

Canterbury Natural Resources Regional Plan

Chapter 1:

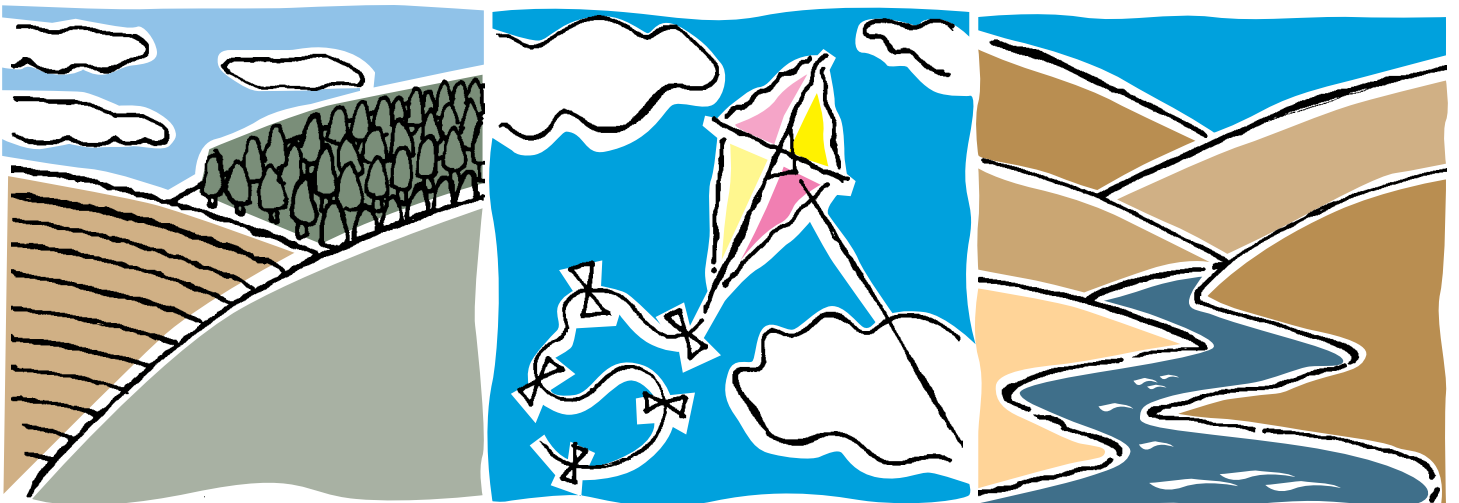
Overview

Prepared under the Resource
Management Act 1991

Operative

11 June 2011

27 October 2009 (in part)



R11/19

ISBN: 978-1-927161-16-6 (hard copy)

978-1-927161-17-3 (electronic)



**Environment
Canterbury**
Regional Council
Kaunihera Taiao ki Waitaha

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This is a true and correct copy of Chapter 1 incorporating Variation 15 of the Canterbury Natural Resources Regional Plan of the Canterbury Regional Council.

This document is part of a statutory regional plan prepared by the Canterbury Regional Council in accordance with the requirements of the Resource Management Act 1991.

The following parts of Chapter 1, and Variations 15 were approved at a meeting of the Canterbury Regional Council on 26 May 2011 in accordance with Clause 17(2) of the First Schedule of the Resource Management Act 1991:

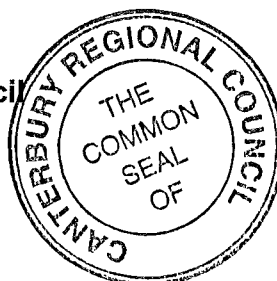
Section 1.2 Definition of terms

Chapter 1 was publicly notified on Saturday 28 May and became operative on Saturday 11 June 2011.

The Common Seal of the Canterbury Regional Council was fixed in the presence of:



**Wayne Thomas
Acting Chief Executive
Canterbury Regional Council**



**Dame Margaret Bazley
Chair
Canterbury Regional Council**



This is a true and correct copy of Chapter 1 of the Proposed Canterbury Natural Resources Regional Plan of the Canterbury Regional Council.

This document is part of a statutory regional plan prepared by the Canterbury Regional Council in accordance with the requirements of the Resource Management Act 1991.

The following parts of Chapter 1 were approved at a meeting of the Canterbury Regional Council on 24 September 2009 in accordance with Clause 17(2) of the First Schedule of the Resource Management Act 1991:

Section 1.1 Introduction.

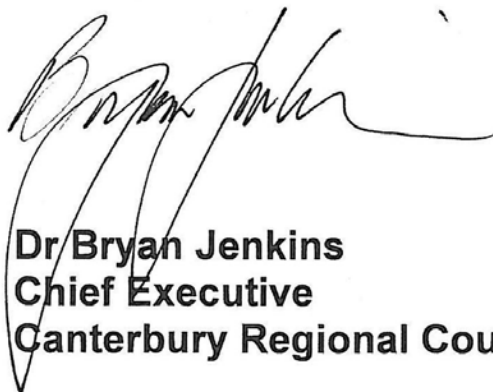
Section 1.3 Administrative processes.

Chapter 1 was publicly notified on Saturday 17 October and the above parts became operative on Tuesday 27 October 2009.

Common Seal of the Canterbury Regional Council was fixed in the presence of:



**Alec Neill
Chairman
Canterbury Regional Council**



**Dr Bryan Jenkins
Chief Executive
Canterbury Regional Council**

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1.1 Introduction

1.1.1 Title

This regional plan is to be known as the Canterbury Natural Resources Regional Plan (NRRP).

The NRRP is prepared by the Canterbury Regional Council, which is otherwise known by its promotional name “Environment Canterbury”. Reference in this document to “Environment Canterbury” is a reference to the Canterbury Regional Council.

1.1.2 Purpose and effect

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources. (A copy of the RMA may be found on the website <http://rangi.knowledge-basket.co.nz/gpacts/public/text/1991/an/069.html>). Sections 5, 6, 7 and 8, 30, 32, 67 and the First Schedule are particularly relevant.

The NRRP will assist Environment Canterbury to carry out several of the functions set out in section 30 of the RMA. These relate to the integrated management of the region's natural and physical resources, and include, but are not limited to, the control of the use of land for various specified purposes”.

The NRRP has been prepared in accordance with the First Schedule, and has legal force. In particular, under the RMA each regional rule has the force and effect of a regulation.

Environment Canterbury is required by section 84 of the RMA to observe, and to the extent of its authority, enforce observance of this plan.

1.1.3 Area covered

Except where it may be expressly provided otherwise, this plan applies to the whole of the Canterbury region, apart from the coastal marine area (see Figure OVR1-1).

There is a full definition of the coastal marine area in section 2 of the RMA. It is the area seaward of mean high water springs, except where the coastal marine area crosses rivers where some interpretation is necessary. The Environment Court has determined boundaries for the Avon (Ōtaharo), Heathcote and Waimakariri Rivers. For other rivers there is tripartite agreement on the boundary between Environment Canterbury, the territorial authority concerned and the Minister of Conservation. Detailed maps of the coastal marine area boundary may be found in the maps volume of the Regional Coastal Environment Plan (RCEP).

Resources management issues in the coastal marine area are dealt with in the RCEP.

The Canterbury region was constituted under the Local Government (Canterbury Region) Reorganisation Order 1989 and the Local Government Amendment Act 1992 and is shown in Figure OVR1-2.

The region comprises the following territorial authority areas:

- Kaikōura District
- Hurunui District
- Waimakariri District
- Christchurch City
- Selwyn District
- Ashburton District
- Timaru District

- Waimate District
- Mackenzie District
- Waitaki District (part only)

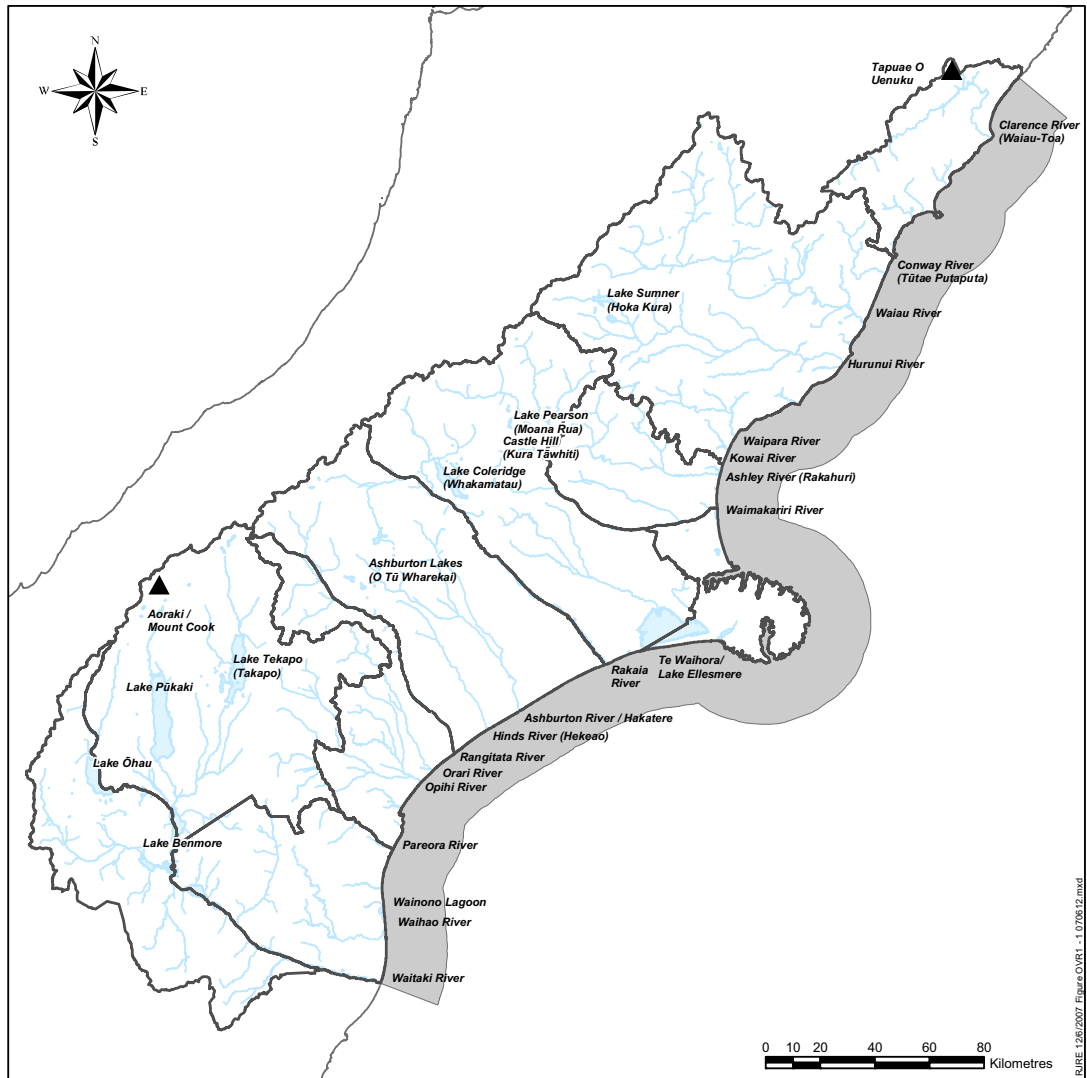


Figure OVR1-1: The Canterbury region

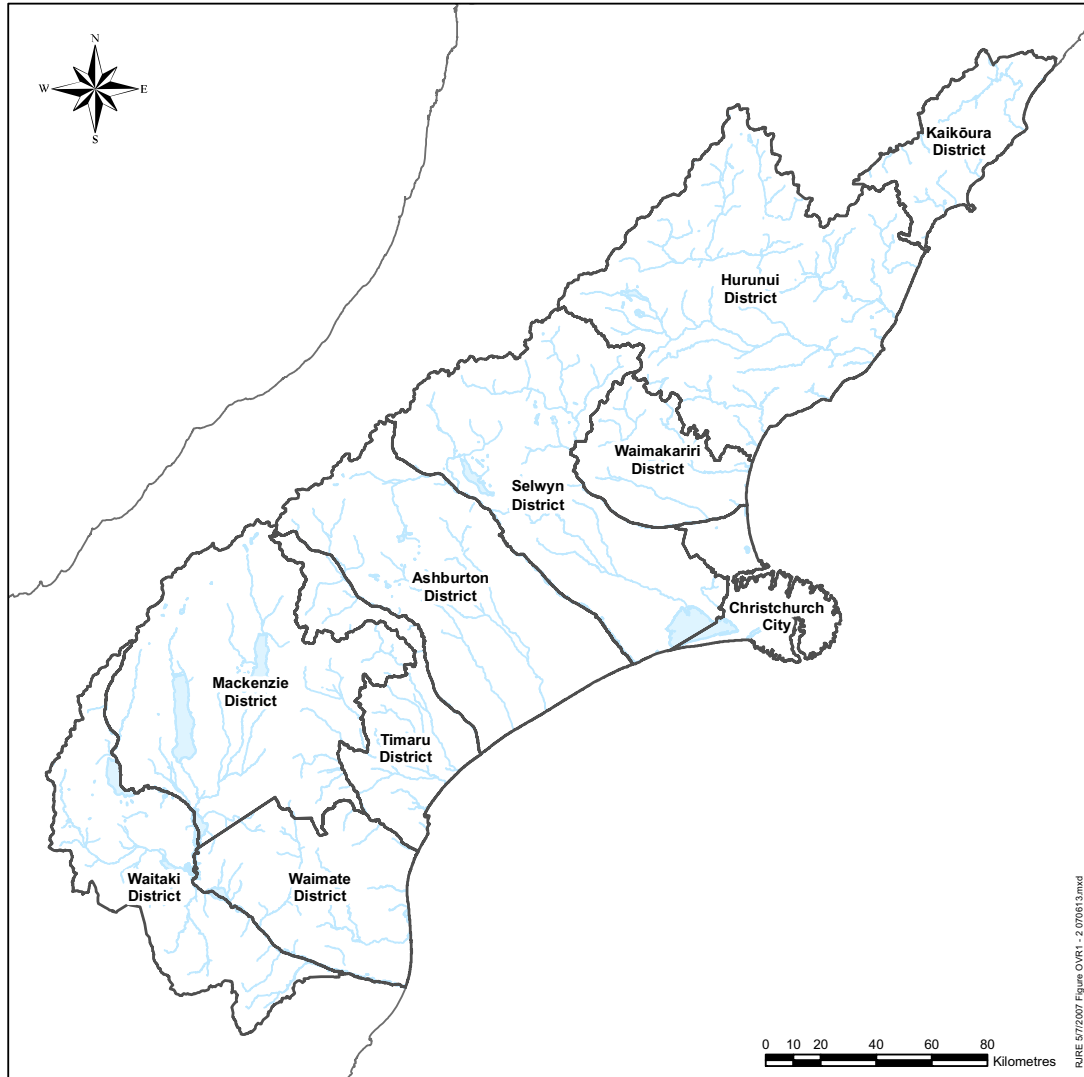


Figure OVR1-2: Territorial authorities in the Canterbury region

1.1.4 Public notification and consultation

The NRRP will eventually include chapters dealing with a range of natural resources issues within Canterbury. Initially the NRRP has three chapters, Chapter 1 (Overview), Chapter 2 (Ngāi Tahu and the management of natural resources) and Chapter 3 (Air quality). Further chapters will be added later by following the plan variation or change procedures in the First Schedule of the RMA.

The initial three chapters were publicly notified on 1 June 2002.

1.1.5 Hierarchy of plans, cross-references

The NRRP is an integral part of a hierarchy (see Figure OVR1-3) of resource management documents prepared under the RMA. This hierarchy also includes the New Zealand Coastal Policy Statement, any national policy statements or national environmental standards, the Canterbury Regional Policy Statement (RPS), other regional plans, and the district plans of each territorial authority in the region. Between them these documents assist in achieving integrated management of the natural and physical resources of the region. To this end there are linkages, some formal and some informal, between each document in the hierarchy.

It is important to note that within the NRRP closely related topics generally occur within a dedicated chapter. There are however **overlaps** and **linkages** between chapters in the NRRP. Where a provision within a chapter has close linkages to another provision elsewhere in that or another chapter of the NRRP, cross referencing is used.

Cross-references have the same effect and legal weight as if the provision cross-referenced had been set out in full.

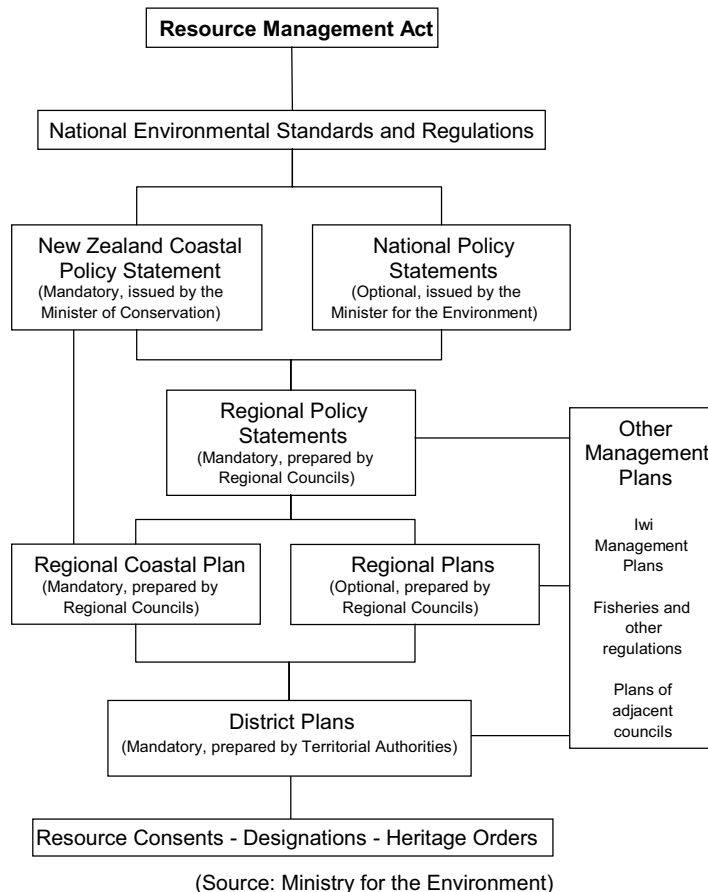


Figure OVR1-3: RMA plan hierarchy

1.1.6 Other Environment Canterbury planning documents under the Resource Management Act 1991

Environment Canterbury’s other planning documents prepared under the Resource Management Act 1991 include:

- (a) Canterbury Regional Policy Statement (operative). This is the overarching resource management policy document for the Canterbury region. It must not be inconsistent with the New Zealand Coastal Policy Statement or any national policy statements. No district plan or regional plan may be inconsistent with the RPS.
- (b) Transitional Regional Plan for the Canterbury region (excluding Kaikōura District) (operative). Carries over by-laws and other statutory provisions from the administrations that preceded formation of Environment Canterbury.
- (c) Transitional Regional Coastal Plan for the Canterbury region (the residual provisions of pre-RMA district plans with effects on activities in the coastal marine area) (operative).

- (d) Transitional Regional Plan for Kaikōura District (operative). Carries over by-laws and other provisions from the administrations that preceded formation of Environment Canterbury.
- (e) Land and Vegetation Management Regional Plan: Part I Kaikōura (operative). Deals with earthworks and vegetation clearance on the Kaikōura coast.
- (f) Land and Vegetation Management Regional Plan: Part II Port Hills (operative). Deals with earthworks and vegetation clearance on the Port Hills.
- (g) Land and Vegetation Management Regional Plan: Part IV Hill and High Country Burning. Deals with land management fires in Canterbury hill and high country.
- (h) Opihi River Regional Plan (operative). Applies to the Opihi River catchment, including the river mouth, which is in the coastal marine area. Note: the NRRP applies in the Opihi River catchments except for those matters that are explicitly addressed by objectives, policies in the Opihi River Regional Plan.
- (i) Waimakariri River Regional Plan. Applies to the Waimakariri River catchment, including the river mouth, which is in the coastal marine area. Note: the NRRP are explicitly addressed by objectives, policies in the Waimakariri River Regional Plan.
- (j) Regional Coastal Environment Plan. Deals with issues on land in the immediate coastal environment and in the coastal marine area.

The NRRP covers the area of the region landward of mean high water springs, and the Regional Coastal Environment Plan covers the area seaward at mean high water springs. The Regional Coastal Environment Plan also addresses:

- (k) Coastal hazards. The Regional Coastal Environment Plan controls the use of land immediately landward of the coastal marine area for the purpose of avoiding or mitigating natural hazards related to coastal events.
- (l) Coastal access. The Regional Coastal Environment Plan recognises and provides for the maintenance and enhancement of public access to and along the coastal marine area.
- (m) Areas of high natural, physical or cultural value. The Regional Coastal Environment Plan addresses these issues both in the immediate coastal environment landward of the coastal marine area and in the coastal marine area itself. In this respect there is potential for overlap with the NRRP, and efforts have been made to avoid duplicating measures where an area is covered by both plans.

In addition to provisions of the NRRP, resource users may also have obligations or otherwise be affected by any of the above documents.

1.1.7 NRRP is prepared in parts

The NRRP was prepared in parts, known as **chapters**. Details of the dates on which preparation of each chapter began, when notified and when made operative may be found within the respective chapters.

As the NRRP takes effect it will gradually replace corresponding TRP provisions.

As a minimum, the NRRP is intended to include the following chapters:

Chapter 1	Overview
Chapter 2	Ngāi Tahu and the management of natural resources (TGW)
Chapter 3	Air quality (AQL)
Chapter 4	Water quality (WQL)
Chapter 5	Water quantity (WQN)
Chapter 6	Beds of lakes and rivers (BLR)

- Chapter 7 Wetlands (WTL)
- Chapter 8 Soil conservation (SCN)

1.1.8 **Consideration of alternatives, benefits and costs**

When a plan, variation or change is notified, the RMA also requires a report to be made available giving details of how section 32 has been complied with.

Section 32 of the RMA requires Environment Canterbury before adopting any objective, policy or method (including any rules), to consider the principal alternatives (including the option of doing nothing), and the reasons for and against each. It also requires Environment Canterbury to evaluate the costs and benefits and satisfy itself that what it intends to do is necessary and will be an effective and efficient means of achieving its aims.

A report providing this information for Chapter 3 is available from Environment Canterbury on request. Reports for other chapters will be made available as they are notified.

1.1.9 **Plan structure**

The NRRP follows the requirements for contents of a regional plan set out in section 67(1) of the RMA.

There are three initial chapters, six further chapters are being prepared, and others could follow.

Chapter 1 contains the **Overview**. It outlines definitions and administrative procedures.

Chapter 2 relates to Ngāi Tahu and the management of natural resources and provides:

- (a) an explanation of Tāngata Whenua concepts, perspectives and involvement in resource management;
- (b) a description of resource management issues and outcomes sought by Ngāi Tahu;
- (c) information for plan users and resource consent applicants.

Chapters 1 and 2 are relevant to the entire NRRP.

Chapters 3 to 8 have the following structure:

Chapter heading	the general resource management topic dealt with by the chapter.
Introduction	backgrounds the particular issues, assesses their extent within the region and discusses associated adverse effects and their causes where these are understood.
Issue resolution	states the specific issues the plan is addressing, the objectives sought to be achieved, the policies to achieve the objectives, and the methods including rules being used or to be used to implement the policies. Each objective and policy is followed immediately by the explanations, and principal reasons for adopting it. After the explanation to each policy there is a list of methods to be used in its implementation.
Rules	are in a separate section, as is the information to be submitted with a resource consent application.

Explanations and principal reasons - for adopting the rules and other methods of implementation are grouped together after the rules section. (There is a more detailed analysis of the alternatives considered and the reasons for adopting each objective, policy or method in a separate section 32 report.)

Environmental results anticipated - the results expected from the implementation of the policies and methods within 10 years of the relevant chapter of the NRRP becoming operative.

Monitoring and review - how the effectiveness of the NRRP as a means of achieving its objectives and policies will be assessed.

Appendices and schedules - referred to in a given chapter are placed at the rear of that chapter.

Maps where referred to are contained in the appropriate chapter of the NRRP.

Numbering of issues, objectives, policies, methods, rules, schedules, appendices, maps, tables and figures are individual to each chapter. For example, in the Air Quality chapter, the numbering of each issue, objective, policy, etc, includes the prefix "AQL", as in "Policy AQL1". Similarly, soil conservation issues are prefixed "SCN", (Policy SCN1), and so on.

Pages are numbered in the format *chapter – page number*. For example, Page 1 – 4 indicates Chapter 1, page 4; Page 5 – 107 indicates Chapter 5, page 107, etc.

1.2 Definition of terms

This section defines certain words and terms used in the NRRP **chapters 1, 2 and 3 only**. These definitions do not apply to chapters 4 to 8.

Where a term is highlighted in *italics* the wording has been taken directly from the RMA. Should there be any inconsistency in definitions between those in the RMA and those set out below, the RMA definitions will prevail.

Terms marked with * are taken directly from the Canterbury Regional Policy Statement, 1998.

Unless a direct source is specified in a footnote, all other terms have been developed specifically for the purposes of the NRRP chapters 1, 2 and 3 only.

1.2.1 Abbreviations and symbols

BPO	best practicable option
$\mu\text{g}/\text{m}^3$	micrograms per cubic metre
mg/m^3	milligrams per cubic metre
m^3/day	cubic metres per day
NAAQG	National Ambient Air Quality Guidelines 2002
NRRP	Canterbury Natural Resources Regional Plan
NTCSA	Ngāi Tahu Claims Settlement Act 1998
ou/m^3	odour units per cubic metre
RCEP	Regional Coastal Environment Plan
RMA	Resource Management Act 1991
RAAQT	Regional Ambient Air Quality Target (defined in Schedule AQL1)
RPS	Canterbury Regional Policy Statement (26 June 1998)

1.2.2 Definition of terms

Aerial application refers to agrichemical application techniques using aircraft, including helicopters.

Aerobic means in terms of waste management processes the biological process that occurs in the presence of oxygen.¹

Agrichemical applicator means any person or organisation engaged in the application of any agrichemical. Where application is delegated to employees it also includes the person(s) directly responsible for those employees.

Agrichemical contractor means any person or organisation who by agreement with the owner, occupier or manager of any land or animals, administers, applies, or causes to be applied, any agrichemical for hire or reward. It does not include an employee, an owner, occupier or manager.

Agrichemical spray means the discharge into the air of one or more agrichemicals whether in liquid, emulsified, mist, granular, powdered, pelletized or any other physical form

¹ USEPA, 1996, Guide to Environmental Issues, United States Environmental Protection Agency

or forms and from any source whether moveable or not, and **agricultural spraying** has a corresponding meaning.

Agrichemical means any substance, or mixtures of substances, whether inorganic or organic, man-made or naturally occurring, modified or in its original state that is used to eradicate, or control, flora and fauna. It excludes oral nutrition compounds, vertebrate pest controls and fertilisers.

Air means the mixture of gases enveloping the earth and forming the atmosphere, and in the context of the NRRP refers to air outside of buildings.

Ambient air is the air outside buildings and structures. It does not include indoor air, air in an enclosed workplace, or contaminated air discharged from a source.

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

Anaerobic means in terms of waste management processes the biological process which occurs in the absence of oxygen.²

Animal remedy means any drug, medicine, remedy or therapeutic preparation or any biochemical substance for:

- (a) curing, diagnosing, treating, controlling or preventing any disease in animals; or
- (b) destroying or preventing parasites on or in animals; or
- (c) maintaining or improving the health, condition, productivity or appearance of any animal; or
- (d) capturing or immobilising any animal.

Banking up refers to the practice of loading up a domestic fuel burning device with solid fuel (wood or coal) and turning the air supply down to achieve a prolonged slow burn.

Beef feedlots are defined as premises used for the rearing of cattle once they are weaned from milk within closely fenced areas (excluding temporary containment for a continuous period of less than one week) where the stocking density precludes the maintenance of pasture or vegetative ground cover.

Benefits and costs includes benefits and costs of any kind, whether monetary or non-monetary.

Best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

- (a) *The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*
- (b) *The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) *The current state of technical knowledge and the likelihood that the option can be successfully applied.*

Bulk materials include all materials consisting of fragments or particles that could be discharged as dust or particulate. These materials include, but are not limited to: gravel, quarried rock, fertiliser, coal, cement, flour, rock aggregate, grains and wood chips.

² USEPA 1996, Guide to Environmental Issues, United States Environmental Protection Agency

Carcinogen means any substance or agent able to induce malignant tumours (cancer). 'Carcinogenity' has a corresponding meaning.

Clean Air Zone refers to an area that has been identified as such in this Plan, unless the context denotes otherwise.

Cleaner production is the conceptual and procedural approach to production that demands that all phases of the life-cycle of a product or of a process should be addressed with the objective of prevention or minimisation of short and long-term risks to human health and the environment.

Climate Change * means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.

Commercial purposes means the use of a property, or any part of a property, predominantly for commercial gain or reward.

Composting means the biological reduction of organic matter to a relatively stable product, but it does not include bedding material (for example, straw) used as part of housing systems in intensive farming operations, nor does it include silage.

Conditions, *in relation to plans and resource consents, includes terms, standards, restrictions and prohibitions.*

Consent authority means *the Minister of Conservation, a regional council, a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under this Act.*

Contaminant includes *any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat-*

- (a) *When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or*
- (b) *When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.*

Controlled activity means that

if an activity is described in this Act, regulations, or a plan or proposed plan as a controlled activity,—

- (a) *a resource consent is required for the activity, and the consent authority has no power to decline that resource consent; and*
- (b) *the consent authority must specify in the plan or proposed plan matters over which it has reserved control; and*
- (c) *the consent authority's power to impose conditions on the resource consent is restricted to the matters that have been specified under paragraph (b); and*
- (d) *the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan.*

Diesel means a refined petroleum distillate having a viscosity and distillation range intermediate between those of kerosene and light fuel oil, whether or not it contains additives, intended for use as fuel in internal combustion equipment and external combustion equipment, but excludes re-refined oil and used oil or waste oil. Diesel must have properties that conform to the limits specified in Schedule 3 of the

Petroleum Products Specifications Regulations 1988, when tested by the methods specified in that schedule.

Discharge includes emit, deposit, and allow to escape.

Discharge permit means a consent to do something (other than in the coastal marine area) that otherwise would contravene section 15 of the Resource Management Act 1991.

Discretionary activity means

if an activity is described in this Act, regulations, or a plan or proposed plan as a discretionary activity,—

- (a) *a resource consent is required for the activity; and*
- (b) *the consent authority may grant the resource consent with or without conditions or decline the resource consent; and*
- (c) *the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan.*

District plan means an operative plan approved by a territorial authority under the Schedule 1; and includes all operative changes to such a plan (whether arising from a review or otherwise).

District rule means a rule made as part of a district plan [or proposed district plan] in accordance with sections 76 and 77A.

Drip tray means an area which has a raised perimeter to prevent the escape of any spilled liquids. The minimum capacity of the drip tray shall be 1.25 times the largest storage or spray tank brought on to the drip tray.

Dispersal or deposition of particles occurs when particles originating from a site are observed in the air beyond the site boundary, or such particles have settled on neighbouring sites, vegetation, roads, structures or waterways.^{6A}

Dry abrasive blasting means abrasive blasting (without the use of water, surfactants or other wetting agents), involving the use of abrasive substances such as sand to remove surface coatings or prepare surfaces.

Dry cleaning means the cleaning and washing of garments using hydrocarbon solvents.

Dry weight in the context of measurement of moisture content of fuel wood refers to the moisture content reading obtained through use of a moisture meter such as that referred to in Electrical Resistance Method AS/NZS 1080.1:1997 Section 5. The moisture content of wood calculated on a dry weight basis equals the moisture removed from wood by completely drying it. This is expressed as a percentage of the dry weight of the wood. An equivalent method of measurement is obtained by the use of an electrical resistance meter designed for this purpose.

Dust means all solid particulate matter of 20 to 500 microns individual particle diameter or with a settling velocity of greater than 3 centimetres per second. By way of example, 'dust' may be derived from sand, cement, fertiliser, coal, soil, paint, ash, animal products or wood.

^{6A} Appendix AQL3 details criteria for assessing offensive or objectionable dispersal or deposition of smoke particles” and Appendix AQL4 criteria for assessing offensive or objectionable dust”. These may be relevant.

Dwelling means any permanent structure, that is occupied or intended to be occupied in whole or in part as a residence, and includes (but is not limited to) travellers' accommodation.

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

Effect *unless the context otherwise requires, includes:*

- (a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present, or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects:*

regardless of the scale, intensity, duration, or frequency of the effect, and also includes:

- (e) *Any potential effect of high probability; and*
- (f) *Any potential effect of low probability which has a high potential impact.*

Effluent means liquid waste from an industrial or trade process or of animal origin, but excludes sewage.

Enclosed burner is a small scale fuel burning device which burns solid fuel, where combustion occurs within a firebox enclosed by a door, and where there is generally a regulated supply of air to the fire. It includes (but is not limited to) free-standing or built-in woodburners, pellet fires, potbelly stoves, and coal ranges, but excludes any open fire.

Environment *includes—*

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

Environment Canterbury is the promotional name of the Canterbury Regional Council. Wherever the term Environment Canterbury or the Regional Council is referred to in this document, this is a reference to the Canterbury Regional Council as defined under the Local Government Act 1974.

Environmental results anticipated* means the expected result or outcome on the environment as a consequence of implementing the policy or policies and methods of implementation. It provides a means of assessing the success of the objectives, policies and methods.

External combustion equipment means a device that generates heat from the combustion of fuel, including boilers, heaters and furnaces, but excluding internal combustion equipment and waste incineration devices.

Farm landfill means a landfill situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or any waste generated from any industrial or trade process on that production land.

Fertiliser means any substance which is described as, or held out to be for, or suitable for sustaining or increasing the growth, productivity or quality of plants or animals through the application of essential nutrient to plants or soils.

Free range poultry farming means the keeping, rearing or breeding of poultry, whether for the purpose of raising poultry for human consumption or for the purposes of egg production, where:

- (a) all of the birds farmed have permanent access to open air runs; and
- (b) permanent vegetation cover exists on the land where birds are permitted to range; and
- (c) the stocking rate of the runs to which the birds have access does not exceed:
 - (i) 1.5 birds (including chickens) per square metre; or
 - (ii) 0.8 hens per 10 square metres; and
- (d) the stocking rate of any permanent weatherproof shelter to which birds have access does not exceed:
 - (i) 5 birds per square metre of deep litter floor space; or
 - (ii) 10 birds per square metre of slatted floor space; or
 - (iii) 13 birds per square metre on framed perches.

Fuel means any material used for, or involving, the production of heat or energy, including by the process of combustion.

Fumigant means a substance (whether in solid, liquid or gaseous form, and with or without the addition of warning agents) specified in the First Schedule of the Fumigation Regulations 1967.³

Fumigation means the use of a fumigant for the purpose of the destruction of rodents, pests, or other undesirable plant or animal organisms.⁴

Ground based application method in relation to agrichemical use means any method of application where that part of the equipment from where the agrichemical is emitted is either on the ground or attached to equipment that is on the ground (excluding hand held application).

Greenhouse gases included in the Kyoto Protocol are:

- (a) carbon dioxide (CO₂);
- (b) methane (CH₄);
- (c) nitrous oxide (N₂O);
- (d) perfluorocarbons (PFCs);
- (e) hydrofluorocarbons (HFC); and
- (f) sulphur hexafluoride (SF₆).

Greenhouse gases trap some of the heat the Earth radiates back into space. The greater the concentration of greenhouse gases in the atmosphere, the greater the potential for a warmer planet and changes to the climate.⁵

Groundcover refers to the low-growing plants covering the surface of the ground within closely fenced outdoor runs with livestock.

³ Section 2 Fumigation Regulations 1967

⁴ Section 2 Fumigation Regulations 1967

⁵ Ministry for the Environment, 1999: Climate Change – Domestic Policy Options Statement: A Consultation Document (January 1999), Ministry for the Environment, Wellington, p84

Hand held application techniques or methods in relation to agrichemical use means using a total agrichemical spray unit carried and operated on foot by the applicator. When the total agrichemical spray unit is motorised, the application technique shall result in the spray only being applied directly to the target species.

Hapū* means sub-tribe, clan, or section of a large tribe.

Hazardous air pollutants are gaseous, aerosol or particulate pollutants which are present in air and which are hazardous to human, plant or animal life, and which are listed in Schedules AQL1 and AQL2. Schedule AQL1 lists priority hazardous air pollutants for which national or regional air quality guidelines have been established.

Hazardous substances are substances:

- (a) with one or more of the following intrinsic properties:
 - (i) explosiveness:
 - (ii) flammability:
 - (iii) a capacity to oxidise:
 - (iv) corrosiveness:
 - (v) toxicity (including chronic toxicity):
 - (vi) ecotoxicity, with or without bioaccumulation; or
- (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazardous waste* means waste material, including its containers or packaging, containing hazardous substances either singly or in combination with other material.

Industrial or trade premise means—

- (a) *Any premises used for any industrial or trade purposes; or*
- (b) *Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or*
- (c) *Any other premises from which a contaminant is discharged in connection with any industrial or trade process—*

but does not include any production land.

Industrial or trade process includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter, or product.

Intensive breeder poultry farming means an intensive poultry farm which provides the parent generation for the broilers.

Intensive broiler poultry farming means an intensive poultry farm where young poultry is grown and slaughtered for meat.

Intensive farming means primary production activities which do not rely upon the productive capacity of the soil. Intensive farming includes, but is not limited to, intensive pig farming, intensive poultry farming and mushroom growing. Intensive farming does not include:

- (i) greenhouse production of plants, or
- (ii) keeping of animals for quarantine or disease control purposes; or
- (iii) the keeping of fewer than 12 birds; or

(iv) the farming of worms.

Intensive layer poultry farming is an intensive poultry farm specifically for egg production for human consumption.

Intensive pig farming means the keeping, breeding or rearing for any purpose more than five pigs that have been weaned, or more than two sows, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or groundcover but excludes extensive pig farming.

Intensive poultry farming means the keeping, rearing or breeding of 12 or more poultry, whether in relation to the production of poultry for human consumption or in relation to egg production, where the predominant productive processes are carried out primarily within buildings, and includes (but is not limited to): intensive breeder poultry farming, intensive broiler poultry farming and intensive layer poultry farming, but excludes free range poultry farming.

Internal combustion equipment means an engine in which power is generated from the energy produced from the explosion of a fuel and air mixture within one or more combustion cylinders or chambers, including turbine engines.

Issue* means a matter of concern to the region's community in relation to some aspect of natural or physical resources and the environment of the region.

Iwi* means tribe or people.

Iwi authority means the authority which represents an iwi and which is recognised by that iwi as having authority to do so. In the Canterbury region, Te Rūnanga o Ngāi Tahu is the iwi authority.

Iwi Plan* or **Iwi Management Plan *** means a management plan recognised by an iwi authority.

Kaiawa means food sourced from rivers.

Kaimoana means food sourced from the sea.

Kaioto means food sourced from lakes, lagoons and wetlands.

Kaitiaki means guardian or protector. These may be physical, such as people, or spiritual.

Kaitiakitanga means the exercise of guardianship by tāngata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

Kawa means rules or protocol set via the atua (gods).

Kerbside collection means a regular service to collect waste from the road boundary of the property which is provided by the territorial local authority to its ratepayers with or without a fee as part of its functions under the Local Government Act 2002. It includes kerbside collection services that are undertaken by private contractors on behalf of the territorial local authority. It does not apply to services provided by private contractors paid for directly by the property owner or occupier.

Kerosene means a low volatility, clear, colourless hydrocarbon liquid. It is a highly refined fuel, also known as paraffin oil, or jet fuel, used whenever a pure, low contamination liquid fuel is required, as in certain types of lamps, and domestic heating devices and industrial fuel burning equipment, and in jet engines.

Kōhanga means nursery, breeding or spawning grounds.

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

Landfill means a site lawfully used for the deposition of solid and/or hazardous waste onto or into land.

Large scale fuel burning device means any boiler, furnace, engine or other device designed to burn fuel for the primary purpose of energy production having a net heat or energy output of more than 40 kilowatts, but excluding motor vehicles, boats and aircraft. This definition specifically excludes solid fuel burning devices used in dwellings, waste incineration devices and crematoria.

Large scale wood pellet fuel burning device is a large scale fuel burning device which is designed to burn only wood pellet fuel or converted to burn only wood pellet fuel.

Light fuel oil refers to residual oil of grade No. 5 or less (as described in USEPA Chapter 1 of the Compilation of Air Pollutant Emission Factors, AP-42, (January 1995) Fifth Edition, Volume I: *Stationary Point and Area Sources*), and contains less than 2% sulphur by weight. This does not include distillate oils such as kerosene and diesel.

Local authority means a regional council or territorial authority.

Localised adverse effects mean adverse effects of air pollution which occur within the immediate vicinity of contaminant discharges from one (or more) source(s). Immediate vicinity includes the geographic area:

- (a) where contaminated air discharged from a source has not been reasonably mixed with the ambient air; and/or
- (b) where there is a specific adverse effect directly attributable to the discharge(s).

Some contaminant discharges may have both localised adverse effects and also contribute to adverse effects over a wider area.

Mahinga kai* means food and other resources, and the areas that they are sourced from.

Mana means power, authority or prestige.

Manawhenua means customary authority exercised by an Iwi or hapū in an identified area.

Marae means a courtyard, meeting place of Tāngata Whenua.

Mauri means essential life force or principle; a metaphysical quality inherent in all things, both animate and inanimate.

Maximum height in relation to a building means the vertical distance between ground level and the highest part of the building.

Method of implementation* means a specific action, procedure, programme or technique adopted to carry out a policy.

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

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

Natural gas means a mixture of naturally occurring gases that are gaseous under normal conditions of temperature and pressure, comprising predominantly hydrocarbons (including methane, ethane and propane) and also carbon dioxide and small amounts of other gases. For the avoidance of doubt, this includes biogas produced at the Christchurch Wastewater Treatment Plant and Burwood Landfill.

Net combined heat output capacity means the maximum rated heat output of all external combustion equipment within a property that may be operated simultaneously at any time. Refer also to "net heat output".

Net energy output capacity in relation to internal combustion equipment, is the useful or delivered energy output at maximum continuous rating, often indicated (in kilowatts or megawatts) on the nameplate of a unit. For generators the kW output is approximately 80% of the kVA rating.

Net heat output means the useful or delivered heat output from external combustion equipment at maximum continuous rating, often indicated (in kilowatts or megawatts) on the nameplate of a unit.

Ngāi Tahu means the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kuri, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kāi Te Ruahikihiki.

Ngāi Tahu Whānui means the collective of the individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely, Kāti Kuri, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kāi Te Ruahikihiki as described in Section 2 of the Te Rūnanga o Ngāi Tahu Act 1996.

Nohoanga means a customary food gathering or living area. Under the Ngāi Tahu Claims Settlement Act 1998 customary fishing reserves have been established with this same name.

Non-complying activity means

if an activity is described in this Act, regulations, or a plan or proposed plan as a non-complying activity,—

- (a) *a resource consent is required for the activity; and*
- (b) *the consent authority may grant the resource consent with or without conditions or decline the resource consent.*

Notional boundary means a line 20 metres from the façade of a dwelling, or the legal boundary of any site where this is closer to the dwelling.

Objective* means a statement of a desired outcome.

Offal means waste comprised of dead animal matter.

Offal pit means a hole excavated in land for the purpose of disposing of offal, but does not include a farm landfill.

Open fire includes all small scale solid fuel burning devices in, or attached to any building, or present on any premises, where:

- (a) the combustion is not totally enclosed; and
- (b) there is no or limited control of primary or secondary air supply; and
- (c) there is a net heat output of 40 kilowatts (kW) or less.

Examples of open fires include (but are not limited to) fireplaces, open hearths, visors, 'Jetmaster' fireplaces, outdoor fireplaces, braziers, and similar devices.

Organic matter means all living and dead material derived from living organisms, or any compounds containing carbon as an essential component.

Organic matter includes organic material from production land, industrial or trade premises, or industrial or trade process, such as dead vegetation, organic farm waste, organic freezing works waste and organic fish processing factory waste.

Outdoor burning means the combustion of any material in the open air, including burning of material in a brazier, in a simple drum or a single combustion chamber waste incineration device, but excludes:

- (a) fireworks; or
- (b) burning of fuels in hangi and barbecues for food cooking purposes; or
- (c) small scale fuel burning devices.

Papakāinga means any facility or activity associated with Māori society that is consistent with tikanga or kawa.

Papatipu Rūnanga means marae based rūnanga. The 18 Papatipu Rūnanga of Ngāi Tahu as at the date of the notification of this plan are described in the First Schedule of the Te Rūnanga o Ngāi Tahu Act 1996.

Permitted activity means

if an activity is described in this Act, regulations, or a plan or proposed plan as a permitted activity, a resource consent is not required for the activity if it complies with the standards, terms, or conditions, if any, specified in the plan or proposed plan.

Petrol means a refined petroleum distillate, normally boiling within the limits of 30°C to 220°C, whether or not it contains additives, intended for use as a fuel in spark-ignition internal combustion equipment. Petrol must have properties that conform to the limits specified in Schedule 1 or 2 of the Petroleum Products Specifications Regulations 1988, when tested by the methods specified in that schedule.

Petroleum means:

- (a) any naturally occurring hydrocarbon (other than coal) whether in a gaseous, liquid or solid state; or
- (b) any naturally occurring mixture of hydrocarbons (other than coal) whether in a gaseous, liquid or solid state; or
- (c) any naturally occurring mixture of one or more hydrocarbons (other than coal) and one or more of the following: hydrogen sulphide, nitrogen, helium or carbon dioxide.

Petroleum product means a chemical that is produced as a result of refining or physical treatment of petroleum, or as a result of a chemical process in which petroleum is a reagent.

Place of public assembly means land or buildings which are used in whole or in part for the assembly or gathering of people for such purposes as meetings, conferences, worship, entertainment, recreation, celebration, education, health care or similar purposes and includes such buildings associated with public or private hotels, retail stores, travellers' accommodation and marae.

Plan means a regional plan unless the context provides otherwise.

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

Polyethylene agricultural and horticultural wrap includes all agricultural and horticultural plastics made from polyethylene such as silage or bale wrap, fertiliser bags, grow bags and ground cover used in indoor cropping.

Production land:

- (a) *Means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products).*
- (b) *Does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals;—*

and 'production' has a corresponding meaning.

Prohibited activity means

if an activity is described in this Act, regulations, or a plan as a prohibited activity, no application may be made for that activity and a resource consent must not be granted for it.

Property means to any area of contiguous land in one ownership, or in more than one ownership if utilised as a single operating unit, and may include a number of sites.

Public amenity areas means those areas to which the public have right of access under any statute, regulation, law or by-law, and are limited to:

- (a) Crown and Local Authority properties, reserves, gardens, and parks;
- (b) sports grounds;
- (c) forest and bush areas;
- (d) pedestrian walkways, malls and precincts;
- (e) beaches, beach reserves, and adjacent foreshore areas;

but shall exclude roadways.

Note: an area where the public is provided access at the discretion of a landowner and/or occupier is not a public amenity area.

Public notice means a notice published in a newspapers circulating in the entire area likely to be affected by the proposal to which the notice relates.

Quarrying means operating premises for the extraction from land of minerals, excluding petroleum, and including processes for the size reduction or screening or storage or washing of minerals on the same property.

Rangatiratanga* refers to tino rangatiratanga meaning full chieftainship and authority, including the right to permit or deny others. Inherent sovereignty.

Re-entry period in relation to agrichemical use means the recommended elapsed time for re-admission into any area where agrichemical applications have been made, without wearing suitable protective equipment.

Refuse handling or disposal system means any facilities or services provided by the territorial local authority with or without a fee, to collect, transfer, or dispose of that waste stream as part of its functions under the Local Government Act 2002. It includes landfills, waste transfer stations, and recycling facilities.

Region, in relation to a regional council, means the region of the regional council as determined in accordance with the Local Government Act 2002.

Regional Rule means a rule made as part of a regional plan or proposed regional plan in accordance with section 68 and section 77A.

Re-refined oil means used oil that has been processed to remove impurities such as particulate, metals, solvents, volatiles, sulphur and chlorine, in order to render the oil suitable for energy recovery.

Residential area means an area, as distinct from a site or individual dwelling, that is used primarily for residential purposes and is specified in an operative district planning map as a residential zone or living zone, and excludes areas zoned as Rural Residential or to similar effect.

Residential or Living Zone means any land which is shown in any operative District Plan in the Canterbury Region as zoned residential or living, but excludes Rural and Rural Residential zones or zones of similar effect. It includes any site which is not used for residential purposes, but which is zoned Residential or Living.

Resource consent* means a consent for an activity that would otherwise contravene the RMA.

Restricted discretionary activity means if an activity is described in this Act, regulations, or a plan or proposed plan as a restricted discretionary activity,—

- (a) a resource consent is required for the activity; and

- (b) *the consent authority must specify in the plan or proposed plan matters to which it has restricted its discretion; and*
- (c) *the consent authority's powers to decline a resource consent and to impose conditions are restricted to matters that have been specified under paragraph (b); and*
- (d) *the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan.*

River means 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 power generation, and farm drainage canal).

Road has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Transit New Zealand Act 1989.

Roadway means that portion of the road devoted particularly to the use of motor vehicles, inclusive of shoulders and auxiliary lanes.

Rohe see "takiwā".

Rūnanga means Ngāi Tahu equivalent of local government formed to protect and defend the rangatiratanga, and the cultural and social values of their hapū.

Sensitive activity means an activity undertaken in:

- (a) the area encompassed by the notional boundary of an occupied dwelling; or
- (b) a residential area; or
- (c) a public amenity area; or
- (d) a place of public assembly.

Sensitive areas include:

- (a) artificial water bodies used for public drinking water supply;
- (b) any river, lake, stream pond or wetland;
- (c) sensitive crops or farming systems (eg organic farms); and
- (d) any place, area or feature of special significance to Tāngata Whenua as identified in this Plan.

Service station means premises used for the retail distribution of motor fuels.

Sewage means any human sewage in a primarily liquid form.

Site means:

- (1) the smaller of an area of land or volume of space with defined boundaries, whether legally or otherwise described, comprised in a single allotment or any other legally defined parcel of land:
 - (a) held in a single certificate of title; or
 - (b) for which a separate certificate of title could be issued without further consent.
- (2) In the case of land subdivided under the cross lease or company lease systems, site shall mean an area of land exclusively restricted to the control of users of that land.
- (3) In the case of land subdivided under the Unit Titles Act 1972, site shall mean an area of land or volume of space containing a principal unit or a proposed unit in a unit plan, together with its accessory units.

“Site” shall also include the access to the site.

Solid animal waste means solid waste of animal origin and includes manure.

Small scale fuel burning device means all heating devices using solid fuel, gas, diesel, oil or other liquid fuels having a net heat output of 40 kilowatts or less, regardless of the nature of the premises where the device is installed. It includes open fires and enclosed burners.

Small scale solid fuel burning device is a small scale fuel burning device which is capable of burning solid fuel.

Small scale wood pellet burning device (‘pellet fire’) is a small scale fuel burning device which is an enclosed burner designed to burn only wood pellets that has a controlled continuous mechanical pellet feed and has a fan to supply combustion air that controls the air/fuel ratio.

Smoke means any product of combustion, complete or incomplete, other than water vapour, which is, or could be, visible in daylight or artificial light.

Solid fuel includes wood, coal and its derivatives, and manufactured fuel pellets.

Solid waste* means primarily solid contaminants for which disposal by discharge into the environment is intended, or which disposal by discharge into the environment would be necessary if other processes such as re-use or recovery cannot be applied.

Structure means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

Takiwā (rohe) means boundary or area.

Tāngata Whenua in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

Taonga* means treasured possessions, including both tangible and intangible treasures, for example, the Māori language.

Taonga species are species of birds, plants, and animals with which Ngāi Tahu have a recognised cultural, spiritual, historic, and traditional association as defined in section 287 Ngāi Tahu Claims Settlement Act 1998.

Te Rūnanga o Ngāi Tahu means the body corporate of Ngāi Tahu Whānui as established under Section 6 of the Te Rūnanga o Ngāi Tahu Act 1996.

Tikanga means Māori people-based rules and regulations; these can vary according to place and time.

Temperature inversion is a condition which occurs when temperature increases with height in a layer of the lower atmosphere. This creates a very stable layer of air which inhibits vertical transport of contaminants away from the ground surface. The most common type of temperature inversion in Christchurch occurs during the colder half of the year during periods of settled weather with clear skies and light winds. Temperature inversions can occur frequently, sometimes several times during one day.

Territorial authority⁶ means a city council or a district council.

Tōpuni means an area of land which has Ngāi Tahu values, and is declared as Tōpuni under section 238 of the Ngāi Tahu Claims Settlement Act 1998. The concept derives from the traditional Ngāi Tahu custom where rangatira extend their mana over areas or people by placing their cloak over them.

⁶ Section 2(1) Local Government Act 1974

Total suspended particulate (TSP) means all particulate matter in the air irrespective of size and generally captures particles less than 20 microns in diameter.

Unconsolidated surface means an area of land which is not sealed to prevent dust from dispersing and may be formed from sand, gravel, soil, or like material.

Urupā* means places, often enclosed, where Māori bury their dead.

Used oil or waste oil means a petroleum or synthetically derived oil where the physical or chemical properties of the oil have changed (due to use or contamination) such that the oil is not suitable for its original purpose. Used oil or waste oil does not include re-refined oil.

Vegetation includes all plants live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn, or harvested, natural or disturbed.

[New provision sought: Definition of vegetation waste

Wāhi taonga* means places (wāhi) of special value.

Wāhi tapu* means a place of sacred and extreme importance.

Waste means materials which are unwanted or surplus to process requirements that the holder discards, or intends to, or is required to discard.

Waste incineration device means a device designed for the deliberate combustion of waste or other material for the purpose of its thermal destruction.

Waste management means the transportation, resource recovery, recycling, storage, treatment and disposal of wastes. It includes (but is not limited to) composting, the disposal of effluent and solid animal waste, the disposal of human sewage, the disposal of offal into pits, disposal of waste at a landfill, waste transfer facilities, disposal of waste in a waste incineration device and cremation, but excludes outdoor burning of waste.

Waste minimisation means implementation of the waste management hierarchy: to reduce, reuse, recycle, recover and manage residual waste.

Waste transfer facility or **waste transfer station** means a waste reception facility where waste can be sorted into components for recycling or special use or for transport to a landfill.

Water

(a) *Means water in all its physical forms whether flowing or not and whether over or under the ground;*

(b) *Includes fresh water, coastal water, and geothermal water;*

(c) *Does not include water in any form while in any pipe, tank, or cistern.*

Water body means *fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.*

Water blasting means the use of high pressure water as the blasting medium to remove surface coatings or prepare surfaces.

Wet abrasive blasting means the addition of water which may include soluble oils, surfactants and/or wetting agents to dry abrasive blasting.

Wetland includes *permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.*

Whānau means family or extended family group.

Wood pellet fuel means pellets made from wood shavings or sawdust bonded together by the wood's natural resins through the process of pelletisation, creating individual pellets of between 6 mm and 8 mm in diameter and a maximum length of 38 mm.

1.3 Administrative processes

1.3.1 Cross boundary processes

Cross-boundary issues involving the jurisdictions of Environment Canterbury and one or more other local authorities or other agencies can arise from:

- (a) differences in plan provisions; and
- (b) adverse effects of activities in one jurisdiction transferring/occurring in another.

For the following reasons there is potential for such issues to arise:

- (a) territorial authority boundaries usually do not match river catchment boundaries;
- (b) Waitaki District Council has territory in both the Otago and Canterbury regions;
- (c) the northern neighbours Tasman and Marlborough district councils, are unitary authorities with both district and regional responsibilities. Their approach to resource management issues will necessarily be different from that of Canterbury. In addition Canterbury shares boundaries with the Otago and West Coast regional councils;
- (d) there is a need for a joint relationship between territorial authorities and Environment Canterbury in managing the coastal environment;
- (e) the Canterbury Region includes the Canterbury Conservancy and parts of both the Nelson-Marlborough and the Otago conservancies of the Department of Conservation;
- (f) several Ngāi Tahu hapū may have interests across regional and district council boundaries. These include Ngāti Kuri in the north, Kāti Huirapa in the south and the boundary with Tai Poutini on the West Coast;
- (g) utility operators have systems that cross territorial and regional boundaries;
- (h) differences in responsibilities under different legislation, for example, Te Rūnanga o Ngāi Tahu responsibilities for Te Waihora (Lake Ellesmere);
- (i) shared interest for major issues, for example, Christchurch City Council air quality responsibilities versus Environment Canterbury responsibilities.

Approaches that Environment Canterbury may use to resolve cross-boundary issues include:

- (a) forming inter-agency committees, working parties or other liaison mechanisms. As appropriate this may include representation from non-statutory organisations such as rūnanga or sector interest groups;
- (b) establishing inter-regional and regional/territorial committees at councillor and staff level;
- (c) using joint processes or consent hearings when other local authorities have an interest in consent applications;
- (d) promoting joint investigations where appropriate;
- (e) clarifying policies in the RPS and the NRRP to territorial authorities. This may include formal and informal participation in their planning processes;
- (f) presenting submissions when necessary on the annual plans of territorial authorities seeking an appropriate allocation of resources to give effect to resource management policies in district and/or regional plans;
- (g) using the statutory processes of the RMA including where appropriate the preparation and adoption of joint plans;
- (h) meeting with papatipu rūnanga and Te Rūnanga o Ngāi Tahu.

1.3.2 Monitoring the overall effectiveness of the NRRP

Environment Canterbury will use the following procedures to review the NRRP and monitor its effectiveness as a means of achieving its objectives and policies:

- (a) develop a strategy that includes indicators to assess the effectiveness of the NRRP;
- (b) record complaints about non-compliance;
- (c) monitor compliance with rules, including consent conditions and standards and terms;
- (d) monitor the environment and especially the environmental results anticipated listed in the NRRP, and compare what has occurred with what was predicted.

1.3.3 Review of the NRRP

A review of any regional plan must be commenced within ten years of its becoming operative, although it may be reviewed or changed at any time after it is operative. In the case of the NRRP, which has been prepared in parts, the last date for review of each part is calculated from the day on which that part was made operative.

Circumstances which may result in a review or change include (but are not limited to):

- (a) changes in legislation;
- (b) new interpretations of the law (case law);
- (c) a new national policy statement, or changes to any existing national policy statement, the Canterbury Regional Policy Statement, or any regional plan of the Canterbury region;
- (d) significant new information or the emergence of new resource management issues;
- (e) requests by any person to change the plan;
- (f) matters specifically identified in individual chapters.

In any of these circumstances, Environment Canterbury will initiate changes or reviews as required, following the procedures set out in the First Schedule of the RMA.

1.3.4 Making resource consent applications and providing information

1.3.4.1 Form of application and information to be provided

Application for a resource consent or other authorisation contemplated within the NRRP should be made in accordance with the procedures and forms established by the RMA and guidelines established by Environment Canterbury with respect to specific authorisations.

Applications for resource consent should be in accordance with section 88 and the Fourth Schedule of the RMA. Section 88 specifies the information that must be provided with a consent application. In particular, an assessment of any effects the activity may have on the environment is required. The Fourth Schedule describes the matters that should be included and considered in such an assessment of effects.

In addition, each chapter of the NRRP may identify specific information requirements, in order to audit the resource consent application or request for approval. The information provided shall be in such detail to correspond with the scale and significance of the actual and potential effects that the activity may have on the environment. In other words, if the environmental effects are likely to be minor, less detail will be required than if the effects could be significant or their extent is not known.

Environment Canterbury has prepared application forms and information booklets to assist applicants when preparing a consent application. **Resource Consent Information Series Booklet 1 – Applying for a Resource Consent** – describes how the application will be processed by Environment Canterbury. Other information booklets provide more specific guidance regarding information required for specific types of consent applications, eg, combustion processes, dust, odours, seed cleaning plants, spray painting, sewage disposal in unsewered parts of the Canterbury region, animal effluent, bores and groundwater, taking of surface water, and excavating gravel from Canterbury riverbeds.

The application forms, information booklets and fee schedules are available from your nearest Environment Canterbury office or from our customer services section by phoning **0800 EC INFO** (0800 32 4636). A list of consultants who may be able to help you prepare an assessment of the effects of the activity is also available.

1.3.4.2 Further information to be provided

Environment Canterbury can ask applicants for resource consents for further information in accordance with section 92 of the RMA, which states:

- (1) A consent authority may, at any reasonable time before the hearing of an application for a resource consent or before the decision to grant or refuse the application (if there is no hearing), by written notice, require the applicant for the consent to provide further information relating to the application.
- (2) A consent authority may commission a report from any person on any matters raised in relation to the application, including a review of any information provided in an application under section 88 or under this section if,—
 - (a) in the opinion of the consent authority, the activity for which the resource consent is sought may have a significant adverse environmental effect; and
 - (b) the applicant is notified before the report is commissioned.
- (3) Any further information requested or a report commissioned under this section must be available at the office of the consent authority no later than 10 working days before the hearing of an application.
- (4) This section does not apply to reports prepared under section 42A.
- (5) Sections 357 and 358 apply to subsections (1) and (2).

1.3.5 Resource consent duration

The period for which any land use consent, or subdivision consent, is granted (other than a coastal permit for reclamation, or a land use consent in respect of the reclamation that would otherwise contravene section 13) is unlimited, unless otherwise specified in the consent. The period for which any other resource consent (other than a coastal permit) is granted is the period (not exceeding 35 years from the date of granting) specified in the consent, and if no such period is specified, is five years from the date of commencement of the consent under the Act.

When considering the duration of any resource consent to be granted, Environment Canterbury will grant the resource consent for as long as is consistent with sustainable management having particular regard to the following matters:

- (a) the nature and sensitivity of the affected environment, including:

- (i) the degree to which the sensitivity of the affected environment may become more sensitive over time; and
 - (ii) the probability of future adverse effects arising from the consented activity; and
 - (iii) the level of knowledge about the affected environment; and
- (b) the nature of the activity, including:
- (i) the degree to which the methods used to avoid, remedy or mitigate the adverse effects of the consented activity are of a temporary nature and the time that is practicable for the consent holder to implement other options; and
 - (ii) the level of compliance monitoring, environmental impact monitoring, reporting and action required by the conditions on the resource consent; and
 - (iii) the significance of the activity relative to the existing situation and the capacity of the affected environment; and
 - (iv) the duration of consent sought by the applicant; and
 - (v) the rate of change in technology that may mitigate adverse effects resulting from the activity; and
 - (vi) the permanence and the economic life of the activity; and
 - (vii) the costs and benefits of the activity to the community; and
 - (viii) the consent holder's capital investment in a pre existing activity; and
 - (ix) any documented and proven history of non-compliance with the requirements of the RMA, and the response to that non-compliance by the consent authority and those undertaking the activity; and
 - (x) guidance from resource management case law; and
 - (xi) any resource management work committed to by the consent holder which will have positive or beneficial environmental effects and is dependent on consent duration; and
- (c) any other relevant matters.

The above list of criteria provides guidance in determining the appropriate duration of any resource consent to be granted by Environment Canterbury. It does not restrict the consent authority's discretion in each case to grant a resource consent for a duration based on the particulars of the individual consent applications.

If after consideration of the above, no significant concerns are identified then there is a case for a long-term, 35 year, resource consent. Conversely if significant concerns are identified, then there is a case for restricting the duration of the resource consent to a shorter duration.

