land which may result in a contaminant or water entering a river, lake or artificial watercourse; that is not classified by Rules WQL1, WQL4, WQL7 or WQL8; is -

1. a permitted activity if the discharge is:

(a) land drainage water and the discharge complies with all of Conditions 1 to 9 of this Rule;

(b) aquifer test, bore development or site dewatering water and the discharge complies with all of Conditions 1 to 8 of this Rule.

Conditions

1. The specific conductance (conductivity measured at 25 degrees Celsius) of the discharge shall not exceed 40 millisiemens per metre.

2. *The rate of flow in the river or artificial watercourse at the point and time of discharge to surface water shall be at least five times the rate of the discharge.*

3. *The rate of discharge to a lake shall not exceed five litres per second.*

4. *The concentration of:*

   (a) *total suspended solids in a discharge to water shall not exceed 25 grams per cubic metre; or*

   (b) *un-ionised hydrogen sulphide in a discharge to water shall not exceed 0.005 grams per cubic metre.*

5. *The discharge shall not result in:*

   (a) *flooding of a dwelling or land owned or occupied by another person, other than with the express permission of that person; or*

   (b) *erosion of the bed or banks of the receiving water body.*

6. *The discharge shall not, outside of the Mixing Zone:*

   (a) *change the colour of the receiving water by more than five Munsell units;*

   (b) *change the clarity of the receiving water by more than 20 percent;*

   (c) *change the pH of the receiving water by more than 0.5 pH unit;*

   (d) *change the temperature of the receiving water of a river or artificial watercourse by more than two degrees Celsius;*

   (e) *change the temperature of the receiving water of a lake by more than two degree Celsius;*

   (f) *produce conspicuous oil or grease films, scums, foams, floatable or suspended materials;*

   (g) *produce any objectionable odour;*

   (h) *render freshwater unsuitable for consumption by farm animals; or*

   (i) *cause the concentration of Escherichia coli to exceed 550 E. coli per 100 millilitres.*

7. *The discharge shall not reduce the quality of the receiving water within:*

   (a) *500 metres upstream on a river or artificial watercourse; or*

   (b) *500 metres on a lake; from an intake for a community drinking water supply listed in Schedule WQL2.*

8. The discharge shall not contain any hazardous substance, hazardous waste or added radioactive isotope.

Some dewatering may be required, depending on seasonal groundwater levels, in order to construct the foundations for the road and stormwater pond land drainage system at the CSM2/CSM1 connection and during the operational phase from the stormwater ponds in this location also. The discharges will be to Montgomery's Drain, an artificial watercourse and a new outlet proposed within Upper Knights Stream.

Given that Montgomery's Drain and Upper Knights Stream are notionally dry, Condition 2 cannot be met. Accordingly, the discharge associated with dewatering activities where this is discharged to water defaults to a discretionary activity under WQL Rule 48 (detailed below).

The discharge associated with the intermittent pumping of water resulting from the dewatering of the Robinsons Road overpass throughout the operation of the Project will be to land (disposal field) initially and if required, groundwater will be discharged to the adjacent stockwater race. This discharge is expected to meet the relevant permitted activity standards of Rule WQL2, in that it will not cause flooding or erosion of the beds of lakes or rivers and will not cause flooding of a dwelling or land owned or occupied by another person.

PLWRP: The discharge of dewatering water to land is considered to be a permitted activity under Rule 5.92 of the PLWRP (outlined above) in relation to the construction phase, as this "take" rule covers "associated discharge" also. There are no rules in the PLWRP that relate to operational dewatering discharges (of groundwater), so it is assumed that permitted activity Rule 5.77 applies where dewatering is directed to water (any discharge of water or contaminants not classified by any other rules). Where operational dewatering is directed to land (i.e. Robinsons Road), this is covered by the discharge to land "catch all" rule, Rule 5.76. These rules are addressed below.

Discharge of water or contaminants

The discharge of dewatering water that is not specifically provided for as a dewatering discharge must be consider under the relevant rules for discharges of water or contaminants.

NRRP: As the discharges described above do not satisfy all conditions in Rule WQL2 and WQL7 of the NRRP, the Project also needs to be considered with respect to the "catch-all" rule, Rule WQL48:

Rule WQL48 Discharge of water or a contaminant into a river, lake or an artificial watercourse

The discharge of water, or a contaminant, into a river, lake or artificial watercourse; that is not classified by Rules WQL5, WQL7, WQL8, WQL15, WQL16, WQL17, WQL18, WQL19, WQL21 or WQL41; is –

a discretionary activity if the discharge complies with all of the conditions of this Rule; a non-complying activity if the discharge does not comply with any one or more of the conditions of this Rule.

Conditions:

1. *The concentration of the total suspended solids in the discharge shall not exceed the concentrations in the following table:*

	Stormwater discharge	Other Discharge	
Water Quality Management Unit		Minimum ratio of receiving water flow to discharge flow at any time is greater than 3:1	Minimum ratio of receiving water flow to discharge flow at any time is less than or equal to 3:1
	Total suspended solids maximum (grams per cubic metre)		
Banks Peninsula or Spring-fed rivers	100	100	50
All other rivers	250	250	100

2. *The discharge shall not, outside of the Mixing Zone calculated in accordance with Part 2 of Schedule WQL1, meet the relevant water quality:*

   (a) standards in Schedule WQL1 for that water quality class specified on the Map Volume Part 1 - Planning Maps; and

   (b) provisions and standards in any applicable water conservation order.

3. *The relevant water quality standards in Schedule WQL1 shall be met at the point of discharge and there shall be no Mixing Zone within 500 metres upstream in a river or artificial watercourse, or within 500 metres in a lake, from an intake for a community drinking water supply listed in Schedule WQL2.*

The discharge of site de-watering to water will meet the conditions of Rule WQL48 as it will be a discharge of groundwater, therefore it will be a discretionary activity. The discharge of overspill from the ponds into Montgomery's Drain, will also comply with the conditions of Rule WQL48 as the discharge will be significantly diluted and is expected to meet the relevant water quality standards identified above. It is noted that the relevant water quality standard in the NRRP for

the discharges to water, is 100g/m^3 total suspended solids, as Montgomery's Drain contributes to a spring fed waterbody (the Halswell River).

PLWRP*:* The discharges for the Project are not always clearly covered by the specific PLWRP rules outlined above, particularly with regard to operational phase dewatering. Therefore, the Project also needs to be considered with respect to the "catch-all" rules, Rules 5.76 and 5.77:

5.76 Any discharge of water or contaminants onto or into land in circumstances where a contaminant may enter water that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met:

1. The volume of the discharge does not exceed 10 m^3 per day and the application rate does not exceed 10 mm per day;

2. The discharge is not directly into groundwater;

3. The discharge does not result in any overflow or runoff into any surface water body or onto neighbouring site;

4. The discharge does not, in groundwater, render fresh water unsuitable or unpalatable for consumption by farm animals or humans;

5. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope;

6. The discharge does not occur when the soil moisture exceeds field capacity;

7. The discharge is not from potentially contaminated land; and

8. The discharge is not within

(a) 50 m of a bore used for water abstraction; or

(b) within a group or community drinking water supply protection area as set out in Schedule 1.

5.77 Any discharge of water or contaminants into water that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met:

1. The discharge is not from potentially contaminated land;

2. The discharge is not into a Natural State water body;

3. The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5; and

4. The concentration of total suspended solids in the discharge shall not exceed:

(a) 50 g/m^3, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or

(b) 100 g/m^3 where the discharge is to any other river or to an artificial watercourse.

Rule 5.76 provides for discharges to land as a permitted activity. This is the "default" discharge to land rule in the PLWRP. It has been considered in relation to the dewatering required to land at Robinsons Road. The potential discharge rate will not comply with condition 1 of this rule. There is no other discharge rule in the PLWRP to apply when Rule 5.76 is not met. On this basis, it is concluded that this dewatering activity is a discretionary activity pursuant to Rule 5.6 of the PLWRP:

5.6 Any activity that is not a recovery activity that would otherwise contravene sections 13(1),14(2), 14(3) or 15(1) of the RMA and is not listed as a permitted, restricted discretionary, discretionary, non-complying or prohibited activity in this Plan is a discretionary activity.

Rule 5.77 provides for discharges to water as a permitted activity and it is considered that the conditions are able to be satisfied. It is noted that the relevant water quality standard in the PLWRP for the discharges to water, is more restrictive than under the NRRP, allowing for only 50g/m^3 total suspended solids.

Discharge of dust to air during construction

Earthworks and construction related activities will result in the discharge of dust to air and therefore need to be considered with respect to the provisions in the NRRP. The PLWRP does not apply to air discharges. Rule AQL38 in Chapter 3 of the NRRP outlines the permitted activity condition:

Rule AQL38 Fugitive dust emissions from unconsolidated surfaces – permitted activity

Discharge of contaminants into air from unsealed or unconsolidated surfaces on industrial or trade premises and/or from industrial or trade processes, not otherwise addressed by rules in the NRRP, is a permitted activity.

Conditions:

The dispersal or deposition of particles shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates.

While every effort will be taken to minimise dust discharges, the discharge of dust to air from earthworks and construction activities may potentially cause objectionable or offensive effect beyond the boundary and therefore is assessed as being a discretionary activity under Rule AQL57 and resource consent is sought for this.

6.5.4. Summary of regional consents sought

Table 11 below presents a summary of regional consents sought.

Table 11: Regional consents summary table

Regional consents summary:			
Activity	Description	NRRP Summary	PLWRP Summary
Land use consents (section 9)			
Excavation of land	Excavation over an unconfined or semi-confined aquifer where either deeper than 5m or deeper than the highest groundwater level and greater than 100m^3	Non-Complying Activity in accordance with Rule WQL36	Discretionary Activity in accordance with Rule 5.156 and Non-Complying Activity in accordance with Rule 5.159
Deposition of fill	Deposition of more than 50m^3 over an unconfined or semi-confined aquifer where land is excavated to a depth of 5m or deeper and groundwater is less than 30m below ground level	Discretionary Activity in accordance with Rule WQL37	Discretionary Activity in accordance with Rule 5.161
The use of land to store or use hazardous substances	Hazardous substance storage and use during construction	Permitted Activity in accordance with Rule WQL 38A	Restricted Discretionary Activity in accordance with Rule 5.163
Construction and use of a bore	Investigation and monitoring bores Bore / infiltration facility related to Robinsons Rd overpass and Halswell Junction Road ponds Domestic and stockwater bore relocation	Restricted Discretionary Activity to construct in accordance with Rule WQL31	Permitted Activity to construct and use in accordance with Rules 5.78 and 5.79

Regional consents summary:			
Activity	Description	NRRP Summary	PLWRP Summary
Earthworks within riparian margins	Earthworks within riparian margin adjacent to Upper Knights Stream	Permitted Activity in accordance with Rule BLR8	Restricted Discretionary Activity Rule in accordance with Rule 5.149
Land use consent (section 13)			
Land use consent for works within stream bed	Disturbance / reclamation of former stream bed	Restricted Discretionary Activity in accordance with Rule BRL5	Discretionary Activity in accordance with Rule 5.6
Water permits (section 14)			
Diversion and take of water	Diversion of water races	Restricted Discretionary Activity in accordance with Rule WQN4	Non-Complying Activity in accordance with Rule 5.100
Taking of groundwater	Taking of groundwater as required dependant on groundwater levels	Non-Complying Activity in over-allocated / no allocation limit zones in accordance with Rules WQN13 and WQN14	Discretionary Activity in accordance with Rule 5.106
Discharge permits (section 15)			
Discharge of stormwater to land during construction and operation	To discharge stormwater to land during construction and operation	Discretionary Activity in accordance with Rule WQL6	Restricted Discretionary Activity in accordance with Rule 5.71
Discharge of stormwater to water during construction and operation	To discharge stormwater from the stormwater treatment facilities to water during construction and operation	Discretionary Activity in accordance with Rule WQL48 for construction phase and Permitted Activity under Rule WQL7 once operational	Restricted Discretionary Activity in accordance with Rule 5.71 for construction and operation.

Regional consents summary:			
Activity	Description	NRRP Summary	PLWRP Summary
Discharge of water and contaminants to water associated with dewatering	Discharge of site dewatering to surface water during construction and operation	Discretionary Activity in accordance with Rule WQL48	Permitted Activity under Rules 5.92 and 5.77
Discharge of water and contaminants to land	Discharge to land at Robinsons Road, associated with operational dewatering	Permitted Activity under Rule WQL2	Discretionary Activity in accordance with Rule 5.6
Discharge of dust to air during construction	To discharge dust to air from earthworks and construction activities	Discretionary Activity in accordance with Rule AQL57	N/A

The duration period sought for the regional resource consents is 35 years. The lapse periods sought for the regional resource consents are 15 years.

6.6. Additional statutory matters

6.6.1. Resource consents held for CSM1

A variation of consent conditions may be required for the CSM1 project stormwater discharge consent(s) where the CSM2 designation overlaps with CSM1 to facilitate the alterations to the stormwater facilities where the two stages of the motorway join at Halswell Junction Road. Any changes to the CSM1 consent conditions cannot be confirmed until after detailed design of CSM2 and any such alteration would not be appropriate from a CSM1 compliance monitoring perspective until the construction on CSM2 starts. For these reasons, if necessary the NZTA will make a separate application for variation directly to Environment Canterbury once these details are known and prior to construction.

The design for CSM2 stormwater infrastructure, while removing some volume from the CSM1 Lee basin, replaces this appropriately in the Ramp ponds. Volume is lost from the CSM1 Mushroom ponds is replaced within the Maize Maze pond. These design matters are addressed in Technical Report 3.

6.6.2. National Environmental Standard for Assessing and Managing the Contaminants in Soil to Protect Human Health

The Soil NES came into effect on 1 January 2012. The Soil NES provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in

soil is appropriately identified and assessed before it is developed, and if necessary remediated or the contaminants contained to make the land safe for human use. A NES has the status of a regulation and prevails over a designation or alteration to a designation that is made.

The Soil NES is a mix of allowing (permitting) and controlling (requiring resource consents) certain activities on land affected or potentially affected by contaminants in soil. The Soil NES requires all 67 territorial authorities (district and city councils) to give effect to and enforce its requirements.

The Contaminated Land Report (Technical Report 16, Volume 3) has identified a number of potentially contaminated sites within the proposed alignment, but no confirmed contamination was found after testing, within the Project footprint.

However, as several locations along the route are identified as Hazardous Activity Industries List (HAIL) sites within Technical Report 16 (Volume 3) in both the Selwyn District and Christchurch City areas, Clause 9 of Soil NES identifies soil disturbance as a controlled activity subject to the results of a soil investigation stating that the soil contamination does not exceed the applicable standard. Accordingly, a controlled activity land use consent is sought in relation to the Soil NES. As a controlled activity, the activity must be managed under a site management plan, monitored and reported on, including the transport, disposal and tracking of materials taken away in the course of the activity.

The lapse period sought for the land use consent under the Soil NES is 15 years.

6.6.3. National Environmental Standards for Electricity Transmission Activities

The National Environmental Standards for Electricity Transmission Activities (NES ETA) came into effect on 14 January 2010. The NES ETA provides a nationally consistent set of planning controls relating to the operation, maintenance, upgrading, relocation or removal of an existing transmission line. The NES only applies to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines or to substations. A NES ETA has the status of a regulation and prevails over a designation that is made.

The NES ETA is a mix of allowing (permitting) and controlling (requiring resource consents) certain activities on existing transmission lines. The NES ETA does not alter whether the matter would be dealt with by a territorial authority or regional council. Therefore all consent authorities are required to give effect to and enforce its requirements.

The NES ETA is applicable to the Project as Transpower has confirmed that modifications will need to be made to the existing transmission lines which are in close proximity to the proposed roadway alignment. The proposed CSM2 alignment will pass beneath the ISL-SPN A (Islington to Springston A) 50/66 kV transmission line to the southwest of the Shands Road and Marshs Road intersection. This may result in the alignment falling within the clearance envelope. In order to lift the transmission lines to rectify the clearance non-compliance Transpower has a number of methods available such as increasing the height of the towers (by replacing with new towers or inserting body or leg extensions), changes in insulator arrangements or modifications to

conductors. Regardless of the rectification method, the activity will require assessment under the NES ETA, in particular Clauses 14, 15 and 16 which address the alteration, relocation and replacement of existing transmission line support structures (which include the associated hardware modifications). In addition, if any earthworks are required as a result of the chosen rectification, this activity will need to be assessed against Clause 33 and the relevant regional rules (as the NES ETA does not apply to earthworks to the extent that they are subject to a regional rule). The relevant regional earthwork rules have been outlined already and consent is sought under these. The clearance distance will be met where the proposed CSM2 alignment falls beneath the BRY-ISL A (Bromley to Islington A) 220 kV transmission line so no modifications will be necessary on this line. However, one transmission tower on this line may require barrier protection which requires assessment against the NES ETA. It is expected that alterations may be designed to fall into the permitted activity classification, but confirmation is required from Transpower before this can be determined.

6.6.4. National Environmental Standard for Air Quality 2004

The National Environmental Standard for Air Quality (NES AQ) is intended to protect public health and the environment by, among other things, setting concentration limits for air pollutants. Different parts of the NES AQ came into effect between 2004 and 2006.

There are five ambient air quality standards relevant to the Project. Schedule 1 of the NES AQ sets out ambient air quality concentration limits for the following:

- carbon monoxide;
- nitrogen dioxide;
- sulphur dioxide;
- ozone; and
- fine particulate matter (PM10).

The results of air quality monitoring indicate that the discharge of air pollutants associated with vehicle emissions are unlikely to exceed air discharge assessment criteria at nearby sensitive receptors and will therefore meet NES AQ air quality standards. No specific consents are required under the NES AQ.

6.7. Other matters relevant to statutory considerations

For the resource consent applications, the BoI must have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application” (section 104). For the NoRs, a BoI must have regard to any other matter it considers reasonably necessary in order to make its decision (section 171(1)(d)).

The RMA does not define what matters are to be considered under these sections, however it is accepted that these can include matters outside the RMA, including non-statutory documents. The NZTA considers the factors for determining “other relevant matters for consideration” are:

- the subject and spatial relevance of the matter;
- whether the matter had been through a public process; and
- whether the outcome of the matter (e.g. plan or strategy document) was widely publically available.

Some of the matters considered relevant have been identified as:

- the Government Policy Statement on Land Transport Funding;
- the National Infrastructure Plan 2011;
- Connecting New Zealand;
- iwi management plans;
- Greater Christchurch UDS;
- Recovery strategy for Greater Christchurch (in whole, including non-statutory sections of the Strategy);
- The Draft Christchurch Transport Plan 2012;
- the South-West Area Plan; and
- Selwyn District Council Water Race Bylaw 2008.

These other relevant matters are discussed in relation to this Project in Chapter 28.

6.7.1. Other approvals required

A Wildlife Permit will be sought under the Wildlife Act from the Department of Conservation to disturb (capture and relocate) lizards and for the unintentional killing or injury of lizards as a result of the earthworks as a result of the Project alignment passing through their habitat.

An Archaeological Authority to destroy, damage or modify an archaeological site will be sought from NZ Historic Places Trust ("NZHPT") under the Historic Places Act, prior to earthworks commencing. This will be obtained as a precaution should an archaeological site be discovered during earthworks.

Approval to modify stockwater races will be sought under the Selwyn District Council Water Race Bylaw 2008 prior to any construction works commencing.

A land use consent under the NES for Electricity Transmission Activities may be required for the Project. The NZTA is working with Transpower to confirm whether this will be required for the transmission lines affected by the Project. This was not able to be confirmed prior to lodging the applications for the Project with the EPA. Accordingly, if a consent is required under the NES ETA, this will be progressed separately through the SDC.

These other approvals will be sought once the designations and resource consents sought in this current application are confirmed, prior to starting construction of the Project.