

# **PART V: RULES**

*This part identifies those activities which will be allowed without a resource consent, and those activities which can only be undertaken with a resource consent. It also contains the Information Requirements for Resource Consent Applications and the Assessment Criteria that will be used by the Council to make decisions.*



## 14. RULES

### 14.1 INTRODUCTION

This section sets out the rules which apply to:

1. Activities involving the taking, use, damming and diverting of surface water and groundwater, including the construction of groundwater bores;
2. Activities associated with the beds of rivers and lakes, such as structures and excavation;
3. Discharges of water into water, and the discharge of contaminants into water, or onto or into land;
4. Land disturbance activities for the purposes of soil conservation and the maintenance and enhancement of water quality, water quantity, and the avoidance or mitigation of natural hazards.

Each rule specifies activities which are permitted, controlled, restricted discretionary, discretionary or prohibited.

A **permitted activity** is an activity which is allowed without a resource consent if it complies with the conditions specified in this Plan.

A **controlled activity** is an activity which:

1. Is provided for as a controlled activity by a rule in this Plan; and
2. Complies with the standards and terms specified in this Plan for such controlled activities; and
3. Is assessed according to the matters that the Council has reserved control over in this Plan; and
4. Is allowed only if a resource consent is obtained in respect of the activity.

An application for a resource consent for a controlled activity must be granted by the Council, but it may impose conditions relating to the specific matters stated in the rule. These applications will be non-notified unless the Council considers special circumstances exist to require notification.

A **restricted discretionary activity** is an activity:

1. Which is provided for, as a restricted discretionary activity, by a rule in this Plan; and
2. Which may have standards and terms specified in this Plan; and
3. Which is allowed only if a resource consent is obtained in respect of that activity; and
4. Is assessed according to the matters over which the Regional Council has reserved discretion in this Plan.

A **discretionary activity** is an activity:

1. Which is provided for, as a discretionary activity, by a rule in this Plan; and
2. Which is allowed only if a resource consent is obtained in respect of that activity; and
3. Which may have standards and terms specified in this Plan; and
4. In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in this Plan for that activity.

Clause (d) provides for the limited discretionary class of consents.

A **prohibited activity** is an activity which this Plan expressly prohibits, and for which no resource consent can be applied for or granted. It is possible to seek a plan change reclassifying an activity that is prohibited.

A **non-complying activity** is an activity (not being a prohibited activity) which:

1. Contravenes a rule in this Plan; and
2. Is allowed only if a resource consent is obtained in respect of that activity.

A consent authority cannot grant a resource consent for a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor, or granting the consent will not be contrary to objectives and policies of this Plan.

A resource consent to take, use, dam or divert surface or groundwater is called a 'water permit'. A resource consent to discharge water or contaminants to land or water is called a 'discharge permit'. A 'land use consent' is the term given to resource consents for structures or works associated with the beds of rivers and lakes, and land disturbances activities on land.

Sections 36 and 37 set out the Information Requirements and Assessment Criteria which support the rules and are applied to the assessment of applications. These are in addition to the more general provisions of Section 88 and the Fourth Schedule to the Act.

## 14.2 HOW TO USE THE RULES

### 14.2.1 Rules for Discharges to Land or Water

The rules for discharges are grouped according to the type and/or source of the contaminant. For each type of contaminant, rules for permitted activities are listed, followed by those which are controlled activities, restricted discretionary activities, discretionary activities, non-complying activities and finally prohibited activities. For some discharges, there may be no rule for controlled or discretionary activities. The type of contaminants and the section number is as follows:

Section 15     Sewage.

Section 16     Animal effluent.

Section 17	Other agrichemical waste – silage leachate, dead stock, offal, waste fruit and vegetable produce.
Section 18	Agrichemicals.
Section 19	Solid waste – cleanfills, landfills.
Section 20	Industrial or trade discharges.
Section 21	Stormwater (urban).
Section 22	Runoff from roads (not urban) and from land disturbance activities.
Section 23	Other – fertilisers, subsurface drainage, holding tank water, swimming and spa pool water, tracer substances, sluicing water, petroleum oil and diesel.

Under s.15 of the Act;

- (1) *No person may discharge any –*
- (a) *Contaminant or water into water; or*
  - (b) *Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
  - (c) *Contaminant from any industrial or trade premise into air; or*
  - (d) *Contaminant from any industrial or trade premise onto or into land –*
- Unless the discharge is expressly allowed by a rule (in a regional plan and in any relevant proposed regional plan), a resource consent or regulations.*

An explanation of a rule is given where it is considered necessary.

#### 14.2.2 Rules for Take, Use, Damming or Diverting of Water

Rules for taking, using, damming or diverting water are grouped according to the nature of the activity, for example, rules for the take, use, damming and diverting groundwater or rules for bore construction works are grouped together. Rules are also included for the use in, on, under or over the bed of a river or lake. For each section permitted activities are listed, followed by controlled activities, restricted discretionary activities, discretionary activities, non-complying activities and finally prohibited activities. However, not all of the sections dealing with the take, use, damming or diverting of water contain all of the levels of regulation. The sections dealing with the take, use, damming or diverting of water are as follows:

Section 24	Rules for the taking, use, damming and diverting of surface water.
Section 25	Rules for the taking, use and diverting of groundwater.
Section 26	Rules for bore construction activities.
Section 27	Rules for drainage and river control activities.
Section 28	Rules for dams.
Section 29	Rules for structures (other than dams) in, on, under or over the beds of rivers or lakes.
Section 30	Rules for introduction or planting of plants in, on or under the bed of a rivers or lakes

Section 31 Rules for other uses of rivers or lake beds.

An explanation of a rule is given where it is considered necessary.

Under s.13 of the Act;

- (1) *No person may, in relation to the bed of any lake or rivers –*
- (a) *Use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of a structure in, on, under, or over the bed; or*
  - (b) *Excavate, drill, tunnel or otherwise disturb the bed; or*
  - (c) *Introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on, or under the bed; or*
  - (d) *Deposit any substance in, on, or under the bed; or*
  - (e) *Reclaim or drain the bed-*
- unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan.*

Section 14 of the Act provides for the taking, use, damming or diverting of water. The subsections relevant to this Plan read:

- (1) *No person may take, use, dam or divert any-*
- (a) *Water (other than open coastal water); or*
  - (b) *Heat or energy from water (other than open coastal water); or*
  - (c) *Heat or energy from the material surrounding any geothermal water-*
- unless the taking, use, damming, or diversion is allowed by subsection (3).*
- ...
- (3) *A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if-*
- (a) *The taking, use, damming or diversion is expressly allowed by a rule in a regional plan (and in any relevant proposed regional plan) or a resource consent; or*
  - (b) *In the case of freshwater, the water, heat, or energy is required to be taken or used for-*
    - (i) *An individual's reasonable domestic needs; or*
    - (ii) *The reasonable needs of an individual's animals for drinking water,-*
- and the taking or use does not, or is not likely to, have an adverse effect on the environment; ...*

It should be noted that, to ensure comprehensive coverage of the use of beds of lakes and rivers, and the taking, using, damming, or diverting of water within this Plan, if any such activity is not covered by a rule in the above sections, then it becomes a discretionary activity except for Section 24, where the activity becomes non-complying.

### 14.2.3 Rules for Land Disturbance Activities

Rules for Land Disturbance Activities are grouped according to the land's sensitivity to land disturbance activities. This is based on how erosion prone the land is, and the proximity to water bodies. Erosion prone land (refer Definitions) has been determined using the New Zealand Land Resource Inventory. The sections which contain rules for those areas are as follows:

Section 33 Land disturbance activities.

Section 34 Land disturbance activities in the Riparian Management Zone.

The types of land disturbance activities for which there are rules include Vegetation Clearance, Earthworks, and Land Preparation. These are defined in Section 41.

To determine whether a resource consent is needed to undertake one of these activities on a property, it will be necessary to look at a Land Use Capability map. Erosion Prone Land is shown on maps at 1:100,000 which are included in the Maps folder of this Plan. Further information and advice are available at all Regional Council offices.

For any activity which is not covered by the scope of the definitions and rules, that activity can be undertaken without a resource consent.

However, it is every person's duty to avoid, remedy or mitigate adverse effects on the environment arising from an activity carried on, by or on behalf of that person. Land users are therefore advised to take heed of the environmental standards for land disturbance activities that are contained in Section 32, in order to avoid any adverse effects on the environment.



## 15. RULES FOR SEWAGE DISCHARGES

### 15.1 PERMITTED ACTIVITIES

The following discharges of sewage effluent are permitted activities:

1. **The discharge of domestic sewage effluent (not including stormwater or sullage water) into land from a pit privy is a permitted activity**, provided that:
  - (a) The lowest point of the disposal hole is not less than 1.2 metres above the winter (June, July or August) groundwater table.
  - (b) The privy is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour.
  - (c) The separation distance between the pit privy and any surface water body is not less than 10 metres.
  - (d) The separation distance between the pit privy and any water supply bore is not less than 20 metres.
  - (e) The pit privy is more than 60 metres away from a connection to a public sewer.
  - (f) There is a minimum separation distance of 3 metres from property boundaries and from any building other than out-buildings or ancillary buildings and it should be constructed to exclude flies.
  - (g) The minimum property area or the total lot area for one pit privy shall be no less than 350 square metres.

**Explanation:** *In order to be an effective means of sewage effluent disposal, pit privies need to be situated above groundwater tables and away from surface water bodies and/or water supply bores. Pit privies should not be situated in very free draining soils such as coarse sands and gravels. NZS: 4610:1982 "Household Septic Tank Systems Amendment No. 1" (June 1991) provides an appropriate procedure for percolation testing of soils (Appendix 8).*

2. **Any existing discharge, at the date this Plan was notified<sup>2</sup>, of:**
  - (1) **Sewage effluent (not including stormwater) into or onto land from on-site sewage treatment and disposal systems; or**
  - (2) **Primary treated sewage effluent into land via deep soakage or rapid infiltration systems;**

**is a permitted activity**, provided that:

- (a) The discharge results in no more than minor contamination of ground and surface water beyond a 20 metre separation distance measured horizontally from any part of the disposal system, or beyond the

<sup>2</sup> Date of Notification of Plan 27 April 1995

boundary of the property on which the discharge is taking place, whichever is the lesser.

- (b) There is no surface runoff of any contaminants from the disposal area.
- (c) The effluent discharge volume does not exceed 3 cubic metres per day, averaged over the month of greatest discharge.
- (d) The maximum volume of effluent discharged does not exceed 6 cubic metres over any 24-hour period.
- (e) Where the total lot area of the property is reduced (e.g. through subdivision), the newly created lot on which the existing discharge is continuing is large enough to accommodate a reserve area equivalent to:
  - (i) 100% of the existing effluent disposal area where the sewage effluent has received primary treatment; or
  - (ii) 30% of the existing effluent disposal area where the sewage effluent has received secondary treatment.

**Explanation:** *There are many existing on-site treatment and disposal systems that fail to meet the minimum groundwater and surface water separation distances required for new on-site treatment and disposal systems (refer also Rule 15.01.03). It is considered that provided an existing on-site treatment and disposal system is having no more than a minor effect on ground and surface water quality then that discharge can continue.*

*Subdivision of land that has an existing on-site treatment and disposal system often results in the reduction of available land that was previously set aside for reserve disposal area purposes. The reduced reserve area for secondary treated wastewater is due to the higher quality wastewater reducing the likelihood of premature failure of the disposal area.*

**3. The discharge of primary treated sewage effluent (not including stormwater) into or onto land from on-site treatment and disposal systems is a permitted activity, provided that:**

- (a) The lowest point of the disposal system is not less than 1.2 metres above the winter (June, July or August) groundwater table.
- (b) A filter, which screens the effluent to less than 3.5 millimetres, is fitted on the outlet of the septic tank.
- (c) No part of the disposal area and reserve area is located within 20 metres, measured horizontally, of any existing groundwater bore located on any other property.
- (d) No part of the disposal area and reserve area is located within 20 metres, measured horizontally, of any surface water (as defined in this Plan).
- (e) The effluent is evenly distributed to the entire infiltration surface of the disposal system.
- (f) The selection and sizing of the treatment and disposal system has been based on:
  - (i) the volume of the discharge;

- (ii) the appropriate design loading rate for the identified soil type; and
- (iii) has taken into account any constraints identified by a detailed site investigation.

The Council will accept as compliance with (f)(i – iii) an effluent treatment system designed in accordance with the principles and procedures outlined in Australian/New Zealand Standard “*On-site Domestic Wastewater Management*” (AS/NZS 1547:2000).

- (g) There is no surface runoff of any contaminants from the disposal area.
- (h) The discharge results in no more than minor contamination of ground and surface water beyond a 20 metre separation distance measured horizontally from any part of the disposal system, or beyond the boundary of the property on which the discharge is taking place, whichever is the lesser.
- (i) The volume of effluent discharged does not exceed 3 cubic metres per day, averaged over the month of the greatest discharge.
- (j) The maximum volume of effluent discharged does not exceed 6 cubic metres over any 24 hour period.
- (k) A reserve area equivalent to 100% of the design disposal area has been allowed for and set aside.

**4. The discharge of secondary treated sewage effluent (not including stormwater) into or onto land from on-site treatment and disposal systems is a permitted activity, provided that:**

- (a) The lowest point of the disposal system is not less than 0.6 metres (600 millimetres) above the winter (June, July or August) groundwater table.
- (b) Prior to being discharged to ground the effluent is treated to a standard such that:
  - (i) the five day biochemical oxygen demand (BOD<sub>5</sub>) of any sample taken is less than or equal to 30 grams per cubic metre; and
  - (ii) the total suspended solids (TSS) concentration of any sample taken is less than or equal to 45 grams per cubic metre.
- (c) No part of the disposal area and reserve area is located within 20 metres, measured horizontally, of any existing groundwater bore located on any other property.
- (d) No part of the disposal area and reserve area is located within 15 metres, measured horizontally, of any surface water (as defined in this Plan).
- (e) The effluent is discharged into or onto land using a dripper system that has been designed to evenly distribute effluent and to avoid clogging by soil or root intrusion.
- (f) The selection and sizing of the treatment and disposal system has been based on:
  - (i) the volume of the discharge;

- (ii) the appropriate design loading rates for the identified soil type; and
- (iii) has taken into account any constraints identified by a detailed site investigation.

The Council will accept as compliance with (f)(i – iii) an effluent treatment system designed in accordance with the principles and procedures outlined in Australian/New Zealand Standard “*On-site Domestic Wastewater Management*” (AS/NZS 1547:2000).

- (g) There is no surface runoff of any contaminants from the disposal area.
- (h) The discharge results in no more than minor contamination of ground and surface water beyond a 20 metre separation distance measured horizontally from any part of the disposal system, or beyond the boundary of the property on which the discharge is taking place, whichever is the lesser.
- (i) The volume of effluent discharged does not exceed 3 cubic metres per day, averaged over the month of greatest discharge.
- (j) The maximum volume of effluent discharge does not exceed 6 cubic metres over any 24 hour period.
- (k) A reserve area equivalent to 30% of the design disposal area has been allowed for and set aside.
- (l) A programmed maintenance contract for the treatment and disposal system is entered into.

**Explanation:** *Any new on-site sewage effluent treatment and disposal system will need to comply with Rules 15.01.03 or 15.01.04 in order to be a permitted activity.*

*The above rules do not cover the discharge of sewage effluent to deep soakage or rapid infiltration systems (refer also Rule 15.03.03).*

*The clearance between the bottom of the disposal system and the winter groundwater table provides protection for groundwater quality as the effluent will receive further treatment as it moves through the unsaturated soil horizons. A methodology for determining the winter groundwater level from soil investigations carried out during other seasons of the year is contained in the Auckland Regional Council’s Technical Publication Number 58 “On-site Wastewater Disposal from Households and Institutions” (TP58), Second Edition (November, 1994).*

*Secondary treatment systems rely upon servicing to ensure that the system functions correctly. The maintenance contract required in 15.01.04(l) is entered into between the supplier and the owner of the system and not with the Council.*

**5. The discharge of sullage water into or onto land from a disposal system is a permitted activity, provided that:**

- (a) The lowest point of the disposal system is not less than 0.6 metres (600 millimetres) above the winter (June, July or August) groundwater table.

- (b) The sullage water receives pre-treatment before discharge to ground in a settlement tank with a minimum capacity of 1,800 litres.
- (c) A filter, which screens the sullage water to less than 3.5 millimetres, is fitted on the outlet of the settlement tank.
- (d) No part of the disposal area and reserve area is located within 20 metres, measured horizontally, of any existing groundwater bore located on any other property.
- (e) No part of the disposal area and reserve area is located within 20 metres, measured horizontally, of any surface water (as defined in this Plan).
- (f) The sullage water is evenly distributed to the entire infiltration surface of the disposal system.
- (g) The selection and sizing of the treatment and disposal system has been based on:
  - (i) the volume of the discharge;
  - (ii) the appropriate design loading rates for the identified soil type; and
  - (iii) has taken into account any constraints identified by a detailed site investigation.

The Council will accept as compliance with (g)(i – iii) an effluent treatment system designed in accordance with the principles and procedures outlined in Australian/New Zealand Standard “*On-site Domestic Wastewater Management*” (AS/NZS 1547:2000).

- (h) There is no surface runoff of any contaminants from the disposal area.
- (i) The discharge results in no more than minor contamination of ground and surface water beyond a 20 metre separation distance measured horizontally from any part of the disposal system, or beyond the boundary of the property on which the discharge is taking place, whichever is the lesser.
- (j) The volume of the sullage water discharged does not exceed 3 cubic metres per day, averaged over the month of greatest discharge.
- (k) The maximum volume of sullage water discharged does not exceed 6 cubic metres over any 24 hour period.
- (l) A reserve area equivalent to 100% of the design disposal area has been allowed for and set aside.

**Explanation:** *Any new discharges of sullage water (wastewater from showers, kitchens and laundries) into or onto land will need to comply with this rule in order to be a permitted activity.*

*Raw sullage water has low concentrations of biological contaminants but relatively high concentrations of organic matter, suspended solids and nutrients. When there is insufficient pre-treatment of sullage water the high concentration of suspended solids and organic matter can cause the disposal system to fail prematurely.*

*The clearance between the bottom of the disposal system and the winter groundwater table provides protection for groundwater quality as the sullage water will receive further treatment as it moves through the unsaturated soil horizons. A methodology for determining the winter groundwater level from soil investigations carried out during other seasons of the year is contained in the Auckland Regional Council's Technical Publication Number 58 (TP58) "On-site Wastewater Disposal from Households and Institutions", Second Edition (November, 1994).*

*A 20 metre horizontal separation distance from existing groundwater bores and surface water is considered sufficient to protect the water quality of these resources.*

**Note:** For the purposes of this section, the following criteria will be used to determine whether contamination of ground and surface water is no more than minor.

**Criteria:**

1. The level of treatment the sewage receives prior to discharge and the expected quality of the final sewage effluent prior to being discharged.
2. The drainage characteristics of the soils in the vicinity of the discharge point and their ability to retain contaminants expected in sewage effluent.
3. The separation distance between the lowest point of the disposal system and the underlying groundwater and whether or not there are any impervious layers beneath the disposal system.
4. The proximity and relative location of surface water bodies to the discharge point, the nature of the water bodies, and the existing uses of the water bodies.
5. The mitigation measures associated with the disposal system (e.g. perimeter cutoff drains, planting of species around the disposal system that have high evapotranspiration rates, management plans etc).

## 15.2 CONTROLLED ACTIVITIES

The following discharge of sewage is a controlled activity:

1. **The unplanned discharge of raw sewage from a sewage pump station or contributing pipe network onto or into land or into water is a controlled activity** provided that:
  - (a) Each sewage pump station in the sewerage system has an automatic control and alarm system that provides:
    - (i) immediate notification of pump failure;
    - (ii) automatic switching to a standby pump;
    - (iii) immediate notification of station failure to pump sewage;

- (iv) notification when a system overflow is imminent, where imminent is not less than five minutes; and
  - (v) power supply backup for the alarm system.
- (b) Each sewage pumping station has at least one dedicated standby pump that will activate in the event of failure of the duty pump(s). The capacity of the standby pump(s) shall be at least equal to that of the largest pump in the station.
- (c) The sewage pump station has a storage capacity of not less than 12 hours (based on the average dry weather flow) to reduce the frequency of overflows of sewage.

For the purpose of determining compliance with condition (c) the storage volume provided shall be that calculated from the pump high level alarm point to the lowest point at which an overflow will occur, including any storage provided in the upstream reticulation.

#### **Matters Subject to Control**

- (1) Alarm systems and response standards.
- (2) Notification procedures in the event of a discharge occurring
- (3) Overflow monitoring and remediation measures to receiving environment.
- (4) Frequency of overflows.
- (5) Measures provided to minimise the discharge of floatable solids.
- (6) Record keeping and reporting requirements.
- (7) Alternation of duty pump.

**Notification:** An application for a controlled activity under Section 15.02.01 will not be notified unless the Council considers that subject to the provisions of Section 94C(2) of the Act special circumstances exist.

**Note:** Sensitivity of the receiving environment is an important factor in assessing the special circumstances that will require notification. Discharges in the vicinity of a marine farm or bathing beach are examples of areas where the Council may require notification.

**Explanation:** *This rule allows for discharges, which do occur from time to time but are not covered by Section 330A of the Act, Emergency Works.*

*This rule recognises that overflows can only be managed and not entirely prevented. Mechanical failure can be reduced to a minimum by effective maintenance.*

*Sewage pumping stations that existed before the notification of this document may be required to upgrade over a period of time. It may not be possible to have all pump stations on a large network able to meet all criteria for a controlled activity. Some may be discretionary activities. Therefore, an*

*individual assessment is required that identifies upgrading for existing pump stations.*

### 15.3 DISCRETIONARY ACTIVITIES

The following discharges of sewage effluent are discretionary activities:

**1. The discharge of:**

- (a) sewage effluent; or**
- (b) sewage sludge;**

**into or onto land in a manner outside the scope of or unable to meet the conditions pertaining to the permitted activity Rules 15.01.01, 15.01.02, 15.01.03, 15.01.04, is a discretionary activity.**

However, any discharge to land which results in runoff to water via discrete flow paths, such as channels, drains or tracks, is considered to be a direct discharge to water and would be covered by Rule 15.03.02.

Existing discharges of sewage effluent to deep soakage systems (including deep bores and soak holes) and rapid infiltration systems which are having adverse effects can either be upgraded to comply with Rule 15.01.03 as a permitted activity or will, under this rule, require a resource consent in order to avoid, minimise or mitigate the adverse effects.

**2. The discharge of treated sewage effluent directly into a water course from a sewage treatment and disposal system is a discretionary activity, provided that:**

- (a) The watercourse does not flow into any dune lake listed in Schedule E.**

***Explanation:*** *The effect of any discharge of treated effluent to water depends on the level of treatment and the size of the receiving water body. It also depends on the sensitivity of the receiving water, ecologically and culturally. Site specific investigations are required to ensure any adverse effects are avoided, minimised or mitigated. Therefore a resource consent is required.*

*Closed systems such as dune lakes are more sensitive to the adverse effects of effluent discharges. Dune lakes have high recreational and aesthetic qualities and are an important tourist feature of Northland. Discharges to water in these catchments would threaten those qualities.*

*Applications for a resource consent in respect of these discretionary activities will be publicly notified unless the provisions of s.94 of the Act are complied with; see Section 38 of this Plan.*

**3. Any new discharge of sewage effluent into land via deep soakage systems (including deep bores and soak holes) is a discretionary activity.**

**Explanation:** *There is a high risk of groundwater and surface water pollution occurring as a result of this level of treatment and method of disposal. In addition such systems have an adverse effect on land stability. Therefore a resource consent is required.*

4. **The discharge of sewage from a sewage pump station and pipe network onto or into land or into water that is unable to comply with the requirements of Rule 15.02.01 is a discretionary activity.**

#### **15.4 NON-COMPLYING ACTIVITIES**

There are no non-complying activities for discharges of sewage effluent.

#### **15.5 PROHIBITED ACTIVITIES**

The following discharges of sewage effluent are prohibited activities:

1. **The discharge of untreated sewage into water, except as provided for under Rules 15.02.01 or Rule 15.03.04 is a prohibited activity.**
2. **The discharge of treated sewage effluent into any dune lake listed in Schedule E is a prohibited activity.**

**Explanation:** *Closed systems such as dune lakes are more sensitive to the adverse effects of effluent discharges. Dune lakes have high recreational and aesthetic qualities and are an important tourist feature of Northland. Discharges into these lakes would threaten those qualities.*

3. **The discharge of untreated or disinfected sewage effluent from portable toilets except to an authorised treatment system is a prohibited activity.**

**Explanation:** *This rule seeks to address the discharge of untreated or disinfected sewage effluent from portable toilets such as those found in mobile homes. The discharges of such sewage is only acceptable in an authorised treatment system.*



## 16. RULES FOR ANIMAL EFFLUENT DISCHARGES

### 16.1 PERMITTED ACTIVITIES

The following discharges of animal effluent are permitted activities:

**The discharge of the following effluents:**

- (i) Animal effluent;**
- (ii) Water containing animal effluent; and/or**
- (iii) Farm wastewater**

**onto or into land is a permitted activity, provided that:**

- (a) There is no discharge:
  - (i) Directly into surface water;
  - (ii) Into surface water or Coastal Marine Area via overland flow;
  - (iii) Into surface water or Coastal Marine Area via any tile, mole or other subsurface drain; and/or
  - (iv) Directly into groundwater.
- (b) The effluent is not discharged to land within a distance of:
  - (i) 20 metres of any river, stream, lake, Coastal Marine Area or indigenous wetland;
  - (ii) 20 metres of any artificial watercourse (including an open drain) when containing water or 10 metres when not containing any water;
  - (iii) 20 metres from the bore head for any water supply bore;
  - (iv) 20 metres from any neighbouring property owned or occupied by another person; and/or
  - (v) 50 metres from any occupied dwelling.
- (c) There are contingency measures in place to ensure that there is no contravention of the conditions 16.01.01 (a), (b), (e), (f), (g) and (i) –
  - (i) In the event of pump, irrigator or other system failure;
  - (ii) When the soil and/or weather conditions are unsuitable for discharge to land.
- (d) Any effluent storage or effluent treatment facilities shall be sealed or lined with low permeability material to ensure no more than minor contamination of groundwater by seepage.
- (e) The effluent is not discharged in a manner that results in ponding on the land surface for longer than 3 hours following application.
- (f) The effluent is discharged in a manner that:
  - (i) evenly distributes the effluent;
  - (ii) does not exceed the soil's ability to assimilate (absorb) the effluent; and
  - (iii) minimises overland flow. In addition, any overland flow of effluent that does occur does not enter any setback distances in (b)(i-v) at any time.
- (g) The discharge does not cause an offensive or objectionable odour to the extent that it causes an adverse effect beyond the boundary of the property.

- (h) Any discharge from vehicles used for the purpose of transporting animals onto any public road or roadside reserve does not involve the emptying (in part or in whole) of containment facilities and:
- is no greater than 10 metres in length or 10 litres in volume (whichever is the lesser) during dry weather conditions or during rainfall events of up to 5mm per hour; or
  - occurs during rainfall events of 5 mm per hour or more.
- (i) The discharge results in no more than minor contamination of groundwater and surface water beyond a 20 metre separation distance measured horizontally from the outer edge of the land application area. In no case shall the discharge result in a lowering of water quality so that the receiving water body can no longer meet the water quality purpose set out in Objective 7.4.1.
- (j) From the date that a written request is received from the Northland Regional Council (if one is made), the person(s) undertaking this activity shall commence keeping a written record of the following information and provide a copy of it to the Council:
- Date and time of discharge;
  - Discharge rates;
  - Land application area;
  - Frequency of discharges;
  - Contingency measures; and
  - Maintenance records.

**Explanation:** *This rule provides for the discharge and disposal/management of animal effluent and farm wastewater from dairies and adjacent entrance and exit races, dairy yards, holding yards, standoff pads, loafing pads, feed pads, wintering barns, calf rearing facilities, piggeries, poultry farms, stock underpasses, sale yards, transit races if used for standoff and the like. It includes feedlots and standoff areas on beef farms and land application of liquid and sludge from treatment/storage ponds.*

*The discharge of animal effluent and farm wastewater to land will have no more than minor adverse effects on the environment if effluent is not applied in excess of the soil's ability to assimilate (absorb) the effluent and remove contaminants. Discharging in a manner that does not take this into account risks pollution of surface and ground water and results in pasture that is unsuitable for grazing.*

*It is not the intent of the permitted activity rule to control dung and urine deposited by individual animals put out to graze on the land or while crossing roads. It is however the intent of the rule to control the discharge of dung and urine collected from individual animals whilst they are grazing on supplementary feed within farm buildings and yards, feedpads, races or other stand-off areas.*

*Contingency measures, such as storage ponds, excess storage or large available disposal areas, are required to ensure that no discharge of animal effluent or farm wastewater to any surface water body will occur, even during prolonged wet weather.*

*Due to different soil types and pond designs, advice should be sought, on a case-by-case basis, from a suitable qualified engineer to determine what is required to effectively seal any effluent pond prior to construction.*

*Discharges from vehicles transporting animals on public roads or roadside reserves, whether accidental or not, may constitute a breach of this permitted activity rule.*

*Criteria (h) permits discharges in certain circumstances to recognise the practicalities of transporting animals and to cater for such occurrences as extremely heavy rainfall events where the capacity of holding tanks are unable to accommodate the extra volume of water.*

*Council will monitor compliance with conditions (a) through (i) and charge for inspections as established through the LTCCP and Council's charging policy.*

## 16.2 CONTROLLED ACTIVITIES

There are no controlled activities for animal effluent discharges.

## 16.3 DISCRETIONARY ACTIVITIES

The discharge of the following effluents:

- (i) Animal effluent;
- (ii) Water containing animal effluent; and/or
- (iii) Farm wastewater.

**in a manner which is outside of the scope of permitted activity rule and is not a prohibited activity is a discretionary activity.**

**Note:** This rule applies to all discharges to land that do not comply with permitted activity rule 16.01.01 and all discharges to water that are not prohibited activities under rules 16.05.01 and 16.05.02.

## 16.4 NON-COMPLYING ACTIVITIES

There are no non-complying activities for animal effluent discharges.

## 16.5 PROHIBITED ACTIVITIES

The following discharges of animal effluent are prohibited activities:

1. **The discharge of treated animal effluent into any dune lake or any watercourse flowing into any dune lake listed in Schedule E or any river, section of river or lake deemed to have outstanding values, as shown in Appendix 18 is a prohibited activity.**

***Explanation:** Closed systems such as dune lakes are more sensitive to the adverse effects of effluent discharges. Dune lakes have high recreational and aesthetic qualities and are an important tourist feature of Northland. Discharges into these lakes would threaten those qualities.*

2. **The discharge of untreated animal effluent from point sources directly to water is a prohibited activity.**

***Explanation:** The discharge of untreated animal effluent to water will have adverse effects on water quality and stream life, particularly in low-flowing rivers and streams in intensively farmed areas. The discharge of untreated*

*animal effluent to water is prohibited as it does not provide for the cultural well-being, health and safety, of individuals and communities, nor the other matters in Part II of the Act. This rule applies to animal effluent from farm dairies, piggeries, stock and sale yards, wintering barns and the like.*

*It is not considered practical to apply this rule to animals defecating directly into water.*





## 17. RULES FOR OTHER AGRICULTURAL WASTE DISCHARGES

### 17.1 PERMITTED ACTIVITIES

The following discharges of agricultural wastes are permitted activities:

**1. The discharge of contaminants into or onto land in association with the:**

- (1) making of silage;**
- (2) disposal of dead stock; or the**
- (3) disposal of offal;**

**is a permitted activity**, provided that:

- (a) The discharge is not less than 50 metres measured horizontally from any surface water or water supply bore.
- (b) The discharge is not less than 50 metres from any residence.
- (c) There is no direct discharge of leachate to surface water.
- (d) Catchment runoff is prevented from entering the disposal site.
- (e) Offal pits and dead stock disposal sites are covered to prevent nuisance odours and exclude vermin.
- (f) The volume of offal or dead stock disposed of on any one property does not exceed five cubic metres per year.
- (g) The volume of any silage pit is not greater than 1,000 cubic metres per site.

**Explanation:** *The leachate from the breakdown of plant and animal matter contains high levels of organic matter and nutrients which can have an adverse effect on water quality. The siting of silage pits and offal holes away from water bodies and water supply bores will avoid those effects. Areas that carry water during storm conditions, such as gullies and low lying areas, or which have highly porous soils, should also be avoided.*

Staff Interpretation Available <https://thehub:443/id:A118197>

**2. The discharge of contaminants into or onto land in association with the disposal (dumping) of produce (fruit and vegetables) is a permitted activity**, provided that:

- (a) Where disposal is into land (trenches or pits):
  - (i) The discharge is not less than 50 metres measured horizontally from any water body or water supply bore,
  - (ii) The discharge is not less than 50 metres from any residence.
  - (iii) Disposal trenches or pits are not more than two metres deep.
  - (iv) Catchment runoff is prevented from entering the disposal site.

- (b) Where disposal is onto land (land spreading):
  - (i) The discharge is not less than 20 metres from any water body or water supply bore.
  - (ii) The discharge is not less than 20 metres from any residence.
  - (iii) The produce is spread no more than one layer deep or to a depth of not more than 100 millimetres.
- (c) There is no direct discharge of leachate to surface water.
- (d) There is no odour that is offensive or objectionable at or beyond the boundary of the property of the disposal site.

**Explanation:** *Decomposing fruit in dumps can discharge a leachate of high organic content (leachate from decomposing kiwifruit is 40 times more concentrated than sewage). Adequate separation distances are therefore important. Fruit also breaks down more rapidly in shallow trenches, and therefore a maximum depth is restricted to two metres.*

## 17.2 CONTROLLED ACTIVITIES

There are no controlled activities for other agricultural waste discharges.

## 17.3 DISCRETIONARY ACTIVITIES

The following discharges of agricultural wastes are discretionary activities:

1. **The discharge of contaminants into or onto land in association with the:**
  - (1) **making of silage;**
  - (2) **disposal of dead stock;**
  - (3) **disposal of offal; or the**
  - (4) **disposal of waste vegetables and fruit produce;**

**in a manner outside the scope of or unable to meet the conditions pertaining to Rules 17.01.01 and 17.01.02 is a discretionary activity.**

Applications for a resource consent in respect of these discretionary activities will be notified unless the provisions of Section 94 of the Act are complied with; see Section 38 of this Plan.

## 17.4 NON-COMPLYING ACTIVITIES

There are no non-complying activities for other agricultural waste discharges.

## 17.5 PROHIBITED ACTIVITIES

The following discharge of agricultural waste is a prohibited activity:

1. **The discharge (disposal) of dead stock, offal, and waste vegetable and fruit produce into water is a prohibited activity.**

***Explanation:** The disposal of dead stock and offal into water is offensive to most people, degrades water quality and causes human and animal health risks. Dumping of waste vegetation and fruit produce into streams also degrades water quality.*



## 18. RULES FOR THE DISCHARGE OF AGRICHEMICALS

### 18.1 PERMITTED ACTIVITIES

The following discharges of agrichemicals are permitted activities:

1. **The discharge of any vertebrate control chemical that has been approved for use by the Environmental Risk Management Authority into or onto land by way of a ground based application method in circumstances which may result in the vertebrate control chemical (or any other contaminant emanating as a result of natural processes from the vertebrate control chemical) entering water is a permitted activity, provided that:**
  - (a) All reasonable steps are taken to ensure that the controlled vertebrate control chemical is applied in a manner which ensures:
    - (i) the vertebrate control chemical does not enter water; and
    - (ii) adverse effects on non target species are minimized.
  - (b) All land owners or occupiers adjoining the property are notified at least one week before the discharge commences.
  - (c) The vertebrate control chemical is applied in accordance with the manufacturer's instructions.

**Explanation:** Some “vertebrate control chemicals” are listed in Appendix 9. They include sodium fluoroacetate (1080), cyanide and phosphorous. Applicators of vertebrate control chemicals are required to be registered and qualified.

2. **The discharge of any agrichemical, excluding vertebrate control chemicals, that has been approved for use by the Environmental Risk Management Authority into or onto land by way of a ground based application method in circumstances which may result in the agrichemical (or any other contaminant emanating as a result of natural processes from the agrichemical) entering water is a permitted activity, provided that:**
  - (a) All reasonable steps are taken to ensure that the controlled agrichemical is applied in a manner which ensures:
    - (i) the controlled agrichemical does not enter water; and
    - (ii) adverse effects on non target species are minimised.
  - (b) The agrichemical is applied in accordance with the manufacturer's instructions, and application rates do not exceed those stated on the most recent product label for the relevant application equipment or method and target species.
  - (c) All land owners or occupiers adjoining the property are notified at least one week before the discharge commences.

**Explanation:** This rule allows the use of land based agrichemicals. Compliance with Condition (a) is considered to be met if the operation is undertaken in accordance with the “Growsafe Agrichemical Users’ Code of

*Practice” or another similar document. Users are encouraged to undertake appropriate training in the use of agrichemicals. Relevant rules for the discharge to air associated with agrichemical application are contained in the Regional Air Quality Plan.*

**3. The discharge of herbicides into water is a permitted activity, provided that:**

- (a) The herbicide used is one approved for aquatic use by the Environmental Risk Management Authority.
- (b) The application is carried out by a suitably qualified person.
- (c) Application rates of the herbicide do not exceed those stated on the most recent product label for the relevant application equipment or method and target plant.
- (d) The discharger shall notify:
  - (i) every person taking water for domestic supply within one kilometre downstream of the proposed discharge; and
  - (ii) every holder of a resource consent for the taking of water for water supply purposes downstream of the proposed discharge, at least one week before commencing the discharge.

**Explanation:** *A suitably qualified person is likely to be one with an appropriate Growsafe certificate who must therefore comply with the Growsafe Agrichemical User’s Code of Practice. The Growsafe Code of Practice requires adequate public notification when spraying in a public place and strongly recommends that users spraying on their own property prepare a property spray plan which identifies sensitive areas and persons who may be affected.*

**4. The discharge of contaminants from an animal dip into or onto land is a permitted activity, provided that:**

- (a) The distance from the disposal area to any water body or water supply bore is not less than 50 metres.
- (b) The disposal area is not less than 50 metres from any neighbouring property owned or occupied by another person.
- (c) There is no direct discharge of contaminants into groundwater or surface water.
- (d) The discharge meets the “Agrichemical Users Code of Practice” (New Zealand Agrichemical Education Trust 1995) for the discharge of contaminants from an animal dip.

**Explanation:** *The “Agrichemical Users Code of Practice” (New Zealand Agrichemical Education Trust, 1995) includes the following guidelines for the disposal of animal dips onto land:*

- (a) *The land needs to be capable of absorbing the volume of the liquid to be discharged without runoff risk to wildlife, ground or surface water.*
- (b) *As a guide, not more than 5,000 litres of spent dip should be applied per hectare.*

- (c) *Land used for disposal should not be producing food crops at the time of disposal. Stock should not be given access to land that has been used as a disposal site for at least 28 days following disposal.*

## 18.2 CONTROLLED ACTIVITIES

The following discharge of agrichemicals is a controlled activity:

1. **The discharge of any vertebrate control chemical listed as a “controlled pesticide” in the First Schedule of the *Pesticides Act 1979* into or onto land by way of aerial application for the purpose of pest control is a controlled activity, provided that:**
  - (a) Approval has been gained from the Medical Officer of Health in accordance with the *Pesticides Act 1979*.
  - (b) A navigational guidance system is used to ensure application is within the defined areas, and records of flight paths are made available for public viewing.

### **Matters Subject to Control**

- (1) Separation distances from residential areas.
- (2) Separation distances from water bodies.
- (3) Adequacy of public notification of the activity.
- (4) Information and monitoring requirements

An application in respect of this controlled activity will be non-notified, unless the Council considers special circumstances exist in terms of ss.94 of the Act. In considering whether or not special circumstances exist, the Regional Council will include consideration of:

1. The use of the receiving environment.
2. The extent of public and tangata whenua interest in the activity and/or its effects.

***Explanation:*** *This rule covers the application of pesticides such as 1080 by aerial drop. Prior approvals are required from the Medical Officer of Health (MOH) who may impose a number of conditions on the operation, including notification and separation distances. The Regional Council will also control those matters if the conditions imposed by the MOH are not considered adequate to deal with environmental concerns.*

## 18.3 DISCRETIONARY ACTIVITIES

The following discharges of agrichemicals are discretionary activities:

1. **The discharge of any herbicide over or into water that is not approved for use by the Environmental Risk Management Authority is a discretionary activity.**

2. **The discharge of any agrichemical which fails to comply with the conditions, or contravenes Rules 18.01.01 to 18.01.03 and 18.02.01 is a discretionary activity.**
3. **The discharge of any vertebrate control chemical other than 1080 that has been approved for use by Environmental Risk Management Authority into or onto land by way of an aerial application in circumstances which may result in the chemical (or any other contaminant emanating as a result of natural processes from the vertebrate control chemical) entering water is a discretionary activity.**

Applications for a resource consent in respect of these discretionary activities will be publicly notified unless the provisions of s.94 of the Act are complied with; refer also Section 38 of this Plan.

***Explanation:** The release of agrichemicals into water can have adverse effects upon aquatic ecosystems and water quality. Where the application of these agrichemicals could possibly result in the contamination of water, the risk of this needs to be assessed before the activity can proceed.*

#### **18.4 NON-COMPLYING ACTIVITIES**

There are no non-complying activities for the discharge of agrichemicals.

#### **18.5 PROHIBITED ACTIVITIES**

The following discharge of agrichemicals is a prohibited activity:

1. **The discharge of contaminants from an animal dip into water is a prohibited activity.**

***Explanation:** Animal dips contain chemicals which have adverse effects on aquatic life in low concentrations. The discharge of spent animal dip effluent from the dip tanks directly into water is therefore prohibited.*

## 19. RULES FOR SOLID WASTE DISCHARGES

### 19.1 PERMITTED ACTIVITIES

The following discharges of solid waste and associated discharges of leachate are permitted activities:

**1. The discharge of contaminants onto or into land from an open or closed clean fill landfill (including industrial and trade premises) is a permitted activity, provided that:**

- (a) The volume of material disposed at a cleanfill landfill does not exceed 1,000 cubic metres in any one year.
- (b) No organic and/or hazardous wastes (refer definitions) are disposed of in the cleanfill landfill.
- (c) Any excavation, or the lowest point of any filled area, is above the winter groundwater table.
- (d) The cleanfill landfill is situated at least 20 metres from any water supply bore or water body.
- (e) The discharge does not increase the concentrations of the following metals in any receiving waters above the following limits:

	<b>Groundwater</b>	<b>Surface Water</b>
Total Chromium	50 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>
Total Copper	2,000 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>
Total Lead	10 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>
Total Zinc	-	5 mg/m <sup>3</sup>

or result in other contaminants entering groundwater in concentrations that would render it unsuitable for human consumption, or surface water in concentrations that have a more than minor adverse effect on aquatic life.

- (f) The surface of the cleanfill landfill is rehabilitated when no longer in use to avoid erosion and sediment runoff.

*Legal Opinion Available <https://thehub:443/id:A118188>*

**2. The discharge of contaminants onto or into land from a closed landfill (other than a cleanfill landfill including industrial and trade premises) is a permitted activity, provided that:**

- (a) The discharge does not increase the concentrations of the following metals in any receiving waters above the following limits:

	<b>Groundwater</b>	<b>Surface Water</b>
Total Arsenic	10 mg/m <sup>3</sup>	50 mg/m <sup>3</sup>
Total Cadmium	3 mg/m <sup>3</sup>	0.2 mg/m <sup>3</sup>
Total Chromium	50 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>
Total Copper	2,000 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>

Total Lead	10 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>
Total Zinc	-	5 mg/m <sup>3</sup>

or result in other contaminants entering groundwater in concentrations that would render it unsuitable for human consumption or surface water in concentrations that have more than a minor adverse effect on aquatic life.

- (b) The following practices are complied with to reduce infiltration and leaching of contaminants from the landfill:
  - (i) Refuse in the landfill is capped with a layer of compacted material not less than 600 millimetres thick and of a permeability not greater than 9 millimetres per day ( $1 \times 10^{-7}$  metres per second).
  - (ii) The site is protected from both saltwater and freshwater/groundwater intrusion or inundation by the use of stop banks or impermeable seals.
  - (iii) The surface of the landfill is sloped to facilitate surface runoff and to prevent ponding of surface water.
- (c) The final capping layer consists of a soil material that can be planted using vegetation that will maintain groundcover as far as practicable and whose roots will not intrude through the capping layer into the refuse in the landfill.
- (d) Catchment runoff is prevented from entering the landfill.

**3. The discharge of refuse onto or into land which is not an industrial or trade premises is a permitted activity, provided that:**

- (a) The refuse comprises domestic refuse or refuse from farming activities but does not include offal, dead stock, agrichemical containers or hazardous wastes.
- (b) The volume of refuse discharged does not exceed 12 cubic metres per year per property.
- (c) The discharge is not less than 50 metres measured horizontally from any water body or water supply bore.
- (d) The discharge is not less than 50 metres measured horizontally from any neighbouring property owned or occupied by another person.
- (e) Catchment runoff is prevented from entering the site of the refuse disposal.
- (f) The waste is covered with soil as may be required to prevent windblown refuse and nuisance odours.

**Explanation:** *While the Council recognises that all wastes should be disposed of in a properly operated landfill, or should be recycled, it also recognises that it is sometimes not practical or feasible to do so. Provided the volumes of wastes to be disposed are relatively small, and measures are taken to ensure the effects of these waste disposal sites on surface water and groundwater are minor, these discharges do not require a resource consent.*

- 4. The discharge of refuse onto or into land from a refuse disposal site which is no longer used is a permitted activity, provided that:**
- (a) The refuse comprises domestic refuse or refuse from farming activities but does not include offal, dead stock, agrichemical containers or hazardous wastes.
  - (b) The discharge is not less than 50 metres measured horizontally from any water body or water supply bore.
  - (c) The discharge is not less than 50 metres measured horizontally from any neighbouring property owned or occupied by another person.
  - (d) Catchment runoff is prevented from entering the site of the refuse disposal site.
  - (e) The final capping layer is topsoiled and planted using plants that will maintain groundcover as far as practicable and whose roots will not intrude into the refuse in the landfill.

**Explanation:** See *Explanation to 19.01.03*.

- 5. The discharge from transfer stations and green dumps into or onto land is a permitted activity, provided that:**
- (a) There is no direct discharge of contaminants into water.
  - (b) The discharge does not contain hazardous substances.
  - (c) No contaminant is discharged in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering:
    - (i) Groundwater in concentrations that would render it unsuitable for human consumption.
    - (ii) Surface water in concentrations that have a more than minor adverse effect on aquatic life.
  - (d) No offensive odour or other nuisance is discernible from the boundary of the property owned or occupied by the discharger as a result of that discharge.

**Explanation:** *Transfer stations provide a collection and temporary storage point for solid waste prior to disposal at a landfill. Green dumps provide a collection and temporary storage point for vegetation at a refuse transfer station. Environmental standards are placed on these activities to reduce the risk of contamination of water and to reduce the nuisance effects that can be associated with them. These standards also ensure that no hazardous substances are placed in these transfer stations and green dumps.*

**Note:** For the purposes of this section, the following criteria will be used to determine whether adverse effects on aquatic life are no more than minor.

**Criteria:**

- 1. The presence and type of liner and leachate collection system (if any).
- 2. The nature of contaminants, other than those specified in 19.01.01(e), likely to be present in the leachate.

3. The drainage characteristics of the soils in the vicinity of the landfill and their ability to retain contaminants expected in the landfill leachate.
4. The separation distance between the lowest point of the landfill and the underlying groundwater and whether or not there are any naturally occurring impervious layers beneath the landfill.
5. The proximity and relative location of surface water bodies to the landfill, the nature of the water bodies, and the existing uses of the water bodies.
6. The mitigation measures associated with the landfill (e.g. capping practices, cut off drains, management plan etc.).

## 19.2 CONTROLLED ACTIVITIES

The following discharge of contaminants from solid waste and associated discharges of leachate is a controlled activity:

1. **The discharge of contaminants onto or into land or into water from:**
  - (1) **a closed landfill which fails to comply with or is outside the scope of Rule 19.01.02; or**
  - (2) **any refuse disposal site which is no longer used and which fails to comply with Rule 19.01.04;**

**is a controlled activity**, provided that:

- (a) The following practices are complied with to reduce infiltration and leaching of contaminants from the landfill:
  - (i) Refuse in the landfill is capped with a layer of compacted clay material.
  - (ii) The site is protected from both saltwater and freshwater/groundwater intrusion or inundation by the use of stop banks or impermeable seals.
  - (iii) The surface of the landfill is sloped to facilitate surface runoff and to prevent ponding of surface water.
- (b) The final capping layer is topsoiled and planted with vegetation that will maintain groundcover as far as practicable and whose roots will not intrude into the refuse in the landfill.
- (c) Catchment runoff is prevented from entering the landfill.

### **Matters Subject to Control**

The matters over which the Council will exercise its control are:

- (1) The adequacy of the protection from saltwater and freshwater/groundwater intrusion.

- (2) The permeability of the compacted clay capping.
- (3) The ability of landfill surfaces to prevent ponding.
- (4) The adequacy of the vegetation cover.
- (5) The mitigation measures necessary to meet the required receiving water quality standards, including such measures as contaminant treatment and disposal systems.
- (6) The frequency, location and method of sampling and the determinants to be measured and method of measurement.
- (7) Size of the reasonable mixing zone.

Any application in respect of this controlled activity will be non-notified unless the Council considers special circumstances exist to require notification in terms of s.94 of the Act. In considering whether or not special circumstances exist, the Council will include consideration of:

1. The use of the receiving environment; and
2. The extent of public and tangata whenua interest in the activity and/or its effects.

The Council will require that written approvals are obtained from any landowner/occupier whose land or water supply may be adversely affected by the activity.

### 19.3 DISCRETIONARY ACTIVITY

The following discharge of contaminants from solid waste and associated discharges of leachate is a discretionary activity:

1. **The discharge of contaminants into or onto land or into water from:**
  - (a) **a clean fill landfill which fails to comply with 19.01.01; or**
  - (b) **a refuse disposal site which fails to comply with Rule 19.01.03 or Rule 19.02.01; or**
  - (c) **any new or existing operational landfill (other than a cleanfill landfill);**

**is a discretionary activity.**

Applications for a resource consent in respect of this discretionary activity will be publicly notified unless the provisions of s.94 of the Act are complied with.

*Refer also Section 38*

### 19.4 NON-COMPLYING ACTIVITIES

There are no non-complying activities for solid waste discharges.

## **19.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for solid waste discharges.

## 20. RULES FOR INDUSTRIAL OR TRADE DISCHARGES

### 20.1 PERMITTED ACTIVITIES

The following discharges of contaminants from industrial or trade premises are permitted activities:

1. **The discharge of cooling water into water is a permitted activity,** provided that it does not:
  - (a) Contain concentrations of any contaminants that have more than minor adverse effect on aquatic life.
  - (b) Increase the natural temperature of the receiving water by more than 3° Celsius outside a 10 metre radius from the discharge point.
  - (c) Cause the pH of the receiving water to fall outside of the range 6.5 to 9.0 at or beyond a 10 metre radius from the discharge point.
  - (d) Cause the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials in the receiving water, at or beyond a 10 metre radius from the discharge point.
  - (e) Cause any conspicuous change in the colour, or visual clarity of the receiving water, at or beyond a 10 metre radius from the discharge point.
  - (f) Cause any emission of objectionable odour in the receiving water at or beyond a 10 metre radius from the discharge point.
  - (g) Cause scour or erosion of the bed of receiving water at the point of discharge.
  
2. **The discharge of wastewater onto or into land from an industrial or trade premise is a permitted activity,** provided that:
  - (a) The lowest point of the disposal system is not less than 0.9 metres (900 millimetres) above the winter (June, July or August) groundwater table.
  - (b) The disposal system does not utilise deep soakage or rapid infiltration systems.
  - (c) The concentration of contaminants within the wastewater do not exceed the following limits:

Contaminant	Maximum Concentration
Total Aluminium	5.0 mg/L
Total Arsenic	0.1 mg/L
Total Boron	0.5 mg/L
Total Cadmium	0.01 mg/L
Total Chromium	0.1 mg/L
Total Cobalt	0.05 mg/L
Total Copper	0.2 mg/L
Total Iron	5.0 mg/L
Total Lead	0.2 mg/L
Total Mercury	0.002 mg/L

Total Nickel	0.2 mg/L
Total Nitrogen	100 mg/L
Total Phosphorous	30 mg/L
Total Zinc	2.0 mg/L
Total Suspended Solids (TSS)	300 mg/L

- (d) The median number of faecal coliforms, based on no less than 5 samples, is less than 50,000 per 100 millilitres.
- (e) The pH of the wastewater is between 5 and 8.
- (f) The sodium absorption ratio (SAR) of the wastewater is less than 10.
- (g) The discharge does not result in concentrations of contaminants in groundwater that would render it unsuitable for human consumption beyond a 20 metre separation distance measured horizontally from the discharge point, or beyond the boundary of the property on which the discharge is taking place, whichever is the lesser.
- (h) No part of the disposal and reserve area is located within 20 metres, measured horizontally, of any existing groundwater bore located on any other property.
- (i) No part of the disposal and reserve area is located within 20 metres, measured horizontally, of any surface water (as defined in this Plan).
- (j) The design, operation, and construction of the wastewater treatment and disposal system must achieve the following conditions:
  - (i) Pre-treatment of the effluent to a standard that does not cause clogging of the disposal system or soils such that the long-term acceptance rate is maintained;
  - (ii) Even distribution of effluent to the entire infiltration surface of the disposal system;
  - (iii) Allowance has been made for a reserve area equivalent to 100% of the disposal area.
- (k) Where the wastewater is spray irrigated onto land, it is not to be applied within 20 metres of any surface water.
- (l) Notwithstanding (j) and (k), the wastewater is not discharged in a manner that results in any surface runoff of any contaminants from the disposal area.
- (m) The volume of wastewater discharged does not exceed 3 cubic metres per day, averaged over the month of greatest discharge.
- (n) The maximum volume of wastewater discharged does not exceed 6 cubic metres over any 24 hour period.

**Note:** Any discharge that only contains human effluent or sullage water, or animal effluent from an industrial or trade premise shall be dealt with under Section 15 and Section 16 respectively of this Plan. In the event that industrial or trade wastewater and either human effluent, sullage water or animal effluent are to be combined and then discharged within the boundaries of the same lot, then the discharge volumes of (m) and (n) of this rule shall apply to the combined discharge volume.

**Explanation:** Any discharge of wastewater onto or into land from an industrial or trade premise must meet all the above criteria to be a permitted

*activity. It is intended that this rule will cover those discharges that are similar in character to cooling water, filter backwash water, vehicle wash water and rock aggregate wash water.*

*The SAR is a ratio between the concentration of sodium and the concentrations of both calcium and magnesium. Wastewater with a SAR greater than ten may lead to a breakdown in soil structure when discharged onto or into land.*

**Note:** For the purposes of this Section, the following criteria will be used to determine whether adverse effects on aquatic life are no more than minor.

**Criteria:**

1. The nature (type and concentration) of contaminants likely to be present in the discharge.
2. The design of discharge outlet structure.
3. The nature of the receiving surface water bodies and existing uses of those bodies (including aquatic habitat values).
4. The mitigation measures associated with the discharge.

## 20.2 CONTROLLED ACTIVITIES

The following discharge from an industrial or trade premises is a controlled activity:

1. **The discharge of water containing contaminants into water from water treatment plants for potable water supply, is a controlled activity** provided that:
  - (a) The discharge existed prior to this Plan becoming operative;
  - (b) The discharge only occurs during times of high total suspended solids concentrations in the source water which may result in significant problems within the treatment plant;
  - (c) The discharge consists only of primary treated potable water;
  - (d) The maximum volume of water discharged does not exceed 200 cubic metres over any 24 hour period and the water is discharged back into the same watercourse from which the water has been taken;
  - (e) The discharge does not cause scour or erosion of the beds or banks of the receiving water body or cause or exacerbate flooding.
  - (f) The discharge does not, at or beyond a 10 metre radius from the discharge point, result in any of the following when compared to the water quality immediately upstream of the discharge point:
    - (i) Increase the natural temperature of the receiving water by more than 3 degrees Celsius.
    - (ii) Cause the pH of the receiving water to fall outside of the range of 5 to 8.5. Where the background water has a pH outside this range then the discharge causes no change in pH.

- (iii) Cause the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials in the receiving water.
- (iv) Cause any emission of objectionable odour in the receiving water.
- (v) Cause concentrations of any contaminants in the receiving water to have more than minor adverse effect on aquatic life.
- (vi) Cause the natural colour and clarity of the water to be change to a conspicuous extent.

**Matters subject to Control:**

- (1) Alarm systems and response standards.
- (2) Notification procedures in the event of a discharge occurring.
- (3) Overflow monitoring and remediation measures to receiving environment.
- (4) Frequency of overflows.
- (5) Measures provided to minimise the discharge of flocculants.
- (6) Measures to be incorporated in the design of the discharge treatment system to minimise the concentration of suspended solids and/or contaminants entering the receiving water.
- (7) The maximum concentration of contaminants in the discharge and/or the receiving environment after reasonable mixing.

Notification: an application for a controlled activity under Section 15.02.01 will not be notified unless the Council considers that subject to the provisions of ss.94C(2) of the Act special circumstances exist.

**Explanation:** *This rule covers the discharge of partially treated water which, on occasions, is required to be discharged from a water treatment plant during periods when the quality of source water is such that its treatment is impossible as this would result in significant problems within the treatment plant (e.g. rapid clogging of the filters). Such water may have received chemical flocculation treatment and/or have flowed through clarifiers but such water will not have flowed through the final filters nor have received its final chlorine dosing. The controlled activity status assigned to this activity recognizes the need for a precautionary approach in the absence of more detailed information about the nature of discharges under flood conditions. District Councils are encouraged to undertake a formal monitoring programme over the two years from this plan becoming operative and together with the Council will evaluate the data for the purposes reassessing the status of the activity.*

### **20.3 DISCRETIONARY ACTIVITIES**

The following discharge of industrial or trade effluents is a discretionary activity:

- 1. The discharge of contaminants from an industrial or trade premise into or onto land or into water in a manner outside the scope of, or unable to**

**meet the conditions pertaining to Rule 20.01.01, 20.01.02, 20.02.01 or any other rule relating to discharges of contaminants from industrial or trade premises is a discretionary activity.**

Applications for a resource consent in respect of this discretionary activity will be publicly notified unless the provisions of s.94 of the Act are complied with; see Section 38 of this Plan.

***Explanation:** Industrial effluents can have a high organic content and can also contain a large number of other types of contaminants which may be toxic, persistent or bioaccumulative, such as heavy metals. For this reason, industrial effluent discharges to land, as well as discharges to water, are discretionary activities.*

*The discharge of filter backwash water to water from water treatment plants for potable water supply is a discretionary activity as it involves regular discharges of contaminants into the water.*

#### **20.4 NON-COMPLYING ACTIVITIES**

There are no non-complying activities for industrial or trade discharges.

#### **20.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for industrial or trade discharges.



## 21. RULES FOR STORMWATER DISCHARGES

### 21.1 PERMITTED ACTIVITIES

The following diversions and discharges of stormwater are permitted activities:

1. **The diversion and discharge of stormwater by way of an open constructed stormwater collection system or piped stormwater collection system into water or onto or into land where it may enter water, where the stormwater collection system is connected to, or part of, a stormwater system for which a resource consent exists is a permitted activity.**

***Explanation:** This rule enables the diversion and discharge of stormwater into a public stormwater collection system or to any stormwater system where a resource consent is held. Connection to stormwater collection systems is at the approval of the consent holder and subject to any site specific technical standards of that consent. If the stormwater collection system is not authorised by resource consent then individual discharges into that system are not a permitted activity.*

2. **The diversion and discharge of stormwater, not otherwise permitted by Rule 21.01.01, by way of an open constructed stormwater collection system or piped stormwater collection system into water or onto or into land where it may enter water is a permitted activity, provided the following conditions are complied with:**
  - (a) For new subdivision and development, the best practicable option for on-site stormwater disposal shall be identified and incorporated into the stormwater management design to avoid or minimise changes to stormwater flows after development for the 1 in 5 year return period storm event.
  - (b) Where the diversion and/or discharge drains a hazardous substance storage area:
    - (i) for hazardous substances stored in fluid form or likely to liquify in fire, the area is bunded or otherwise designed with sufficient capacity to provide secondary containment that meets the following criteria:
      - Where containers are stored that have capacities of less than or equal to 450 litres, the secondary containment is able to contain the total capacity of substances stored; and
      - Where a single container with a capacity of greater than 450 litres is stored, the secondary containment is able to contain 110% of the volume of the container, or where two or more containers with capacities of greater than 450 litres are stored, the secondary containment is able to contain 100% of the volume of the largest container plus 10% of the aggregate capacity of all other containers.
    - (ii) the stormwater collection system is designed to avoid any hazardous substances (including unintentional releases) entering the system, or a stormwater interceptor system shall be installed; or

- (iii) the specific area complies with the following:
  - Hazardous substances are contained within vehicles, boats, aircraft or small engines;
  - It is for domestic storage of hazardous consumer products;
  - It is a retail outlet for the sale of hazardous substances for domestic use (e.g. supermarkets, hardware shops, pharmacies);
  - Agrichemicals are stored in accordance with the New Zealand Standard “*The Code of Practice for the Management of Agrichemicals*” (NZS 8409:1999).
- (c) Where the diversion and/or discharge drains an industrial or trade premise:
  - (i) the stormwater collection system shall be designed to avoid any contaminants stored or used on the site from being entrained in any stormwater discharge unless that stormwater is discharged through a stormwater interceptor system; and
  - (ii) any process water or waste stream on the site shall be bunded or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100% of the quantity of any process water or waste that has the potential to spill into a stormwater collection system, in order to prevent process water or waste entering the stormwater collection system; and
  - (iii) the site is managed such that the concentration of contaminants in stormwater leaving the site do not pose an immediate or long-term hazard to human health or the environment beyond a 10 metre radius of the discharge point.
- (d) The stormwater collection system is designed to cater for stormwater flows resulting from not less than a 1 in 5 year return period storm event and a stabilised overland flow path is provided for to allow flows up to and including a 1 in 50 year storm event in excess of the capacity of the primary collection system.
- (e) For discharges to water, the discharge does not:
  - (i) Increase the natural temperature of the receiving water by more than 3° Celsius at or beyond a 20 metre radius from the discharge point.
  - (ii) Cause the pH of the receiving water to fall outside of the range 6.5 to 9 at or beyond a 20 metre radius of the discharge point.
  - (iii) Cause the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials in the receiving water at or beyond a 20 metre radius of the discharge point.
  - (iv) cause any emission of objectionable odour in the receiving water at or beyond a 20 metre radius of the discharge point.
  - (v) contain more than:
    - 20 g/m<sup>3</sup> of total petroleum hydrocarbons

- 10 mg/m<sup>3</sup> of total copper
  - 10 mg/m<sup>3</sup> of total lead
  - 100 mg/m<sup>3</sup> of total zinc
  - 100 g/m<sup>3</sup> of suspended solids.
- (f) The discharge does not cause scour or erosion of the beds or banks of the receiving water body.
- (g) For diversion and/or discharges onto or into land, stormwater quality control measures or treatment systems such as silt, oil and grease traps are incorporated to minimise the level of contaminants prior to final disposal.
- (h) The stormwater management or treatment systems, and any associated works or equipment shall be operated and maintained in an effective operating condition.
- (i) The diversion and/or discharge does not cause flooding of adjacent properties.

**Explanation:** *Although some stormwater from urban areas, and industrial and trade premises can contain significant quantities of contaminants, a high level of dilution is usually available and the stormwater can usually be discharged into water or onto or into land without significant adverse effects. Consequently, it is reasonable to provide for discharges as a permitted activity subject to compliance with specified conditions. A consent will be needed for stormwater discharges unable to meet these conditions.*

*Diversions and discharges subject to this rule include those from roofs and formed car parking areas, areas draining a hazardous substance storage area, industrial areas and residential lots. Roads which drain roofs and formed carparking areas and trade and industrial premises are also covered by this rule. Other drainage of roads is covered in Section 22.*

*To help achieve the best practicable option for on-site stormwater disposal in clause (a), the following measures should be considered:*

- *Infiltration facilities in permeable soil types;*
- *The retention of natural stream channels;*
- *Minimise areas of impermeable surfaces;*
- *Stormwater detention before dispersal into waterways.*

*One means of complying with Clauses (a) and (f) is to implement on-site volume control practices as contained in “Technical Publication 124, Low Impact Design Manual for the Auckland Region”, Auckland Regional Council, 2000. The Council is planning to work with the District Councils in developing a Northland code of practice for on-site stormwater management outside urban areas to further assist in meeting the provisions of this Plan.*

*It is inappropriate to allow stormwater discharge from hazardous substances storage areas or contaminated sites without subjecting the discharges to full scrutiny.*

*It should be noted that the Hazardous Substances and New Organisms Act 1996 (HSNO) and the relevant District Plan contain requirements for the use, transportation, storage, and disposal of hazardous substances, and for hazardous facilities. HSNO controls are substance-based and in particular circumstances set minimum national standards to prevent the escape of hazardous substances or contamination.*

*The 1 in 5 year return period criterion is aimed at ensuring that stormwater systems are designed or upgraded to ensure sufficient capacity to handle at least modest-sized floods.*

*The 10 metre mixing zone is somewhat arbitrary but is considered necessary to provide some certainty and some assurance that any adverse effects are in fact minor.*

**Note:** Subclause 21.01.02(c)(i) is not intended to apply to transfer station storage bins.

## **21.2 CONTROLLED ACTIVITIES**

The following diversion and discharge of stormwater is a controlled activity:

- 1. The diversion and discharge of stormwater, by way of an open constructed diversion system or piped system, into water or onto or into land where it may enter water which does not meet the requirements of Rule 21.01.01 or 21.01.02 is a controlled activity, provided that:**
  - (a) Compliance with conditions (b), (c), (d), (f), and (h) of Rule 21.01.02.
  - (b) The diversion and/or discharge does not result in any of the following effects outside of a reasonable mixing zone:
    - (i) The production of any conspicuous oil or grease films, scums or foams, or floatable suspended materials;
    - (ii) Any conspicuous change in the colour or visual clarity;
    - (iii) Any emission of objectionable odour;
    - (iv) The rendering of fresh water unsuitable for consumption by farm animals;
    - (v) Any significant adverse effects on aquatic life.

### **Matters Subject to Control:**

- (1) The permissible maximum concentration of contaminants in the discharge.
- (2) The size of the zone of reasonable mixing.
- (3) The adequacy of the proposed stormwater management and treatment systems.
- (4) The adequacy of the proposed inlets to collect the stormwater at the design return period.
- (5) The adequacy of the proposed measures to prevent scouring and erosion of riverbanks or river beds.

- (6) The acceptable degree of flooding of adjacent properties.
- (7) Information and monitoring requirements.
- (8) Any necessary staging of works.
- (9) The matters addressed in any stormwater management plan prepared in accordance with Section 35.01(i) of this Plan.
- (10) The degree of compliance with any relevant code of practice.

**Explanation:** Rule 21.02.01 provides for the same activities as Rule 21.01.02, the principal difference being that Rule 21.02.01 allows for Council discretion as to the level of contaminants in the discharge, the size of the mixing zone and the level of management control. In relation to the assessment of mitigation measures (b), (c) and (e), the Council will adopt a “best practicable option” approach. In situations where a discharger cannot comply with any of the conditions in Rule 21.01.01, or there is doubt about the ability of the discharge to meet receiving water standards within 10 metres of the discharge point, the discharger will need to seek a resource consent under Rule 21.02.01 or Rule 21.03.01.

### 21.3 DISCRETIONARY ACTIVITIES

The following diversions and discharges of stormwater are discretionary activities:

1. **The diversion and discharge of stormwater, by way of an open constructed stormwater collection system or piped stormwater collection system into water or onto or into land where it may enter water which:**
  - (a) has a design capacity of less than a 1 in 5 year period return period storm event;
  - (b) is contaminated to a degree which suggests that, even after reasonable mixing, receiving water standards may not be able to be met; or
  - (c) in any other way fails to comply with Rules 21.01.01, 21.01.02, and 21.02.01.

**is a discretionary activity.**

**Explanation:** Consent applications will be processed as a discretionary activity where the standards under controlled use activity Rule 21.02.01 cannot be met.

### 21.4 NON-COMPLYING ACTIVITIES

There are no non-complying activities for stormwater discharges.

### 21.5 PROHIBITED ACTIVITIES

There are no prohibited activities for stormwater discharges.



## 22. RULES FOR STORMWATER DISCHARGES AND DIVERSIONS FROM ROADS AND FROM LAND DISTURBANCE ACTIVITIES

### 22.1 PERMITTED ACTIVITIES

The following diversions and discharges associated with stormwater from roads and land disturbance activities are permitted activities:

1. **The diversion and discharge of stormwater into water or onto or into land where it may enter water from any land disturbance activity, which is permitted under a land disturbance activity rule in this Plan is a permitted activity**, provided that:

- (a) The stormwater is diverted or discharged in the catchment from which it originates.
- (b) Water and sediment control measures (e.g. rock rip-rap, cut-off drains, sediment traps) are installed and maintained, to avoid or minimise erosion and to avoid or minimise sediment discharges to any adjacent water bodies or to any coastal waters.
- (c) The diversion and discharge has a no more than minor adverse effect (as determined by the relevant water quality guidelines in Section 7) on aquatic ecosystems and/or on neighbouring or downstream landowners/occupiers (e.g. deposition of sediment, exacerbation of flooding).

**Explanation:** *The land disturbance rules have environmental standards, which also relate to the discharge of stormwater from the activity. The discharge of stormwater would require a consent unless permitted by a rule. This rule allows the discharge provided conditions 1(a) and 1(b), and the land disturbance rule are complied with. Clause (a) relates to Maori culture objections to the diversion of water from one catchment to another.*

2. **The diversion and discharge of stormwater from any road or track by way of an open constructed stormwater collection system or piped stormwater collection system into water or onto or into land where it may enter water provided the stormwater collection system is connected to, or part of, a stormwater system for which a resource consent exists is a permitted activity.**

3. **The diversion and discharge of stormwater, not otherwise permitted by Rule 22.01.02 from any road or track into water or onto or into land where it may enter water is a permitted activity**, provided that:

- (a) The road does not form part of a stormwater collection system that is designed to divert or discharge stormwater from any of the sources otherwise regulated by rules contained in Section 21 of this Plan.
- (b) Water and sediment control measures (e.g. rock rip-rap, cut-off drains, sediment traps) are installed and maintained to avoid or minimise erosion and to avoid or minimise sediment discharges to any adjacent water bodies or to any coastal water.

- (c) The diversion and discharge does not cause adverse effects on neighbouring properties.
- (d) The stormwater collection system is designed to cater for stormwater flows resulting from not less than a 1 in 5 year return period storm event, and a stabilised overland flow path including the use of a road is provided for to allow flows up to and including the 1 in 50 year storm event in excess of the capacity of the primary collection system.
- (e) Environmental Standards 32.02.02 and 32.02.03 are complied with.
- (f) For discharges to a water body, the discharge does not:
  - (i) Increase the natural temperature of the receiving water by more than 3° Celsius at or beyond a 20 metre radius from the discharge point.
  - (ii) Cause the pH of the receiving water to fall outside of the range of 6.5 to 9 at or beyond a 20 metre radius of the discharge point.
  - (iii) Cause the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials in the receiving water at or beyond a 20 metre radius of the discharge point.
  - (iv) Cause the emission of objectionable odour in the receiving water at or beyond a 20 metre radius of the discharge point.
  - (v) Cause at or beyond a 20 metre radius the following concentrations of contaminants to be exceeded:
    - 5 mg/m<sup>3</sup> of total copper
    - 5 mg/m<sup>3</sup> of total lead
    - 50 mg/m<sup>3</sup> of total zinc
    - 50 g/m<sup>3</sup> of suspended solids; and/or
  - (vi) Contain more than:
    - 20 g/m<sup>3</sup> of total petroleum hydrocarbons

## 22.2 CONTROLLED ACTIVITIES

The following diversion and discharge associated with land disturbance activities or from roads is a controlled activity:

1. **The diversion and discharge of stormwater into water or onto or into land where it may enter water:**
  - (1) **from any land disturbance activity, where that activity is a controlled activity under a Land Disturbance Activity Rule in this Plan (refer also Section 33); or**
  - (2) **from any road that does not meet the requirements of permitted activity Rule 22.01.02 and 22.01.03;**

**is a controlled activity, provided that:**

- (a) The road does not form part of a stormwater collection system that is designed to divert or discharge stormwater from any of the sources otherwise regulated by rules contained in Section 21.
- (b) There are no adverse effects on soil conservation beyond the property boundary.
- (c) The environmental standards in Section 32 are complied with.

**Matters Subject to Control:**

The matters over which the Council will exercise control are:

- (1) The permissible maximum concentration of contaminants in the discharge.
- (2) The size and zone of reasonable mixing.
- (3) The adequacy of the proposed stormwater management and treatment systems.
- (4) The adequacy of the proposed inlets to collect the stormwater at the design return period.
- (5) The adequacy of the proposed measures to prevent scouring and erosion of riverbanks or river beds.
- (6) The acceptable degree of flooding of adjacent properties.
- (7) Information and monitoring requirements.
- (8) The duration of any resource consent.
- (9) Any necessary staging of works.

### **22.3 DISCRETIONARY ACTIVITIES**

The following diversion and discharge associated with land disturbance activities and stormwater from roads is a discretionary activity:

- 1. **The diversion and discharge of stormwater from any land disturbance activity or stormwater diverted by a discharge from roads that in any way fails to comply with Rules 22.01.01, 22.01.02, 22.01.03, and 22.02.01 of this Plan is a discretionary activity.**

### **22.4 NON-COMPLYING ACTIVITIES**

There are no non-complying activities for runoff from roads and from land disturbance activities.

### **22.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for runoff from roads and from land disturbance activities.



## 23. RULES FOR DISCHARGES FROM OTHER ACTIVITIES

### 23.1 PERMITTED ACTIVITIES

The following discharges of contaminants are permitted activities:

**1. The discharge of fertiliser, other than animal effluent, into or onto land is a permitted activity, provided that:**

- (a) All reasonable steps are taken to ensure that the fertiliser is applied in a manner which minimises the potential for contaminants to enter water, directly or indirectly, as a result of the discharge.

**Explanation:** *The quantity of fertiliser applied to land should not be more than the assimilative capacity of the land so that there is minimal leaching of any contaminants into groundwater or surface water. For the purposes of condition (a) “reasonable steps” include:*

- (i) *Avoiding fertiliser application during, or immediately before, heavy rain which is likely to result in runoff;*
- (ii) *Avoiding fertiliser application during high wind which is likely to cause drift into rivers, lakes or wetlands;*
- (iii) *Minimising the use of fertiliser on the margins of rivers, lakes and wetlands; and for aerial applications, ensuring that pilots are aware of the location of water bodies”.*

**2. The discharge of contaminants onto or into land, other than discharges provided for by other rules in this Plan is a permitted activity, provided that:**

- (a) There is no direct discharge of contaminants into water.
- (b) The discharge does not contain hazardous substances.
- (c) No contaminant is discharged in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering:
- (i) Groundwater in concentrations that would render it unsuitable for human consumption.
- (ii) Surface water in concentrations that have more than a minor adverse effect on aquatic life.
- (d) There is no odour that is offensive or objectionable at or beyond the boundary of the property of the disposal site.

**Explanation:** *This rule allows for common discharges otherwise not regulated by other rules in this Plan. For example, domestic composting and the use of uncontaminated wood waste/product such as bark as a soil conditioner or weed suppressant for landscaping purposes. It also allows for less obvious discharges such as those from cemeteries. Nevertheless, this rule recognises the potential for these activities to cause adverse effects, particularly if contaminants enter water or produce odour.*

*Groundwater will be deemed unsuitable for human consumption if it does not meet the drinking water standards for New Zealand (New Zealand Ministry of Health 1995. "Drinking Water Standards for New Zealand". Ministry of Health, Wellington).*

**3. The discharge of contaminants associated with the construction and maintenance of roads and tracks and other sealed areas onto or into land is a permitted activity, provided that:**

- (a) The discharge consists only of material, normally associated with the construction and maintenance of roads and sealed areas, and includes the use of bituminous products which are bound with roading aggregate and compacted to create a temporary or permanent road surface.
- (b) The product is not a bituminous emulsion specifically designed for the suppression of dust or the discharge of any agrichemical or petroleum oil.
- (c) No contaminant directly enters the surface water for the duration of the activity.
- (d) Roding metal does not contain contaminants likely to cause a more than minor effect on the receiving environment.

*Staff Interpretation Available <https://thehub:443/id:A118199>*

**Explanation:** *Some of the materials used in road construction and maintenance can be construed as contaminants. With adequate environmental standards, the environmental effects of using these materials can be avoided. There are some materials that should not be permitted due to their effects on the environment being more than minor thus a resource consent is required.*

*The use of bituminous products which are bound with roading aggregate and compacted to create temporary or permanent road surface is a technique that can have applications for dust suppression on unsealed roads and tracks, but recognises that this is a different binding technique than that offered by bituminous products which are sprayed onto unsealed surfaces specifically designed for the suppression of dust.*

**4. The discharge of:**

- (1) **continually flowing water which has been used for holding aquatic organisms;**
- (2) **water (excluding geothermal water) from swimming and spa pools;**
- (3) **filter backwash water;**
- (4) **water from propulsion units and vessels;**
- (5) **water from reservoirs or other impounded areas;**

**to water or onto or into land where it may enter water is a permitted activity**, provided that:

- (a) The discharge does not contain concentrations of any contaminants that could have an adverse effect on aquatic life.
- (b) The discharge does not contain any exotic organisms.
- (c) The discharge does not increase the natural temperature of the receiving water by more than 3° Celsius at or beyond a 10 metre radius from the discharge point.
- (d) The discharge rate is controlled so that it does not cause erosion of the land or stream channel, or flooding of properties below the discharge point.
- (e) The discharge does not cause the pH of the receiving water to fall outside of the range 6.5 to 9.0 at or beyond a 10 metre radius from the discharge point.
- (f) The discharge does not cause the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials in the receiving water, at or beyond a 10 metre radius from the discharge point.
- (g) The discharge does not cause any conspicuous change in the colour or visual clarity of the receiving water, at or beyond a 10 metre radius from the discharge point.
- (h) The discharge does not cause any emission of objectionable odour in the receiving water at or beyond a 10 metre radius from the discharge point.

**Explanation:** For the purposes of 23.01.05(a) Policy 7.05.03 and corresponding Method 7.06.07 in this Plan provide the guidelines used by the Council for the purpose of the management of aquatic ecosystems.

**5. The discharge of the following tracer substances into water:**

- (1) Fluorescent dyes;**
- (2) Salts;**
- (3) Non-pathogenic micro organisms, and**
- (4) Plant spores**

**is a permitted activity**, provided that:

- (a) The discharge of dye concentrate or salts does not exceed 20 litres per day.
- (b) The discharge does not render aquatic organisms unsuitable for human consumption.
- (c) The discharger notifies the Council, at least 24 hours prior to the discharge but not more than 1 week prior to the discharge, of the location of the discharge point(s), the receiving water body likely to be affected and the intended period of that discharge.

- (d) The discharge does not at or beyond a 10 metre radius of the discharge point cause:
  - (i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) Any emission of objectionable odour;
  - (iii) The rendering of fresh water unsuitable for consumption by farm animals;
  - (iv) Any significant adverse effects on aquatic life.

**6. The discharge of sluicing water into water is a permitted activity, provided that:**

- (a) The activity is associated with the sluicing of public or community water supply mains or the testing of pipelines by way of scour valves.
- (b) The discharge does not cause any erosion of the channel or banks of the receiving water body.
- (c) The discharge does not cause any conspicuous change in colour, or the visual clarity of the receiving water is not reduced by more than 40% at or beyond a 10 metre radius of the discharge point.
- (d) The discharge does not increase the natural temperature of the receiving water by more than 3° Celsius at or beyond a 10 metre radius of the discharge point.
- (e) The discharge does not at or beyond a 10 metre radius of the discharge point cause:
  - (i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) Any conspicuous change in the colour or visual clarity;
  - (iii) Any emission of objectionable odour;
  - (iv) The rendering of fresh water unsuitable for consumption by farm animals;
  - (v) Any significant adverse effects on aquatic life.

**7. The discharge of contaminants into water from maintenance activities associated with a structure over a water body is a permitted activity, provided that:**

- (a) The discharge does not contain any hazardous substances.
- (b) The abrasive in any abrasive blasting activity is not nickel, iron, copper slag and any other similar type of material.
- (c) The surface area, from which old paint or other material is being removed, does not exceed 50 square metres.
- (d) The discharge does not cause the following effects, at or beyond a 10 metre radius from the discharge point:
  - (i) the pH of the water being outside the range of 6.5 – 9.0, except where due to natural causes,

- (e) The discharge does not at or beyond a 10 metre radius of the discharge point cause:
- (i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) Any conspicuous change in the colour or visual clarity;
  - (iii) Any emission of objectionable odour;
  - (iv) The rendering of fresh water unsuitable for consumption by farm animals;
  - (v) Any significant adverse effects on aquatic life.

**Explanation:** *This rule allows discharges to water of small volumes of non-hazardous contaminants from maintenance activities such as water blasting, and wet and dry abrasive blasting. Where the discharge, including the abrasive used contains hazardous substances such as lead paint flakes or heavy metals, a resource consent will be required. Where the abrasive blasting activity is completely enclosed so that there is no discharge to water, no resource consent is required.*

**8. The discharge of lignin-based products onto or into land for the express purpose of dust suppression on unsealed roads is a permitted activity, provided that:**

- (a) No contaminant directly enters surface water for the duration of the activity.
- (b) The product does not contain contaminants likely to cause a more than minor adverse effect on the receiving environment.
- (c) Application is in accordance with manufacturer's instructions, by an experienced applicator using appropriate equipment.

**Note:** For the purposes of this Section, the following criteria will be used in assessing whether adverse effects on the receiving environment are no more than minor.

**Criteria:**

1. The source of the rock aggregate and any potential contaminants likely to be associated with the rock aggregate. This clause is specific to Rule 23.01.03.
2. The proximity and relative location of surface water bodies (including roadside drains) to the discharge point, the nature of the water bodies, and the existing uses of the water bodies.

**Note:** The sluicing of material deposited behind a dam or weir is unlikely to comply with the conditions of permitted activity rules.

## 23.2 CONTROLLED ACTIVITIES

There are no controlled activities relating to the discharges described in Section 23.01.

### 23.3 DISCRETIONARY ACTIVITIES

The following discharges are discretionary activities:

1. **The discharge of contaminants onto or into land or into water from any of the activities described in Section 23.01 which fail to comply with the conditions of, or contravene Rules 23.01.01 – 23.01.09, but which is not prohibited is a discretionary activity.**
2. **The discharge of contaminants into water which falls outside the scope of any other rules in this Plan is a discretionary activity.**
3. **The discharge onto or into land of:**
  - (a) **bituminous emulsions specifically designed for the suppression of dust; or**
  - (b) **oil which is unused or uncontaminated and which does not contain additives for the purpose of dust suppression, onto or into land,**

**is a discretionary activity.**

***Explanation:** Unused or uncontaminated oil does not include ‘off the shelf’ motor oil, which contains potential contaminants such as zinc, calcium and magnesium. The use of bituminous emulsions for dust suppression such as Slowbreak or Spraymul-A55 is covered by this rule.*

### 23.4 NON-COMPLYING ACTIVITIES

There are no non-complying activities for discharges from other activities.

### 23.5 PROHIBITED ACTIVITIES

The following discharge of contaminants is a prohibited activity:

1. **The discharge onto or into land, or into water of petroleum oil and diesel as a dust suppressant where such a discharge is unable to meet the requirements of Rules 23.01.03 and 23.03.03, is a prohibited activity.**

***Explanation:** Petroleum oil and diesel has been applied to unpaved surfaces such as unsealed roads and carparks as a dust suppressant. Petroleum oil and diesel are hazardous substances which contain numerous potentially harmful substances. These can cause adverse effects if they enter water bodies so this practice is now prohibited. Other environmentally acceptable alternatives are available.*

## 24. RULES FOR THE TAKING, USE, DAMMING AND DIVERTING OF SURFACE WATER

### **ADVICE NOTE: SURFACE WATER TAKES FOR REASONABLE DOMESTIC NEEDS AND ANIMAL DRINKING WATER NEEDS**

Under Section 14(3)(b) of the Act, the taking and use of fresh water for an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water is allowed without a resource consent, provided the taking or use does not, or is not likely to, have an adverse effect on the environment.

Domestic needs include the taking of water for consumption and household activities such as kitchens, bathrooms, laundries, gardens and toilets. Animal drinking water is for the drinking water requirements of an individual's animals only, and does not include other water requirements, for example, washing down water.

Examples of where an adverse effect on the environment in terms of Section 14(3)(b) of the Act can arise in instances where the take:

- i. Limits or prevents the ability of an existing lawful user to take water;
- ii. Is from an Outstanding Value River, Section of River or Lake shown in Appendix 18, from a dune lake listed in Schedule E or from a flow sensitive river of high ecological value detailed in Section 9;
- iii. Is taken by a water intake that has holes or slots greater than 5mm in width or diameter;
- iv. Results in a water velocity across an intake screen of greater than 0.3 metres per second;
- v. Changes the seasonal or annual range in water level of any indigenous wetland to an extent and manner that may adversely affect the wetland's natural ecosystem;
- vi. Affects the flow to any associated water body, or the water level in any lake to an extent and manner that may adversely affect the water body's natural ecosystem;
- vii. Results in, or contributes towards cumulative adverse effects on downstream water users.
- viii. The take or use does not result in a reduction in the water level below the design minimum flow.

The water user must provide the Council on request the following information:

- (i) Name, address and phone number of the water user.
- (ii) Location of the water take, including river or lake name.
- (iii) Volume of water taken.
- (iv) Purpose for which the water is taken.
- (v) For animal drinking water takes – the number of stock units and the area served.

The reticulation system and components are maintained in good working order to minimise leakage and wastage.

Note: Where necessary the Council may require the use or take to be monitored (metered).

## 24.1 PERMITTED ACTIVITIES

The following activities relating to the taking, use, damming and diverting of surface water are permitted activities:

### Small surface water takes, excluding those from artificial water courses

#### 1. The taking or use of surface water (excluding from artificial water courses) is a permitted activity, provided that:

- (a) The take is not from a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (b) The take is not from any significant indigenous wetland or from a dune lake listed in Schedule E.
- (c) The total take does not exceed the following volumes:
  - (i) 30 cubic metres per day for the period 1 June to 30 November,
  - (ii) 10 cubic metres per day for the period 1 December to 31 May.
- (d) The velocity across the intake screen does not exceed 0.3 metres per second. The screen shall have no holes or slots with a diameter or width greater than 5mm.
- (e) The take does not limit or prevent the ability of an existing lawful user to take water to meet their needs;
- (f) The water user provides the Council on request the following information:
  - (i) Name, address and phone number of the water user.
  - (ii) Location of the water take, including river or lake name.
  - (iii) Volume of water taken.
  - (iv) Purpose for which the water is taken.
- (g) The take or use does not result in a reduction in the water level below the design minimum flow.
- (h) The water take shall not cause any change in the seasonal or annual range in water level of any indigenous wetland to an extent and manner that may adversely affect the wetland's natural ecosystem.
- (i) The reticulation system and components are maintained in good working order to minimise leakage and wastage.

**Explanation:** *This rule allows the taking of water from rivers and streams, including any dams on those streams, springs, lakes and indigenous wetlands. The conditions on this rule are considered to address the main environmental effects that may occur.*

*Outstanding value rivers, lakes, significant indigenous wetlands and dune lakes are protected from these additional surface water takes. The volume of the take is dependent upon the time of year, which reflects the availability of surface water. Stricter controls apply during the drier months.*

*While most domestic or farm water supply pumps are unlikely to pump at fast rates, condition (d) is a safeguard to prevent fish and invertebrates entering the pump system.*

*Condition (e) is based on a ‘first in first served’ principle. Existing lawful animal drinking water and domestic users are safeguarded from any users who start taking water after them. This may occur when land upstream of an existing user is subdivided, increasing the number of dwellings, and therefore the number of takes from the river. Should a new user start taking water downstream of an existing user, and there is insufficient water for the new user at any time, the existing user will not be required to cut back in order to comply with condition (e). However, the existing user must only be taking his or her reasonable needs.*

*For guidance on what design minimum flow requirements in condition (g) refer to Section 9 of this Plan.*

*Where there are cumulative adverse effects in a catchment as a result of additional takes, the Council will seek to ensure that users are only taking their reasonable requirements and that no water is being wasted through poorly maintained equipment. Where necessary, the Council will require users to reduce their takes or seek alternative sources of water.*

### **Surface water takes from rivers in nominated catchments**

**2. In addition to the taking and use of water in accordance with Rule 24.01.01 the taking and use of surface water from a river is a permitted activity, provided that:**

- (a) The take is from a river in the following catchments:
- Mangatete (Mangetete) River catchment
  - Aurere River catchment
  - Parapara River catchment
  - Taipa River catchment
  - Oruaiti River catchment
  - Kaeo River catchment
  - Hakaru River catchment
  - Otamatea River catchment but excluding Wairua River Catchment
  - Arapaoa River catchment but excluding Paparoa Creek catchment
  - Rivers draining west from The Bluff, Tinopai to Te Kowhai Floodgate Rd
  - Northern Wairoa River from below the Mangakahia River - Wairua River confluence, but not including the Manganui, Omana, and Waiotama River catchments
  - Whangape Harbour and river catchments

- Herekino Harbour and river catchments
  - Hokianga Harbour and river catchments but excluding Taheke River Catchment
  - West Coast draining rivers and streams from Maunganui Bluff to, but not including Shipwrecks Bay (excludes harbour catchments)
- (b) The take is not from a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (c) The take is not from any dune lake listed in Schedule E.
- (d) The take does not exceed 100 cubic metres per week with no more than 30 cubic metres taken per day.
- (e) The water user provides on request the following information to the Council:
- (i) Name, address and phone number of the water user.
  - (ii) Location of the water take, including river name.
  - (iii) Volume of water taken.
  - (iv) Purpose for which the water is taken.
- (f) The intake is screened so that the velocity across the screen does not exceed 0.3 metres per second. The screen shall have no holes or slots with a diameter or width greater than 5 millimetres.
- (g) The take or use does not result in a reduction in the water level below the design minimum flow.
- (h) There is no adverse effect on the ability of any existing lawful downstream water user to take water for their needs.
- (i) The water take shall not cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.
- (j) The reticulation system and components are maintained in good working order to minimise leakage and wastage.

**Explanation:** *This rule allows minor surface water takes from those rivers in the listed catchments where such takes are unlikely to have an adverse effect. The water contained in a dam, cistern or reservoir can be used for any purpose.*

*For guidance on what design minimum flow requirements in condition (g) refer to Section 9 of this Plan.*

### **Artificial Watercourses**

**3. The taking, use, damming or diversion of surface water in an artificial watercourse which meet the following criteria:**

- (1) The artificial watercourse is regularly maintained by drain cleaning activities, and floodgated or managed to ensure that no backflow occurs from rivers, lakes or coastal water; and**
- (2) The artificial watercourse is not connected upstream to a river, lake or indigenous wetland;**

**is a permitted activity**, provided that:

- (a) The take, use, damming or diversion does not limit or prevent any existing lawful user from being able to take water.
- (b) There are no more than minor adverse effects on the environment as a result of the activity.
- (c) The water take shall not cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.

**Explanation:** *The rule allows for water takes from manmade water courses. The rule is based on a "first in first served" principle. Existing users are safeguarded from any users who start taking water after them. Should a new user start taking water down flow of an existing user, and there is insufficient water for the new user at any time, the existing user will not be required to cut back in order to comply with condition (a).*

#### **Stored Water**

#### **4. The:**

- (1) **damming and diversion of rainfall runoff (but not water from a river, lake or indigenous wetland) into an off-stream reservoir which is not in the bed of a river, lake or indigenous wetland, and the unlimited taking and use of that stored water; or**
- (2) **diversion and storing of water lawfully taken under the permitted rules in Sections 24 or 25 of this Plan or by way of a resource consent, into an off-stream reservoir not on the bed of a river, lake or indigenous wetland, and the unlimited taking and use of that stored water;**

**is a permitted activity** provided that:

- (a) The take, damming or diversion does not limit or prevent the ability of an existing lawful user to take water;
- (b) The take, damming or diversion does not change the seasonal or annual range in water level of any indigenous wetland to an extent and manner that may adversely affect the wetland's natural ecosystem;
- (c) The take, damming or diversion does not affect the flow of water to any associated water body, or the water level in any lake or indigenous wetland, to an extent and manner that adversely affects the water body's natural ecosystem;
- (d) Any discharge from the reservoir meets the requirements of Rule 23.01.04.

**Note:** Where a structure is located in, on, under or over the bed of a river or lake reference should be made to the rules in Sections 28 and 29.

**Explanation:** *This rule allows landowners to catch rainfall runoff, store it in an off-stream reservoir that is not on the bed of a river, lake or indigenous wetland, and to take water from that reservoir for any purpose. It also allows for users to divert water into the off-stream reservoir from outside the*

*immediate catchment. This has benefits in that it may reduce sediment-laden runoff entering streams, and may encourage infiltration back into the soil. Any adverse effects of this activity depend on its scale. Provided such damming or diversion does not reduce the beneficial downstream flushing effects of freshes nor adversely affect fish migration, off-stream storage of water is encouraged.*

*This rule also allows for users who have taken surface water under permitted activity Rules 24.01.01, 24.01.02 and 24.01.03 or under a resource consent to store that water in an off-stream reservoir not on the bed of a river, lake or indigenous wetland and to subsequently take that stored water at an unlimited rate for any purpose.*

## **Surface Water Takes for Road Construction**

### **6. The take or use of surface water for road construction or maintenance purposes, including dust suppression during construction activities, is a permitted activity, provided that:**

- (a) The total take does not exceed 150 cubic metres per day, or 450 cubic metres over any consecutive 5 day period, from any single water source.
- (b) The water user provides the Council, at least two weeks before any proposed water take which exceeds 30 m<sup>3</sup> per day, or at least 24 hours before any proposed water take of less than 30 m<sup>3</sup> per day, with the following information:
  - (i) Name, address, and phone number of the water user;
  - (ii) The location and duration of the proposed take, including river or lake name;
  - (iii) Volume of the proposed take;
  - (iv) The instantaneous rate of taking;
  - (v) Details of the screening device proposed to be used.
- (c) The water user keeps a record, which may be inspected by the Council, of the times and volumes of water actually taken, the location of the take, and the instantaneous rate of taking.
- (d) The instantaneous rate of taking does not reduce the flow in the river or stream by more than 20% of its flow at the time water is being taken nor to below its 1 in 5 year, 7 day low flow.
- (e) The take is not from:
  - (i) a river, or section of river, or lake deemed to have outstanding values shown in Appendix 18;
  - (ii) an indigenous wetland; or
  - (iii) any dune lake listed in Schedule E.
- (f) The velocity across the intake screen does not exceed 0.3 metres per second. The screen shall have no holes or slots with a diameter or width greater than 5 millimetres.
- (g) The take does not prevent any existing authorised water users from being able to take water to meet their needs.

- (h) There are not more than minor adverse effects on the environment as a result of the activity.

**Explanation:** *This rule permits the take of water for road construction and maintenance activities including dust suppression during works. It recognises that the water bodies from which water can be taken is dependent upon the area in which road construction and maintenance is being undertaken. It also recognises that such takes should not affect existing authorised users and result in adverse effects on the environment. To this extent water take is not permitted in conditions where water take would reduce water levels below 20% of the flow or where flows are reaching a 1 in 5 year, 7 day low flow.*

*The Council maintains automatic water level recorder stations in various rivers in Northland. Recorder station information will be passed onto roading contractors when flows are reaching 1 in 5 year, 7 day low flow. This may result in those undertaking road construction not being able to take water from a water body or alternatively needing to seek a resource consent to take water.*

*Generally, if the take is from a first or second order stream as shown on any New Zealand Topographic Map Series 260, it will be unlikely to comply with (d) above.*

*Water take which results in a change in natural temperature of greater than 3 degrees Celsius or a reduction in the concentration of dissolved oxygen (daily minimum) to below six grams per cubic metre is likely to result in more than minor adverse effects on the environment.*

## **24.2 CONTROLLED ACTIVITIES**

There are no controlled activities for the taking, use, damming and diverting of surface water, except as may be provided for in Sections 27, 28, and 29.

## **24.3 DISCRETIONARY ACTIVITIES**

The following activities relating to taking, use, damming and diverting of surface water are discretionary activities:

### **Lakes (other than Dune Lakes and Lakes deemed to have Outstanding Values)**

- 1. Any taking, use, damming or diverting of water from a lake, other than any dune lake listed in Schedule E, or a lake deemed to have outstanding values as shown in Appendix 18, which cannot meet the requirements of the permitted activity rules, is a discretionary activity.**

### **Dune Lakes**

- 2. Any existing take, use, damming or diverting of surface water, which is otherwise not provided for as a permitted activity, for which there is an application for renewal, from any dune lake listed in Schedule E, is a discretionary activity.**

### **All Other Takes**

3. **The taking, use, damming or diverting of surface water which does not meet the requirements of the permitted activity rules, or is not covered by the non-complying activity rules, and is not otherwise covered by a rule in any other section of this Plan, is a discretionary activity.**

#### **24.4 NON-COMPLYING ACTIVITIES**

The following activities relating to taking, use, damming or diverting of surface water are non-complying activities:

##### **Dune Lakes**

1. **Any proposed taking, use, damming or diverting of surface water from any dune lake listed in Schedule E which is otherwise not provided for as a permitted or discretionary activity, is a non-complying activity.**

##### **Indigenous Wetlands**

2. **The taking, use, damming or diversion of water from within a significant indigenous wetland identified in accordance with Appendix 13B, which does not meet the requirements of the permitted activity rules is a non-complying activity.**

***Explanation:** The term ‘indigenous wetland’ is defined in Section 42. There are also a number of photographs of the different types of wetlands in Northland shown in Appendix 13A as well as photographs of ‘wet’ areas which are not considered to be wetlands in terms of this rule. Criteria for significant indigenous wetlands are contained in Appendix 13B. The areas containing outstanding value rivers and lakes are shown in Appendix 18.*

*The Council will assess the significance of indigenous wetlands on a case-by-case basis.*

##### **Rivers, or Sections of Rivers and Lakes deemed to have Outstanding Values**

3. **The taking, diversion or use of surface water from a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18, which do not meet the requirements of the permitted activity rules is a non-complying activity.**

***Explanation:** Rivers, or sections of rivers, and lakes deemed to be outstanding are shown in Appendix 18.*

#### **24.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for the taking, use, damming or diversion of surface water.

## 25. RULES FOR THE TAKING, USE AND DIVERTING OF GROUNDWATER (INCLUDING GEOTHERMAL WATER)

### **ADVICE NOTE: GROUND WATER TAKES FOR REASONABLE DOMESTIC NEEDS AND ANIMAL DRINKING WATER NEEDS**

#### **(A) Reasonable use**

Under Section 14(3)(b) of the Act, the taking and use of fresh water for an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water is allowed without a resource consent, provided the taking or use does not, or is not likely to, have an adverse effect on the environment.

Domestic needs include the taking of water for consumption and household activities such as kitchens, bathrooms, laundries, gardens and toilets. Animal drinking water is for the drinking water requirements of an individual's animals only, and does not include other water requirements, for example, washing down water.

#### **(B) General adverse effects**

A take will be considered likely to cause an adverse effect on the environment in terms of Section 14(3)(b) of the Act where it:

- i. Limits or prevents the ability of an existing lawful user to take water;
- ii. Is being taken for reasonable animal drinking water purposes and is from the same hydrologic system, and the bore is located less than 50 metres away from any other bore, dune lake, indigenous wetland or spring;
- iii. Changes the seasonal or annual range in water level of any indigenous wetland to an extent and manner that may adversely affect the wetland's natural ecosystem;
- iv. Results in significant ground settlement;
- v. Affects the springflows to any associated water body, or the water level in any lake or indigenous wetland, to an extent and manner that adversely affects the water body's natural ecosystem.

#### **(C) Aquifer specific adverse effects**

The aquifers listed in Schedule B are considered to be at risk from saltwater intrusion, particularly if large amounts of water are taken without the consideration of environmental effects.

Aquifers listed in Schedule A are high demand aquifers where the cumulative effects of new users need to be considered when allocating the water.

Therefore in addition to the criteria set out above, a take will be considered likely to cause an adverse effect on the environment in terms of Section 14(3)(b) of the Act where the take:

- i. Is from an aquifer listed in Schedule B and is a take for animal drinking water purposes;
- ii. Is from an aquifer listed in Schedule B and is a take for domestic needs where the take is greater than 1 m<sup>3</sup> per day;
- iii. Is not an existing lawful take for animal drinking water purposes from an aquifer listed in Schedule A;
- iv. Is not an existing lawful take for domestic needs from an aquifer listed in Schedule A where the take is greater than 1 m<sup>3</sup> per day.
- v. Is fitted with an appropriate backflow preventer as close as practicable to the bore head.
- vi. Results in or contributes towards cumulative adverse effects on water bodies and/or water quality.
- vii. The reticulation system and components are not maintained in good working order to minimise leakage and wastage.
- viii. The water user must provide the Council on request the following information:
  - (i) Name.
  - (ii) Postal address and phone number.
  - (iii) Property address.
  - (iv) Location of the groundwater take.
  - (v) Volume of water taken.
  - (vi) Purpose for which the water is taken.
  - (vii) For animal drinking water takes – the number of stock units and the area served.

**Note:** Where necessary the Council may require the use or take to be monitored (metered).

## 25.1 PERMITTED ACTIVITIES

The following activities associated with the taking, use and diversion of groundwater are permitted activities:

1. **The taking and use of groundwater from an aquifer, other than those aquifers listed in Schedules A, B or C, for any purpose is a permitted activity**, provided that:
  - (a) The daily volume taken does not exceed 10 cubic metres per day per bore and the rate of taking does not exceed 5 litres per second.
  - (b) Where the water is being taken from the same hydrologic system, the bore is located:
    - (i) at least 50 metres from any other bore existing at the date of commencement of this permitted activity, (unless any adjacent bore is owned by the person undertaking the activity); and
    - (ii) at least 100 metres away from any groundwater discharge point (spring).

- (c) The water take does not occur within any indigenous wetland, nor shall it cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.
- (d) The water take does not cause any change to the seasonal or annual range in water level of any dune lake listed in Schedule E to an extent that may adversely affect the dune lake's natural ecosystem.
- (e) The water user provides the following information to the Council on request:
  - (i) Name of water user.
  - (ii) Postal address and phone number.
  - (iii) Property address.
  - (iv) Location of the groundwater take.
  - (v) Volume of water to be taken.
  - (vi) Purpose for which the water is taken.
- (f) The take or use does not limit or prevent the ability of an existing lawful user to take water.
- (g) The take or use does not affect the springflows to any associated water body, or the water level in any lake or indigenous wetland, to an extent and manner that may adversely affect the water body's natural ecosystem.
- (h) The taking does not result in significant ground settlement.
- (i) The take is fitted with an appropriate backflow preventer as close as practicable to the bore head.
- (j) The reticulation system and components are maintained in good working order to minimise leakage and wastage.

**Explanation:** *This rule permits small quantities of water to be taken from high producing aquifers, and from aquifers that are lower producing but are subject to low demand. The taking of small quantities from these aquifers should only have minor adverse effects on the groundwater resource. An example of the first category is the Aupouri shell and sand aquifers. The latter category would include greywacke aquifers that are overlain by soils and landforms generally suitable for farming and forestry land uses.*

*The basalt aquifers listed in Schedule A that have been excluded from this permitted activity rule, represent groundwater resources which are currently, or have the potential to be, under significant demand with consequent adverse effects on associated surface water resources.*

*The shallow coastal aquifers listed in Schedule B are currently being used for individual water supplies in existing settlements. These aquifers are at risk of contamination by saltwater intrusion should development continue. One of these aquifers has already experienced saltwater intrusion problems.*

*Users who comply with this rule may request the Council to issue a certificate of compliance in accordance with Section 139 of the Resource Management Act 1991. (An administrative charge will apply.) This will protect them from*

*possible future conflicts that may be associated with a new bore being drilled within 50 metres of an existing bore after the permitted activity commences.*

*This rule does not restrict the number of bores that any person may take water from. While this may allow a person to take 10 cubic metres per day each from a number of bores as permitted activities, the Council considers that the costs of drilling several bores and the pumping equipment would be restrictive, and that users would find it more cost effective to apply for a resource consent for larger quantities from one bore.*

**2. Notwithstanding Rule 25.01.01, the taking, diverting and discharge of groundwater from an aquifer for bore development, bore testing, or dewatering by pumping, and the discharge of that water onto or into land or into water is a permitted activity, provided that:**

- (a) In the coastal aquifers listed in Schedule B, the site of the bore testing or ground dewatering does not occur within 100 metres of mean high water springs (MHWS), and
  - (i) the activity is completed within 7 days of commencement and the daily volume of water taken does not exceed 50 cubic metres per day, or
  - (ii) the activity is completed within 24 hours of commencement and the daily volume of water taken does not exceed 100 cubic metres per day.
- (b) In any other aquifer not covered by Condition (a), the activity is completed within 7 days of commencement.
- (c) The discharged water does not result in erosion of the banks of any receiving water body.
- (d) Where the discharge is to water or onto land where it may enter water the discharge does not cause any of the following effects in the receiving water, at or beyond a 10 metre radius from the discharge point:
  - (i) The pH of the water being outside the range of 6.5 – 9.0, except where due to natural causes.
  - (ii) Any conspicuous oil or grease films, scums or foams, floatable or suspended materials.
  - (iii) Any increase in the level of faecal coliform bacteria.
  - (iv) Any conspicuous change in colour or reduction in the visual clarity of the receiving waters by more than 40%.
- (e) The groundwater level in any adjacent bore, or the flow or water level of any surface water body which is used for water supply purposes, is not reduced to the extent that the bore or surface water body cannot continue to be used for that purpose.
- (f) The water take does not occur within any indigenous wetland, nor shall it cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.
- (g) Any resulting settlement shall not cause adverse effects on buildings, structures and services.

- (h) The take shall not change the water level regime or direction of flow of the aquifer after the completion of works.

**Explanation:** *This rule allows groundwater to be taken and discharged as required for road building, drain laying, building site dewatering and bore testing. It permits ground dewatering by pumping only, as distinct from the diversion and discharge of subsurface water during drainage works.*

*Condition (a) relates to the risk of seawater intrusion where groundwater is being taken in the vicinity of the freshwater/saltwater interface. Bore testing is often required to collect the necessary information about a proposed groundwater abstraction.*

*A bore test may result in a neighbour's water supply being temporarily affected. However, if a suitable alternative water supply is provided, so that the neighbour does not consider himself or herself to be adversely affected, Condition (e) will be considered met.*

## 25.2 CONTROLLED ACTIVITIES

The following activities for taking, using or diverting groundwater are controlled activities:

### Existing Quarry and Mine Site Dewatering

1. **Ground dewatering of existing quarries and mine sites and ground dewatering by way of existing drainage sumps which do not draw water from at risk aquifers are controlled activities.**

#### **Matters Subject to Control:**

- (1) Location and design of dewatering wells;
- (2) Extent of dewatering;
- (3) Mitigation measures.

**Explanation:** *This rule covers existing dewatering of quarries and mine sites in the region. When considering renewal consents for these operations the Regional Council will be able to control the effects of such activities on the adjacent environment.*

*An application in respect of this controlled activity will be non-notified unless the Council considers special circumstances exist to require notification (refer also Section 38.02). The Council will require that written approvals are obtained from any landowner/occupier whose water supplies may be adversely affected as the result of the investigations.*

## 25.3 DISCRETIONARY ACTIVITIES

The following activities associated with taking groundwater are discretionary activities:

1. **The taking, use or diversion of groundwater from an aquifer, and any associated discharge of groundwater onto or into land or into water, which does not meet the requirements of the permitted, controlled or non-complying activity rules is a discretionary activity.**

Any resource consent granted in accordance with this rule will include a requirement to install a water meter with an accuracy of  $\pm 5\%$  to measure the instantaneous rate and quantity of water taken from the aquifer, where:

- (a) The daily volume to be taken is 200 cubic metres or greater, or
- (b) The volume taken is likely to adversely affect an associated surface water resource, or
- (c) The average annual recharge of the aquifer is more than 50% allocated.

**Explanation:** *This rule applies to any new groundwater (including geothermal) takes from any aquifer and any existing but unlawful takes from those aquifers. The requirement for a water meter will be determined at the time of application. Rule 25.03.01 applies to all new applications and to any application for the replacement of an existing resource consent. The average annual recharge on the aquifer will be estimated using information collected from groundwater investigations from the Aupouri, Kaikohe, Maunu-Maungatapere-Whatitiri aquifers and using a simple water balance/model for other aquifers.*

*It also applies to the taking and use of water, heat or energy from a bore constructed in the Ngawha Geothermal Field as defined in Schedule C, except where the activity is in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and the activity does not have an adverse effect on the environment. The taking and use of geothermal water, heat, or energy where the activity is in accordance with tikanga Maori and does not have an adverse effect is authorised by ss.14(3)(c) of the Act.*

## 25.4 NON-COMPLYING ACTIVITIES

1. **The taking, use, damming or diversion of water from within a significant indigenous wetland identified in accordance with Appendix 13B, which does not meet the requirements of the permitted activity rules is a non-complying activity.**

**Explanation:** *The term 'indigenous wetland' is defined in Section 41. There are also a number of photographs of the different types of wetlands in Northland shown in Appendix 13A as well as photographs of 'wet' areas which are not considered to be wetlands in terms of this rule.*

## 25.5 PROHIBITED ACTIVITIES

There are no prohibited activities associated with the taking of groundwater.

## 26. RULES FOR GROUNDWATER BORE CONSTRUCTION ACTIVITIES

### 26.1 PERMITTED ACTIVITIES

The following activities associated with bore construction are permitted activities:

1. **The construction of a temporary bore is a permitted activity**, provided that:
  - (a) The bore is decommissioned in accordance with Section 2.7 of the New Zealand Environmental Standard for Drilling Soil and Rock (NZS 4411:2001) within 14 days of construction commencing.
  - (b) The bore is not for the purpose of taking samples of groundwater from an aquifer in association with the investigation or monitoring of a contaminated site or potential contaminated site.

**Note:** Where the construction of any bore (including exploratory bores) is unlikely to meet the criteria in Rule 26.01.01 a resource consent is required prior to the drilling commencing.

2. **The maintenance of a bore is a permitted activity**, provided that:
  - (a) The activity is in accordance with all requirements set out in the *New Zealand Standard Environmental Standard for Drilling of Soil and Rock* (NZS 4411:2001).
  - (b) In flowing or potentially flowing artesian aquifers, the upper bore casing is cement grouted prior to deeper drilling so as to prevent escape of high pressure waters and the development of ground instability at the bore head.

**Explanation:** *This rule ensures that bores are maintained in a way that prevents groundwater contamination.*

3. **The discharge of water or contaminants (drilling fluids) into groundwater for bore construction, maintenance or alteration purposes is a permitted activity**, provided that:
  - (a) Drilling fluid is removed from the bore during bore development.

**Explanation:** *The use of drilling fluids is a necessary component of most bore construction. Some drilling fluids contain substances which may fall under the definition “hazardous substances”. If the drilling fluid is not removed during the bore development phase of bore construction, an adverse effect on groundwater quality may occur. Drillers are encouraged to use drilling fluids which do not contain hazardous substances.*

## 26.2 CONTROLLED ACTIVITIES

The following activity associated with bore construction is a controlled activity:

1. **Any bore constructed for the purpose of taking samples of groundwater from an aquifer in association with the investigation or monitoring of a contaminated site or potentially contaminated site is a controlled activity**, provided that:
  - (a) The bore head is constructed in accordance with the Monitoring Bore Surface Completion Specifications as shown in Appendix 14.

### **Matters Subject to Control:**

- (1) Bore construction.
- (2) Closure of the bore.

An application in respect of this controlled activity will be non-notified unless the Regional Council considers special circumstances exist to require notification (refer also Section 38.02). The Council will require that written approvals are obtained from any landowner/occupier whose water supplies may be adversely affected as the result of the investigations.

***Explanation:** This rule ensures that the construction of bores for groundwater sampling in or around contaminated or potentially contaminated sites avoids any possible further contamination of the aquifer. A contaminated site is broadly defined as a site at which hazardous substances occur at concentrations above background levels and pose or are likely to pose an immediate or long-term hazard to human health or the environment. The definition includes landfills and sewage disposal fields.*

## 26.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities in relating to groundwater bore construction activities are restricted discretionary activities:

1. **The construction or alteration of a bore that is not within any area identified in Schedules A, B, C, or F is a restricted discretionary activity.**

The Council will restrict its discretion to:

- (a) The location of the bore including the proximity to other bores.
- (b) The proximity of the bore to any contaminated site or potentially contaminated sites, including any effluent disposal field existing at the time of drilling.
- (c) Compliance with the *New Zealand Standard NZS 4411:2001: Environmental Standard for the Drilling of Soil and Rock*.
- (d) The bores design, construction, operation and maintenance requirements.

#### **26.4 DISCRETIONARY ACTIVITIES**

The following activity associated with bore construction is a discretionary activity:

- 1. The construction, maintenance or alteration of any bore that is not a permitted controlled, or restricted discretionary activity is a discretionary activity.**

***Explanation:** This rule includes the construction or alteration of any new bore within an aquifer identified in Schedules A, B, C or F.*

#### **26.5 NON-COMPLYING ACTIVITIES**

There are no non-complying activities for groundwater bore construction activities.

#### **26.6 PROHIBITED ACTIVITIES**

There are no prohibited activities for groundwater bore construction activities.



## 27. RULES FOR DRAINAGE AND RIVER CONTROL ACTIVITIES

**Note:** Section 13 restrictions in the Act relating to activities in, on, under or over the bed of a river or lake do not apply to artificial watercourses and therefore do not apply to farm drainage canals.

Section 13 restrictions do apply to wetlands where the wetland becomes part of the bed of the river when the river is at its fullest flow, or part of the bed of the lake when the lake reaches its highest level without exceeding its margins.

### 27.1 PERMITTED ACTIVITIES

The following activities relating to land drainage and river control activities are permitted activities:

#### Existing Land Drainage

1. **The taking, diversion and discharge of drainage water associated with drainage of land, other than public drainage networks within Drainage Districts and Flood Control Schemes, established prior to the notification of this Plan is a permitted activity, provided that:**
  - (a) The land drainage does not result in flooding or adverse over-drainage effects on any property owned or occupied by another person.
  - (b) The discharged drainage water does not cause any accelerated erosion of any land or water body beyond the point of discharge.
  - (c) The land drainage shall not cause any change to the seasonal or annual range in water level of any indigenous wetland (including any significant indigenous wetland) to an extent that may adversely affect the wetland's natural ecosystem.
  - (d) At or beyond a 10 metre radius from the discharge point the discharge does not:
    - (i) result in any conspicuous oil or grease films, scums or foams, or floatable or suspended material except where caused by natural events in the receiving water;
    - (ii) cause the pH of the receiving water to fall outside the range of 6.5 to 9.0 (except where caused by natural events, or when natural background levels fall outside that range);
    - (iii) cause any emission of objectionable odour in the receiving water;
    - (iv) cause any conspicuous change in colour, or reduction in visual clarity of the receiving water by more than 40%;
    - (v) cause the natural temperature of the receiving water body to be changed by more than 3°C.
  - (e) The discharge does not contain concentrations of contaminants which have or are likely to have an adverse effect on aquatic life.

**Explanation:** *The majority of Northland’s low-lying land has already been drained for primary production or urban development. Land drainage involves the taking, diverting and discharge of water – activities which are restricted by s.14 of the Act. Rule 27.01.01 permits established land drainage outside of Scheme areas, together with established land drainage within Scheme areas where it is on private land. However, it does not permit the “public” network within Scheme areas. A resource consent is required for public land drainage networks managed by local authorities or groups of landholders within Scheme areas, in accordance with Rule 27.02.01.*

*Drainage Districts and Flood Control Schemes are established and managed by local authorities exercising their powers, functions and duties under the “Soil Conservation and Rivers Control Act” 1941, the “Land Drainage Act” 1908, or the “Local Government Act” 1974. Alternatively, they may be managed by a group of landholders which has assumed control pursuant to ss.517A to ss.517ZM of the “Local Government Act” 1974. Drainage Districts and Flood Control Schemes existing at the time of notification of this Plan are listed in Schedule D.*

### **New Land Drainage**

**2. The taking, diversion and discharge of drainage water associated with the drainage of land, other than public drainage networks within Drainage Districts and Flood Control Schemes, established after 27 April 1995 is a permitted activity provided that:**

- (a) All of the conditions of Rule 27.01.01 are complied with.
- (b) The discharge shall be to the same catchment as that to which the water would naturally flow.
- (c) In the case that the activity is occurring in a Drainage District or Flood Control Scheme area the activity shall meet the conditions of an approved Management Plan prepared by the Drainage Authority.
- (d) The taking or diverting of groundwater from an aquifer is undertaken in accordance with permitted activity rule 25.01.02.

**Explanation:** *As with Rule 27.01.01, Rule 27.01.02 excludes “public” land drainage networks managed by local authorities or groups of landholders within Scheme areas, in accordance with Rule 27.02.01.*

### **Maintenance of the free flow of water in Rivers and Lakes**

**3. Any:**

- (1) **excavation or disturbance of the bed of a river or lake;**
- (2) **deposition of any substance in, on, or under the bed of a river or lake;**
- (3) **diversion or discharge of water; and/or**
- (4) **discharge of sediment or other material derived from the subject water body into water and into or onto land;**

**undertaken for the purpose of maintaining the free flow of water in a river or lake, including minor channel realignments and clearance of debris blockages, is a permitted activity, provided that:**

- (a) No earthworks are carried out in a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (b) There shall be no change to the seasonal or annual range in water level of any indigenous wetland (including any significant indigenous wetland), to an extent that may adversely affect the wetland's natural ecosystem.
- (c) Any vegetation clearance shall be limited to that required to maintain the free flow of water in the water body, including the removal of blockages that would exacerbate flooding, or to remove exotic weed species including those identified in a regional pest management strategy pursuant to the *Biosecurity Act 1993*.
- (d) No material removed from the bed shall be allowed to re-enter or shall be placed in a position where it could readily re-enter, or be carried into, a lake or wetland or a permanently flowing river that may result in:
  - diversion or damming; and/or
  - bed or bank erosion; and/or
  - adverse effects on ecosystems that are more than minor.
- (e) Any removal of sand, gravel or rock shall be limited to that required to maintain the free flow of water.

**Note:** Removal of sand, gravel or rock for other purposes is required to comply with Rule 31.01.01.
- (f) No refuelling or maintenance of equipment takes place on any area of the bed of a river or lake.
- (g) There are no adverse flooding effects on any property owned or occupied by another person, as a result of activity.
- (h) There is no significant erosion of the bed of the river or lake as a result of the activity.
- (i) The activity does not result in deepening or widening of the channel by more than 20%.
- (j) Any diversion of water, or realignment of the bed of the river or lake shall be restricted to within the lateral confines of the bed.
- (k) Any adverse effect on the ability of any downstream water users to take water to meet their authorised needs is minimised during the period of the works.
- (l) There is no damage to any existing lake or river protection, or any other lawfully established structure as a result of the activity.
- (m) The activity shall not prevent existing fish passage.
- (n) Any discharge of sediment associated with the activity shall not cause:
  - (i) any conspicuous change in colour; or
  - (ii) the reduction in visual clarity by more than 40%;

of the receiving water beyond a 10 metre radius from the activity at any time from 24 hours after completion of the activity.

- (o) The activity shall not interfere with or destroy any waahi tapu, as defined in the definitions, urupa or site of spiritual or cultural significance to Maori, which has been identified to the Council. Should archaeological remains or features be uncovered, the activity shall cease and the Council notified as soon as practicable. Also as soon as practicable the Council will then notify the appropriate tangata whenua entity. The activity shall not be recommenced without the authority of the New Zealand Historic Places Trust.

- Note:** (1) Rule 27.01.03(o) complements the duties and obligations imposed on all persons by the *Historic Places Act 1993* in respect of archaeological sites. The *Historic Places Act 1993* (s.10) makes it an offence to destroy, damage or modify or cause to be destroyed, damaged or modified the whole or part of an archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.
- (2) The Department of Conservation is the holder of the records of the New Zealand Archaeological Association. The existing records are subject to ongoing review and new records are continually added. The Department of Conservation should be consulted to determine whether there are any known archaeological sites in a particular area.
- (3) Rule 27.01.03(o) does not abrogate the responsibility of people to satisfy themselves prior to the commencement of work as to the location of waahi tapu etc. and their need to consult with tangata whenua with an interest in the area. The Council can provide lists of local contacts.

**Explanation:** *Landowners are required under the “Land Drainage Act” 1908 to maintain watercourses on their property so that the water can flow through unimpeded from upstream properties. However, this requirement does not abrogate their duties under the “Resource Management Act” 1991. Rule 27.01.03 is intended to facilitate the maintenance of watercourses while ensuring that any adverse effects are no more than minor.*

#### **Existing Stopbanks**

- 4. Notwithstanding the rules for earthworks in Sections 33 and 34 the repair of any existing stopbank, and any associated earthworks and diversion and discharge of water is a permitted activity, provided that:**

- (a) There are no adverse flooding effects on any property owned or occupied by another person, as a result of the activity.
- (b) No vegetation, soil, or any other debris is placed in a position where it may readily enter water, or be carried into a permanently flowing river, wetland, lake or coastal water.

**Note:** Repair of an existing stopbank does not include modification to the stopbank such as raising the crest.

## 27.2 CONTROLLED ACTIVITIES

The following activities relating to land drainage and river control are controlled activities:

### Land Drainage and Flood Control Schemes

1. **Except for activities provided for by permitted activity rules in this Plan, any activity in a Drainage District or Flood Control Scheme area that is carried out by:**

- (1) **a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908; or**
- (2) **a group of landowners who have assumed control pursuant to ss.517A to ss.517ZM of the Local Government Act 1974;**

**Which would otherwise contravene Section 13, 14 or 15 of the Resource Management Act 1991, is a controlled activity, provided that:**

- (a) The activity and any new structure shall not cause any significant erosion to any land or water body.
- (b) The activity and any new structure shall not prevent existing fish passage.
- (c) There shall be no discharge of contaminants, other than sediment and other material derived from the subject water bodies, arising from the use of machinery in the bed of a water body.
- (d) Any discharge of sediment associated with the activity shall not occur for more than five consecutive days, or for more than 12 hours on any one day within those five days, and there shall be no:
  - (i) conspicuous change in colour; or
  - (ii) reduction in visual clarity by more than 40%;
 of the receiving water after reasonable mixing at any time from 24 hours after completion of the activity.
- (e) Except as provided for by (d) above, any discharge shall not result in any of the following effects after reasonable mixing:
  - (i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) Any emission of objectionable odour;
  - (iii) *The rendering of fresh water unsuitable for consumption by farm animals;*
  - (iv) Any significant adverse effects on aquatic life.
- (f) A management plan shall be prepared in accordance with Appendix 17 of this Plan, and all works undertaken in accordance with the management plan.
- (g) There shall be no change to the seasonal or annual range in water level of any indigenous wetland (including any significant indigenous

wetland) to an extent that may adversely affect the wetland's natural ecosystem.

- (h) Any resulting settlement shall not cause adverse effects on buildings, structures and services.

**Matters Subject to Control:**

- (1) The management of drainage and flooding effects.
- (2) The adequacy of the proposed measures to prevent erosion of land and water bodies.
- (3) The size and zone of reasonable mixing.
- (4) Information and monitoring requirements.
- (5) The duration of resource consent.
- (6) The review of consent conditions.
- (7) Any necessary staging of works.
- (8) The matters addressed in a management plan prepared in accordance with Appendix 17 of this Plan.

- 2. **Except for activities provided by permitted activity rules in this Plan, the taking, diversion and discharge of drainage water associated with the drainage of land other than public drainage networks, for which there is no approved management plan and which would otherwise contravene s.13, s.14 or s.15 of the Act is a controlled activity** provided that:

- (a) All the conditions of 27.01.01 are complied with.
- (b) The discharge shall be in the same catchment as that to which the water would naturally flow.
- (c) Any dewatering is undertaken in accordance with Section 25 of this Plan.

**Matters Subject to Control:**

- (1) The management of drainage and flooding effects.
- (2) The adequacy of the proposed measures to prevent erosion of land and water bodies.
- (3) The size and zone of reasonable mixing.
- (4) Information and monitoring requirements.
- (5) The duration of resource consent.
- (5) The review of consent conditions.
- (6) The matters addressed in any proposed management plan prepared in accordance with Appendix 17 of this Plan.

**Explanation:** *Consent is required for new land drainage associated with the drainage of land other than public drainage networks within drainage districts and flood control schemes until an approved management plan is in place.*

*Management plans prepared under Appendix 17 are intended to satisfy two purposes:*

- *The management of effects on the environment, as required by the Act; and*
- *Achievement of the objectives of the Soil Conservation and Rivers Control Act 1941 including in relation to the flood management integrity of the Scheme.*

*In addition to requiring a resource consent under the Resource Management Act 1991, approval of the Council as the catchment board for Northland is required under the Soil Conservation and Rivers Control Act 1941.*

### **27.3 DISCRETIONARY ACTIVITIES**

The following activities relating to drainage and river control activities are discretionary activities:

#### **New Stopbanks or Modification to Existing Stopbanks**

- 1. Except as regulated by Rule 27.01.04, the erection and placement of any new stopbank or modification to an existing stopbank is a discretionary activity.**

#### **Activities affecting Land Drainage and Flood Control Schemes**

- 2. Any of the following activities where they are undertaken within a drainage district or flood control scheme area:**
  - (a) The introduction of planting of any plant in, on, or under the bed of any river, lake or artificial watercourse, or within 3 metres of the bed;**
  - (b) The erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial watercourse, or within 3 metres of the bed;**
  - (c) The deposition of any rock, shingle, earth, debris or other substance in, on, or under the bed of any river, lake or artificial watercourse, or within 3 metres of the bed;**
  - (d) The undertaking of any other land disturbance activity within 3 metres of the bed of any river, lake or artificial watercourse;**

**which impedes the functional integrity of the drainage district or flood control scheme, or which impedes access required for maintenance purposes, is a discretionary activity.**

#### **Land Drainage and Flood Control Activities that Do Not Comply with Other Rules**

- 3. Any activity associated with land drainage or flood control which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule, but which is not expressly**

**classified as a discretionary, or non-complying activity, is a discretionary activity.**

#### **Land Drainage and Flood Control Activities that are Not Expressly Regulated**

- 4. An activity associates with land drainage or flood control, which is restricted by Section 13, 14 or 15 of the Act but not expressly regulated by other rules within this Plan, is a discretionary activity.**

### **27.4 NON-COMPLYING ACTIVITIES**

The following activities relating to land drainage and flood control are non-complying activities.

#### **Drainage of Significant Indigenous Wetlands**

- 1. The drainage of any significant indigenous wetland identified in accordance with Appendix 13B, is a non-complying activity.**

### **27.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for drainage and river control activities.

## 28. RULES FOR DAM STRUCTURES (INCLUDING WEIRS) ON THE BEDS OF RIVERS AND LAKES

**Note:** Rules relating to the taking, use, or (unless otherwise specified in this section) the damming and diversion of water are included in Section 24 of this Plan.

Section 13 restrictions of the Act relating to activities in, on, under or over the bed of a river or lake do not apply to artificial watercourses and therefore do not apply to completely artificial farm drainage canals, however the damming and diversion of water in these waterways is provided for in Section 24 of this Plan as required by Section 14 of the Act. Furthermore, off-stream reservoirs constructed within stormwater flow paths are only subject to rules in Sections 24 and 33 of this Plan.

Section 13 restrictions of the Act do apply to wetlands where the wetland becomes part of the bed of the river when the river is at its fullest flow, or part of the bed of the lake when the lake reaches its highest level without exceeding its margins.

### 28.1 PERMITTED ACTIVITIES

The following activities relating to dam structures on the beds of rivers and lakes are permitted activities:

1. **The damming, diversion and discharge of water, and the use and repair of an existing dam structure, which has been lawfully established (prior to 18 March 2006) on the bed of a river or lake is a permitted activity, provided that:**
  - (a) The water impounded by the dam structure does not adversely affect adjoining land owned or occupied by another person.
  - (b) The damming, diversion and discharge of water does not cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.
  - (c) The dam structure wall and spillway(s) are constructed and maintained so that dam structure failure is avoided, and flood overflows do not result in erosion of land or flooding of downstream properties.
  - (d) The dam structure face and spillway is not used or grazed in a manner that could damage its stability or result in erosion.
  - (e) The activity does not take place in a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
  - (f) It is not regulated by Rule 27.03.02.
  - (g) Any repairs do not result in the dam structure being able to retain a greater water volume than that which could be held by the dam structure prior to the repair under average annual rainfall conditions.
  - (h) Fish and invertebrate passage is maintained where this is part of the dam structures original design.
  - (i) The downstream flows are not caused to fall below their design minimum flow as a consequence of the dam structure.
  - (j) Any discharge of water meets the requirements of permitted activity Rule 23.01.04.

**Note:** Refer also to stormwater control rules in Section 22 of this Plan.

The Building Act 2004 provides restrictions and responsibilities that dam structure owners must also adhere to.

**Explanation:** *This rule provides for dam structures, which existed prior to 18 March 2006, on the beds of rivers and lakes as a permitted activity. Guidance is available from the Regional Council to assist with compliance of the conditions.*

**2. The use and repair of a dam structure on the bed of a river or lake lawfully established after 18 March 2006 is a permitted activity, provided that:**

- (a) The dam structure wall and spillway(s) are constructed and maintained so that dam structure failure is avoided and flood overflows do not result in erosion of land or flooding of neighbouring properties.
- (b) The dam structure face and spillway is not used or grazed in a manner that could damage its stability or result in erosion.
- (c) After Regional Council review upon expiry of consent the flows downstream are not caused to fall below their design minimum flow as a consequence of the dam structure.
- (d) Fish and invertebrate passage is maintained where this is part of the dam structures original design and construction.
- (e) It is not regulated by Rule 27.03.02.
- (f) Any repairs do not result in the dam structure being able to retain a greater water volume than that which could be held by the dam structure prior to the repair under average annual rainfall conditions.
- (g) Any existing vegetative strip required by way of resource consent conditions around the perimeter of the reservoir shall be maintained.
- (h) The dam structure was created in accordance with the original resource consent and held for a time span of not less than a 10 year term.
- (i) On request photographic and written evidence is provided to the Regional Council showing that:
  - (i) Fish and invertebrate passage, where this was required as part of the original consent, is being maintained,
  - (ii) The original continuation flow continues to be maintained, and
  - (iii) The dam structure including any spillways or other appurtenant structures are maintained.
- (j) The water impounded by the dam structure does not adversely affect adjoining land owned or occupied by another person.

**Note:** This rule allows for the consent of dam structures established after 18 March 2006 to become permitted activities so long as conditions (a) – (k) can be complied with. If any conditions cannot be complied with then a resource consent is required. Refer also to stormwater control rules in Section 22, of this Plan. The Building Act 2004 provides restrictions and responsibilities on dam structure owners that must also be adhered to.

- 3. The damming, diversion and discharge of water associated with a dam structure permitted under Rule 28.01.02 on the bed of a river or lake is a permitted activity, provided that:**
- (a) The dam structure retains not more than 3 metres in depth, and not more than 20,000 cubic metres in volume, of water.
  - (b) The discharge from the dam structure does not cause the water quality of the receiving water at or beyond 20 metres downstream of the discharge point to:
    - (i) Contain concentrations of contaminants to the extent that the water is rendered unsuitable for consumption by farm animals, nor shall the water emit objectionable odours, except when due to natural causes.
    - (ii) Contain hazardous substances, which have an adverse effect on aquatic life or result in the production of scums and foams, conspicuous oil or grease or floatable or suspended solids.
    - (iii) Change the natural colour and clarity of the water to a conspicuous extent.
    - (iv) Reduce the daily minimum oxygen content in solution in the discharged waters by more than 10%, except when due to natural causes.
    - (v) Result in an increase in the temperature of the receiving water by more than 3 degrees Celsius.
    - (vi) Result in the pH falling outside of the range 6.5 – 9,
  - (c) The damming, diversion and discharge of water does not cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.

**Explanation:** *This rule allows for the damming, diversion and discharges associated with dam structures established after 18 March 2006 to become permitted activities if they comply with the above conditions.*

- 4. The construction, placement and repair of a temporary weir structure and the use of the bed of a river or lake for a temporary weir structure (and associated flow measuring devices) necessary for hydrological monitoring purposes and the associated damming, diversion or discharges of water to water in, on or under the bed of a river or lake is a permitted activity, provided that:**
- (a) The overall vertical height of the structure is no more than 600 mm above the bed of the river or lake.
  - (b) The weir opening vertical height is no more than 400 mm from the invert of the structure.
  - (c) The overall width of the structure is no more than 1.5 metres.
  - (d) The structure shall not cause a more than minor impediment to the passage of flood flows.
  - (e) Debris behind the temporary weir is cleared so as to prevent scouring and erosion.

- (f) The structure does not restrict or prevent an existing lawful user to take water.
- (g) The structure does not reduce summer low flows below the level of the 7 day 1 in five year return period or Mean Annual Low Flow of any flow sensitive rivers of high ecological value detailed in Section 9 of this Plan.
- (h) The structure does not affect the flows or change the seasonal or annual range in water levels in any associated water body, or the water level in any lake or indigenous wetland, to an extent and in a manner that may adversely affect the water body's natural ecosystem.
- (i) The use of the structure will not result in the discharge of any contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) into water or onto land in a manner where it may enter water.
- (j) All excess construction materials are removed after placement of the structure.
- (k) All reasonable steps are taken to minimise the release of sediment to water during the construction, placement, use or removal of the structure and any associated equipment.
- (l) The structure is not in, on, over or under the bed of a river, or section of river or lake deemed to have outstanding values as shown in Appendix 18 or any Dune Lake in Schedule E.
- (m) The structure is removed within 1 week after monitoring activities are completed.
- (n) Monitoring activities are completed within a maximum of 21 consecutive days after structure placement once in any two-month period.

**Note:** Any temporary weir structure, which cannot meet the permitted activity conditions, is a discretionary activity.

**5. The construction, placement and repair of a temporary dam structure where it is to give effect to permitted activity rules 29.01.03 and 29.01.05 for culvert and ford construction and the associated damming, diversion or discharges of water to water in, on or under the bed of a river or lake is a permitted activity, provided that:**

- (a) The overall height of the structure is no more than 600mm above the bed of the river or lake.
- (b) The dam structure has sufficient strength to ensure they do not collapse under hydrostatic pressure or normal stream flows.
- (c) The dam structure is constructed of materials that are free of contaminants and the faces are protected against erosion.
- (d) The activity does not take place within any indigenous wetland, nor shall it cause any change to the seasonal or annual range in water levels in any associated water body, or the water level in any lake or indigenous wetland, to an extent and in a manner that may adversely affect the water bodies natural ecosystem.

- (e) The activity does not take place in a river, or section or river, or lake deemed to have outstanding values as shown in Appendix 18 or any Dune Lake listed in Schedule e.
- (f) The works are constructed during a period of low flow when there is a low risk of flooding.
- (g) The stream flow is maintained upstream and downstream of the works at all times.
- (h) The structure shall not cause a more than minor impediment to the passage of flood flows.
- (i) All excess construction materials are removed after placement of the structure.
- (j) All reasonable steps are taken to minimise the release of sediment to water during the construction, placement, use or removal of the structure and any associated equipment.
- (k) The structure is removed and the bed upstream and downstream of the culvert or ford is returned to its original condition within five days of commencing construction.

**Explanation:** *this rule allows temporary dams (including coffer dams) to be constructed to dam and/or divert the flow of water during the construction of culverts and ford crossings that are permitted under Section 29 of the Plan.*

## 28.2 CONTROLLED ACTIVITIES

The following activities relating to dam structures on the beds of rivers and lakes are controlled activities:

1. **The use and repair of any lawfully established dam structure on a river or lake, which does not meet the permitted activity Rules 28.01.01 and 28.01.02, is a controlled activity.**

### **Matters Subject to Control:**

- (1) The adequacy of the maintenance of the dam structure wall and the spillway(s).
- (2) The condition and maintenance needs of fish and invertebrate passes.
- (3) The extent to which it requires monitoring (including the need for a report from an engineer who is suitably qualified in that field).
- (4) The required design minimum flow and flushing flows.

Applications for resource consents in respect of this controlled activity will be generally non-notified unless the Council considers special circumstances exist to require notification (refer also Section 37.02). No written approvals will be required.

**Explanation:** *It is a controlled activity because, for practical purposes, a resource consent application for existing dam structures is unlikely to be declined. Flushing flows are necessary for the health of river ecosystems, as they allow for the removal of built up sediment and algae. Flushing flows are different from sluicing which is provided for in Rule 31.01.02.*

2. **The damming, diversion and discharge of water associated with a permitted dam structure, which cannot meet the requirement of, permitted rules 28.01.01 and 28.01.03 or is controlled under Rule 28.02.01 is a controlled activity.**

**Matters Subject to Control:**

- (1) The adequacy of any design minimum flow and flushing flows;
- (2) The effects of discharges on aquatic life;
- (3) The level of reduction of dissolved oxygen;
- (4) Changes in temperature;
- (5) The zone of reasonable mixing.

Applications for resource consents in respect of this controlled activity will be generally non-notified unless the Council considers special circumstances exist to require notification (refer also Section 37.02). No written approvals will be required.

**Explanation:** *The Rule allows for consent to be retained for an existing dam structures and associated activities which have a more than minor adverse effect. Flushing flow requirements are necessary for the health of river ecosystems primarily as flushing flows allow for the removal of built up sediment and algae which is necessary to maintain river health. This rule does not allow sluicing activities as these are covered by Rule 31.01.02.*

### **28.3 DISCRETIONARY ACTIVITIES**

The following activities relating to dam structures (including new dam structures) on the beds of rivers and lakes and the associated damming, diversion and discharges are discretionary activities:

1. **Any activity which cannot meet the requirements of the permitted or controlled activity rules, or is not covered by the non-complying or prohibited activity rules, is a discretionary activity.**

**Note:** Refer also to stormwater, earthworks, vegetation clearance rules and Environmental Standards in Sections 22, 32, 33 and 34 of this Plan.

**Explanation:** *This rule provides for the construction of new dam structures and any associated damming, diversion or discharges on rivers or lakes (after 18 March 2006). Further to this, any alteration (resulting in more or less water being held behind the wall of the dam structure), or replacement or removal of any dam structure on the bed of a river or lake is a discretionary activity unless authorised by an existing resource consent that has not yet been exercised.*

## 28.4 NON-COMPLYING ACTIVITIES

The following activities relating to dam structures on the beds of rivers and lakes are non-complying activities:

1. **Any activity which takes place within a significant indigenous wetland identified in accordance with Appendix 13B is a non-complying activity.**
2. **The placement of a new dam structure on the bed of a river or lake and the associated damming, diversion and discharge of water that flows directly into or out of an outstanding value river section of river or lake shown in Appendix 18 is a non-complying activity.**

***Explanation:** Rule 28.04.02 adds a further level of management to sections of rivers or lakes deemed to have outstanding value as shown in Appendix 18. The rule does not replace prohibited activity rule 28.05.01 it recognises that activities outside of the zoned sections of rivers deemed to have outstanding value can have an adverse affect if not directly regulated.*

## 28.5 PROHIBITED ACTIVITIES

The following activities relating to dams on the beds of rivers and lakes are prohibited activities.

1. **Any dam structure on the bed of a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18, is a prohibited activity.**

***Explanation:** This rule protects rivers, or sections of rivers, or lakes deemed to have outstanding values from the potential adverse effects related to dams on the beds of these water bodies.*



## 29. RULES FOR STRUCTURES (OTHER THAN DAM STRUCTURES OR WEIRS) IN, ON, UNDER OR OVER THE BED OF A RIVER OR LAKE

**Note:** Section 13 restrictions in the Act relating to structures in, on, under or over the bed of a river or lake do not apply to artificial watercourses and therefore do not apply to farm drainage channels. Nor do the restrictions relate to excavation and disturbance of the beds of farm drainage channels.

Section 13 restrictions do apply to wetlands where the wetland becomes part of the bed of the river when the river is at its fullest flow, or part of the bed of the lake when the lake reaches its highest level without exceeding its margins.

### 29.1 PERMITTED ACTIVITIES

The following activities relating to structures (other than dam structures or weirs) in, on, under or over the beds of rivers and lakes are permitted activities:

#### **Existing Structures Not Otherwise Allowed by a Permitted Activity or Resource Consent**

**1. The use or repair of any structure in, on, under or over the bed of a lake or river**

- (1) which was existing as at 27 April 1995; and**
- (2) whose construction was not otherwise allowed by a regional rule or a resource consent; and**
- (3) is not regulated by Rule 27.03.02; and**

**the diversion of water around or through that structure, is a permitted activity, provided that:**

- (a) The structure is not within any dune lake listed in Schedule E; or an indigenous wetland; or river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (b) The existing structure is not associated with the launching, retrieval, mooring, maintenance or repair of vessels, except for boat ramps or concreted slipways less than 15 metres in length or 3 metres in width (refer also Rule 29.02.01).
- (c) The structure is maintained in good order and repair so as to avoid building material or other contaminants being deposited into the water body.
- (d) There are no adverse flooding effects on any upstream, adjoining or downstream properties as a result of the activity.
- (e) Any debris which accumulates around the structure is removed so as to avoid any adverse flooding or erosion effects.
- (f) The activity complies with the Environmental Standards in 29.01.11.

**Explanation:** *There are many existing structures in, on, under or over the bed of rivers or lakes which may not have been formally approved by the Council or any of its predecessors, or there is no record of their approval. To avoid time-consuming investigations into whether an existing structure is lawful or not (where there are no records), this rule authorises those structures provided appropriate environmental conditions are being met.*

*Existing structures used for the launching, retrieval or mooring of vessels are excluded in order to be consistent with the Regional Coastal Plan. These structures are either controlled or discretionary activities.*

### Existing Lawful Structures

2. **The use or repair of any existing structure, fixed in, on, under or over the bed of a river, which:**
- (1) **is not specifically provided for in Rules 29.01.03 – 29.01.10; or**
  - (2) **was lawfully established as at 27 April 1995; or**
  - (3) **was allowed subsequent to 27 April 1995; or**
  - (4) **is not regulated by Rule 27.03.02;**

**and any associated excavation or disturbance of the bed, and any associated diversion and discharge of water, is a permitted activity, provided that:**

- (a) The activity complies with the Environmental Standards in 29.01.11.

**Explanation:** *This rule permits the ongoing use and repair of any structure whose placement and construction was authorised by a land use consent. It also permits the ongoing diversion of water around or through the structure. The land use consent for the initial construction of the structure can therefore be granted for a relatively short term of 2 – 5 years to cover the construction and stabilisation period.*

### Culvert Crossings

3. **The use, placement, replacement, repair or alteration of a culvert crossing on the bed of a river or lake and any associated excavation or disturbance of the bed, and diversion of water through the structure, is a permitted activity, provided that:**
- (a) The length of the culvert crossing does not exceed 25 metres and is of sufficient size to contain the bankfull flow without causing flooding onto neighbouring properties.
  - (b) There are no adverse flooding or erosion effects on any upstream, adjoining or downstream properties as a result of the activity.
  - (c) The works shall include the provision of an overland flowpath on the same property to ensure the safe passage of a 1 in 100 year period flood flow event.

- (d) During the disturbance of the bed, upstream flow up to a 1 in 5 year return period storm event, is temporarily diverted around the area of disturbance except where the temporary damming of the water is undertaken in accordance with Rule 28.01.05.
- (e) The activity does not take place in any dune lake listed in Schedule E; or in an indigenous wetland; or a river, or section of river or lake, deemed to have outstanding values as shown in Appendix 18.
- (f) It is not regulated by Rule 27.03.02.
- (g) The activity complies with the Environmental Standards in 29.01.11.

**Note:** Refer also to Section 34 – Rules for Land Disturbance Activities in the Riparian Management Zone.

**Explanation:** *This rule permits the use, placement, replacement, repair and alteration of a culvert crossing. The conditions relating to the size of culvert crossings control the potential loss of stream habitat and the cumulative effects on stream ecology and flooding. It will generally apply to a culvert crossing being constructed within a property where the flood overflow path can be kept within the property boundaries. Based on requirement (b), placing fill on top of a culvert in a confined valley, where there is no room for an overflow, except over top of the fill, would be a discretionary activity.*

*Rule 34.01.02 and 34.01.03 and the Environmental Standards in 29.01.11 must also be complied with.*

### Single Span Bridges

**4. The use, placement, repair or alteration of a single span bridge over the bed of a lake or river is a permitted activity, provided that:**

- (a) No part of the bridge is in contact with the bed of the river or lake.
- (b) Any abutments are stabilised and protected against erosion.
- (c) The approaches to the bridge are constructed and maintained to minimise the discharge of contaminated runoff entering the water.
- (d) The activity does not take place in any dune lake listed in Schedule E; or an indigenous wetland; or a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (e) It is not regulated by Rule 27.03.02.
- (f) The activity complies with the Environmental Standards in 29.01.11.

**Note:** Refer also to Section 34 – Land Disturbance Activities in the Riparian Management Zone.

**Explanation:** *This rule applies to the use, placement, repair or alteration of a single span bridge whose abutments are not located in or on the bed (or banks) of the river. The flow is therefore not impeded by structures within the channel.*

*Guidelines are available from the Council to assist with compliance with these conditions.*

### Ford Crossings

5. **The use and repair of the bed of a river as a ford crossing, and the placement or deposition of any construction material, and any associated disturbance of the bed, is a permitted activity, provided that:**
- (a) The construction does not result in a vertical drop or discontinuity in the flow of water under any flow conditions.
  - (b) The approaches to the crossing are constructed and maintained to minimise the discharge of contaminated runoff entering the water.
  - (c) The ford crossing is not on the bed of a river, or section of river, deemed to have outstanding values as shown in Appendix 18.
  - (d) It is not regulated by Rule 27.03.02.
  - (e) The activity complies with the Environmental Standards in 29.01.11.

**Note:** Refer also to Section 34 – Land Disturbance Activities in the Riparian Management Zone.

**Explanation:** *Fords are generally shallow places to cross a river, often where the bed of the river is hard. The adverse effects of the use of a ford is generally minor and/or temporary. However care must be taken to maintain the flow characteristics that avoid adverse effects on aquatic life, such as sheer downstream lips and vertical discontinuities in flow.*

### Telecommunications, Powerlines and Water Pipelines

6. **The use, placement, repair, maintenance, upgrading or alteration of any lines defined in Section 2 of the *Telecommunications Act 1987* and any powerlines and any water pipelines in, on, under or over the bed of a river or lake, and any associated drilling, tunnelling or other disturbance is a permitted activity, provided that:**
- (a) Any new telecommunications line, or new powerline or water pipeline is not in, under or over the bed of a dune lake in any dune lake listed in Schedule E; or an indigenous wetland; or a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
  - (b) It is not regulated by Rule 27.03.02.
  - (c) The activity complies with the Environmental Standards in 29.01.11.

**Explanation:** *Cables and lines, once installed, have little or no adverse effect on the environment. This rule takes due account for the existing use provisions in the Resource Management Act 1991.*

### Fish and Game Structures

7. **The use, placement, repair and removal of any structure on the bed of a lake or river for the purpose of catching fish or shooting game, and any associated disturbance of the bed and diversion of water around or through the structure, is a permitted activity, provided that:**
- (a) Any area of indigenous vegetation affected by the structure does not exceed 5 m<sup>2</sup>.

- (b) The structure is removed when no longer required.
- (c) The structure is not on the bed of a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (d) It is not regulated by Rule 27.03.02.
- (e) The activity complies with the Environmental Standards in 29.01.11 except standards 29.01.11(1) and 29.01.11(2).

**Explanation:** Structures such as whitebaiting stands, eel traps and maimai are generally placed in rivers, streams and lakes on a temporary basis. The purpose of a maimai means the materials used to construct it will generally fit in with the surrounding background, thus maintaining the natural character of the environment. Unpainted timber would be considered a suitable material for the construction of whitebait stands.

### Minor River Bank Protection Works

**8. The use, placement or alteration of a structure in or on the bed of a river, or the deposition of material on the bed of a river for the purpose of bank protection or reinstatement, and any associated bed disturbance is a permitted activity, provided that:**

- (a) The activity does not take place in a river, or section of river, deemed to have outstanding values as shown in Appendix 18.
- (b) It is not regulated by Rule 27.03.02.
- (c) The length of the bank protection works situated on the bed of a river is the minimum necessary, and in any case is not more than 50 metres in length cumulatively over any 200 metre stretch of the river bank.
- (d) The structure, or the material deposited, does not extend beyond the original bank position.
- (e) The activity complies with the Environmental Standards in 29.01.11.

**Explanation:** This rule permits minor bank protection works provided any structure does not extent into the river channel. It also requires that the works maintain the natural character of the river, in that the structure or other works are not intrusive within the river environment.

“Bank”, as referred to in this rule, is the area of the river edges which falls under the definition of “bed” (see Definition, Section 41).

### Other minor structures and associated activities (constructed after this Plan was proposed)

**9. The use, placement, repair or alteration of any minor structures or part of any structure in, on, under or over the bed of a river or lake and any other associated activity otherwise restricted by Section 13 and Section 14 of the Act, which is not specifically provided for in any rules in other sections of this Plan is a permitted activity, provided that:**

- (a) The activity does not take place in an indigenous wetland, or river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (b) It is not the placement of a new structure in any dune lake listed in Schedule E.
- (c) The disturbance of the bed is completed within 5 days of the work commencing.
- (d) The activity does not create adverse drainage or flooding effects on the upstream, downstream or adjacent properties.
- (e) The activity complies with the Environmental Standards in 29.01.11.

**Explanation:** *This rule applies to structures in, on, under or over the bed of a river or lake that are not already addressed in Rules 29.01.02 to 29.01.08, as well as rules relating to dam structures in Section 28, and drainage and river control structures in Section 27. That is, it applies to any structure which is not:*

- (i) *An existing structure at the time this Plan is proposed;*
- (ii) *A culvert, bridge or ford crossing;*
- (iii) *A dam;*
- (iv) *A telecommunication or powerline;*
- (v) *For catching fish or shooting game;*
- (vi) *A drainage or river control structure;*

*It therefore applies to, but is not limited to:*

- (i) *Fences;*
- (ii) *Water intakes;*
- (iii) *Monitoring and sampling structures.*

*Structures which would not comply with this rule may include weirs, floodgates, water table control structures, and pipelines which convey materials other than water, such as sewage or gas.*

### **Removal or Demolition of Any Structure**

**10. Except as provided for in Rule 29.01.07, the removal of any structure and any associated disturbance of the lake or river bed is a permitted activity, provided that:**

- (a) The activity does not take place on the bed of any dune lake listed in Schedule E; or an indigenous wetland; or river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18.
- (b) The disturbance of the bed is completed within 48 hours of the work commencing.
- (c) The activity is carried out in a manner which avoids risks to public health and safety.

- (d) The activity complies with the Environmental Standards in 29.01.11 except standard 29.01.11(1).

**Explanation:** *The removal or demolition of structures where they are derelict, no longer required, or dangerous, is encouraged where the activity can be carried out over a short period of time. If it takes longer than 48 hours the adverse effects may be increased. The Council therefore requires discretion to add further conditions to avoid, remedy or mitigate those potential adverse effects.*

## 11. Environmental Standards

1. The structure does not prevent fish passage under any flow conditions.
2. Any placement of a new structure from 27 October 2001<sup>3</sup> shall not take place within any indigenous wetland; and
3. The repair, alteration, use or removal of an existing structure shall not cause change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.
4. No activity or structure shall adversely affect any area of significant indigenous vegetation or significant habitats of indigenous fauna as defined in Appendix 13B of this Plan.
5. The structure does not cause the diversion, damming or blockage of any river or stream.
6. The short-term visual clarity of any permanently flowing river or wetland shall not be reduced by more than 40%, after reasonable mixing, due to sediment or sediment laden discharge originating from the site of the land disturbance activity.
7. There is no damage to, or restriction of the use of, any existing river or lake protection works, or any other lawfully established structure as a result of this activity.
8. There is no significant erosion of the bed of the river or lake as a result of the activity.
9. Any associated embankments are maintained to prevent sediment entering the river or lake.
10. No contaminants (including but not limited to oil, petrol, diesel, paint or solvent) are released into the water or to the bed of the river or lake from equipment being used for the activity, and no refuelling of equipment takes place on any area of the river or lake bed.
11. All demolition debris from the river or lake bed structure is removed from the site.

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<sup>3</sup> Date of Notification of Variation (No.2) to the Proposed Regional Water and Soil Plan for Northland

12. Existing lawful public access rights to and along rivers and lakes are not restricted.
13. The activity shall not interfere with or destroy any waahi tapu, as defined in the definitions, urupa or any other sites known to the local iwi that are of spiritual or cultural significance to Maori which have been identified to the Council. Should archaeological remains or features be uncovered the activity shall cease and the Regional Council notified as soon as practicable. Also as soon as practicable the Regional Council will then notify the appropriate tangata whenua entity. The activity shall not be recommenced without the authority of the New Zealand Historic Places Trust.

- Note:**
- (i) Rule 29.01.11(13) complements the duties and obligations imposed on all persons by the *Historic Places Act 1993* in respect of known archaeological sites. The *Historic Places Act 1993* (Section 10) makes it an offence to destroy, damage or modify or cause to be destroyed, damaged or modified the whole or part of an archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.
  - (ii) The Department of Conservation is the holder of the records of the New Zealand Archaeological Association. The existing records are subject to ongoing review and new records are continually being added. The Department of Conservation should be consulted to determine whether there are any known archaeological sites in a particular area.
  - (iii) Rule 29.01.11(12) does not abrogate the responsibility of people to satisfy themselves prior to the commencement of work as to the location of waahi tapu etc. and their need to consult with tangata whenua with interest in the area. The Regional Council can provide lists of local contacts.

- Note:**
- (1) The Civil Aviation Authority of New Zealand must be advised of any structure which may represent a hazard to aircraft. As of the date this Plan was proposed, the postal address is:

Civil Aviation Authority of New Zealand  
PO Box 31-441  
Lower Hutt  
New Zealand.

- (2) The structure must also meet the navigational and safety requirements of the Minister of Transport (Maritime Safety Authority) if the structure is on, or over the bed of a navigable river.

**Explanation:** *This set of Environmental Standards must be complied with if they have been referred to in a condition on a permitted activity rule in this section.*

## 29.2 CONTROLLED ACTIVITIES

The following activities relating to structures (other than dam structures or weirs) in, on, under or over the beds of rivers and lakes are controlled activities:

**Structures, existing at the date this Plan was proposed<sup>4</sup>, associated with the launching, retrieval or mooring of vessels**

1. **The use, placement, repair, or alteration of any boat ramp or concreted slipway greater than or equal to 15 metres in length and more than 3 metres in width, and any structure (other than boat ramps and concreted slipways) associated with the launching, retrieval, mooring, maintenance or repair of vessels in, on, under or over the bed of a river or lake, and the diversion of water around that structure:**
  - (1) **which was existing at the date of notification of this Plan; and**
  - (2) **whose construction was not otherwise allowed by a resource consent**

**is a controlled activity, provided that:**

- (a) The structure meets the navigational and safety requirements of the Minister of Transport.
- (b) There is no damage to any existing river or lake protection works, or any other lawfully established structure as a result of the activity.
- (c) The activity does not result in any discharge or deposition of contaminants into the water body unless permitted by a regional rule or resource consent.
- (d) The dimensions of the structure are not altered as a result of any reconstruction works.
- (e) All debris is removed and disposed of at a site or facility authorised by a regional rule or resource consent.

**Matters Subject to Control:**

- (1) The adequacy of proposed mitigation measures to minimise adverse effects on water quality during reconstruction.
- (2) The adequacy of any proposed mitigation measures to minimise any erosion of the bed or banks of the river or lake, particularly around the base of the structure.
- (3) Information and Monitoring Requirements.

Applications for resource consents in respect of this controlled activity will be generally non-notified unless the Council considers special circumstances exist to require notification (refer also Section 37.02). No written approvals will be required.

***Explanation:*** *This rule authorises wharves and jetties and other similar structures which were existing at the time this Plan was proposed and were not otherwise allowed. This rule is consistent with the rule for similar structures in the Coastal Marine Area in the Regional Coastal Plan for Northland.*

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<sup>4</sup> The Plan was proposed 25 April 1995

## Culvert Crossings

2. **The replacement of a culvert crossing or alterations or repairs to a culvert crossing which cannot meet the requirements of Rule 29.01.03 is a controlled activity**, provided that:
- (a) The activity does not take place in any dune lake listed in Schedule E; or in an indigenous wetland, or in a river, or section of river, deemed to have outstanding values as shown in Appendix 18.
  - (b) The activity shall not cause any change to the seasonal or annual range in water level or any indigenous wetland to an extent that it may adversely affect the wetland's natural ecosystem.
  - (c) The structure does not prevent fish passage under any flow conditions.
  - (d) The length of the culvert crossing does not exceed 25 metres.

### Matters Subject to Control

- (1) The specifications of the culvert crossing with respect to the:
  - Design flood event;
  - Proposed location; and
  - Potential flooding upstream.
- (2) The adequacy of proposed erosion mitigation and sediment control during construction.
- (3) The location and adequacy of the flood overflow path.
- (4) The adequacy of the proposed design to allow fish passage.

**Explanation:** *This rule applies to the replacement of any culvert crossing, or alterations or repairs of any culvert crossing which cannot meet the requirements of Rule 29.01.03. Fish passage requires particular attention as adequate design, evaluation and monitoring of culvert crossings can be difficult and add significant costs.*

## Bridges

3. **The placement, replacement, alteration or repair of a bridge which does not meet the requirements of Rule 29.01.04 is a controlled activity**, provided that:
- (a) The activity does not take place in any dune lake listed in Schedule E; or in an indigenous wetland, or in a river, or section of river, deemed to have outstanding values as shown in Appendix 18.
  - (b) The activity shall not cause any change to the seasonal or annual range in water level or any indigenous wetland to an extent that it may adversely affect the wetland's natural ecosystem.
  - (c) Any abutments are stabilised and protected against erosion.

- (d) The structure does not prevent fish passage under any flow conditions.

**Matters Subject to Control**

- (1) The specifications of the bridge with respect to the:
- Design flood event
  - Proposed location, and
  - Potential flooding upstream.
- (2) The adequacy of proposed erosion mitigation and sediment control during construction.
- (3) The location and adequacy of the flood overflow path.
- (4) The adequacy of the proposed design to allow fish passage.
- (5) The adequacy of the proposal for restoration of riparian vegetation.

***Explanation:** This rule applies to the placement, replacement alteration or repair of any bridge.*

**29.3 RESTRICTED DISCRETIONARY ACTIVITIES**

The following activities relating to structures (other than dam structures or weirs) in, on, under or over the beds of rivers and lakes are restricted discretionary activities:

- 4. The use, placement or alteration of a ‘run of river’ hydro-electric scheme of less than 7kW on the bed of a river and any associated taking, diversion and discharge of water is a restricted discretionary activity provided that:**
- (i) The activity does not take place in any dune lake listed in Schedule E; or in an indigenous wetland, or in a river, or section of river, deemed to have outstanding values as shown in Appendix 18.

**The Council will restrict its discretion to:**

- (a) The location of the structure, including the location of the intake and discharge points.
- (b) The schemes design, construction, operation and maintenance requirements.
- (c) The methods for achieving compliance with the Environmental Standards in 29.01.11.
- (d) The effects of a reduction in the flow of water.
- (e) The effects of the water take and use on existing lawful users and their ability to be able to meet their water needs.

**Note:** For earthworks in the riparian management zone refer to Section 34.

Applications for a restricted discretionary activity may be considered without notification or with limited notification in accordance with s.93 of the Act.

Hydro-electric schemes operated from stored water (i.e. from a dam structure or weir) are required to meet the conditions in Sections 24 and 28 for the take, use, damming, diversion and discharge of water.

Rule 29.01.02 permits the ongoing use and repair of the hydro-electrical generation scheme once the consent for its ongoing replacement has expired. A resource consent for a hydro-electrical generation scheme is likely to be for a period no less than ten years.

## 29.4 DISCRETIONARY ACTIVITIES

The following activities relating to structures (other than dam structures or weirs) in, on, under or over the beds of rivers and lakes are discretionary activities:

1. **Any activity otherwise restricted by Section 13(1) of the Act, which cannot meet the requirements for permitted, controlled or prohibited activity rules in Section 29 and falls outside of the scope of any other rule in this Plan, is a discretionary activity.**

***Explanation:** Discretionary activities therefore include, but are not limited to:*

- (i) *Culvert crossings that cannot meet the requirements of Rules 29.01.03, 29.02.02 or 29.04.01.*
- (ii) *Bridges that cannot meet the requirements of Rules 29.01.04, 29.02.03 or 29.04.01.*
- (iii) *New floodgates.*
- (iv) *Any new major flood control and drainage works.*
- (v) *New structures associated with the launching, retrieval, mooring maintenance or repair of vessels.*
- (vi) *Pipelines carrying liquids, other than water, over river or lake beds.*
- (vii) *Existing structures which significantly impede or impair fish passage such that the viability of upstream fish populations is threatened or any significant fish values are adversely affected.*
- (viii) *The placement of any new powerline structure or new telecommunication structure that cannot meet the requirements of 29.01.06 or 29.04.01.*
- (ix) *The use, placement, repair or alteration of a 'run of river' hydro-electric scheme which is not a restricted discretionary rule.*

## 29.5 NON-COMPLYING ACTIVITIES

The following activity relating to structures (other than dam structures or weirs) in, on or under the beds of rivers and lakes are non-complying activities:

1. **Any activity which takes place within a significant indigenous wetland identified in accordance with Appendix 13B, is a non-complying activity.**

2. **The placement of any new structure, excluding the placement of any new powerline structure or new telecommunication structure, in, on, over or under the bed of a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18 is a non-complying activity.**

***Explanation:** This rule protects outstanding value rivers, or section of rivers, or lakes deemed to have outstanding values from the potential adverse effects related to structures on the beds of these water bodies.*

## **29.6 PROHIBITED ACTIVITIES**

There are no prohibited activities for structures (other than dam structures or weirs) in, on, under or over the bed of a river or lake.



## 30. RULES FOR INTRODUCTION OR PLANTING OF PLANTS IN, ON, OR UNDER THE BED OF A RIVER OR LAKE

### 30.1 PERMITTED ACTIVITIES

The following activities relating to the introduction or planting of plants in, on, or under the beds of rivers and lakes are permitted activities:

**1. The introduction or planting of any plant except:**

- (1) crack willow (*Salix fragilis*), grey willow (*Salix caprea*), weeping willow (*Salix babylonica*), and black alder (*Alnus glutinosa*), other than on the river margins of rivers where they are already predominant;**
- (2) any exotic aquatic plant with the exception of watercress (*Rorippa nasturtium aquaticum*); and/or**
- (3) any species listed in the Regional Pest Plant Management Strategies;**

**in the bed of any river or lake to remedy or mitigate the adverse effects of flooding, erosion or contaminant discharges is a permitted activity, provided that:**

- (a) Only indigenous wetland plant species are planted in natural indigenous wetlands.
- (b) The planted species are managed by the landowner or occupier to ensure that they do not create an obstruction to the free flow of water.
- (c) There is no erosion of the bed or banks of the river or lake, as a result of the planting.
- (d) The activity does not cause adverse flooding effects on upstream, downstream or adjacent properties.
- (e) It is not regulated by Rule 27.03.02.

### 30.2 CONTROLLED ACTIVITIES

There are no controlled activities relating to the introduction or planting of plants in, on, or under the beds of rivers and lakes.

### 30.3 DISCRETIONARY ACTIVITIES

The following activity relating to the introduction or planting of plants in, on, or under the beds of rivers and lakes is a discretionary activity:

- 1. Any activity which cannot meet the requirements of the permitted activity or falls outside the scope of the prohibited activity rules in**

**Section 30 and falls outside of the scope of any other rule in this Plan, is a discretionary activity.**

#### **30.4 NON-COMPLYING ACTIVITIES**

There are no non-complying activities for the introduction or planting of plants, in, on, or under the bed of a river or lake.

#### **30.5 PROHIBITED ACTIVITIES**

The following activity relating to the introduction or planting of plants in, on, or under the beds of rivers and lakes is a prohibited activity:

- 1. The introduction or planting of any plant species listed in any Regional Pest Management Strategy for Northland, is a prohibited activity.**

***Explanation:** This rule applies to the deliberate introduction or planting of pest plants on the beds of rivers or lakes. It does not apply to pest plants which establish themselves through natural mechanisms such as wind or water borne seeds. However, it does apply to the introduction of such plants via machinery or boats.*

## 31. RULES FOR OTHER USES OF RIVER OR LAKE BEDS

**Note:** Rules in this section are for activities not identified or otherwise covered by the rules in Sections 27, 28, 29 and 30 of this Plan.

### 31.1 PERMITTED ACTIVITIES

The following activities relating to other uses of the beds of rivers and lakes are permitted activities:

#### Extraction

1. **The excavation and disturbance of the bed of a river associated with the extraction of material (sand, gravel, rock) by an individual for private use, except as regulated by Rule 27.03.02 is a permitted activity, provided that:**

- (a) No activity shall affect the seasonal or annual range in water level, to an extent that may adversely affect the natural ecosystem of any indigenous wetland.
- (b) The activity shall not take place within any indigenous wetland, nor shall it cause any change to the seasonal or annual range in the water level of any indigenous wetland to an extent that may adversely affect the wetlands natural ecosystem.
- (c) The volume extracted does not exceed 100 cubic metres in any 12 month period.
- (d) The material is extracted from an area of the river bed not covered by water at the time of the extraction.
- (e) There is no machinery within the area of the river bed covered by water while the activity is taking place.
- (f) No refuelling or maintenance of equipment takes place on any area of the bed of a river, lake, drain or other artificial watercourse.
- (g) The bed is graded on completion of the activity so that there are no barriers to water movement within the channel.

**Note:** Rules relating to land disturbance activities within the Riparian Management Zone are included within Section 34 of this Plan.

**Explanation:** *It is a common occurrence for individuals to remove shingle or gravel from the beds of rivers where it is building up and perhaps increasing the risk of flooding or erosion. Often, the extracted material is used on properties for road construction or maintenance. When material is extracted from the river at a rate greater than it is produced and deposited, it is then being used unsustainably. The limit of 100 cubic metres per year is conservative due to the lack of information on the yields of Northland rivers.*

**Note:** Rule 31.01.01 does not allow a person to enter a property without the individual landowner's permission.

**2. The excavation and disturbance of the bed of a lake or river associated with the extraction of material deposited behind a dam structure or weir is a permitted activity, provided that:**

- (a) Both the extraction of material and the disturbance of the bed shall be limited to that depositional area directly impounded by the dam or weir structure.
- (b) The disturbance of the bed must be completed within 48 hours of the work commencing. (This time constraint does not apply in cases where no water flows through the area of extraction).
- (c) There is no damage to, or restrictions to the use of, any existing lake or river protection works, or any other lawfully established structure as a result of this activity.
- (d) There is no significant erosion of the bed of the lake or river (outside the extraction site) as a result of this activity.
- (e) No extracted material is placed in a position where it may readily enter water.
- (f) No contaminants (including but not limited to oil, petrol, diesel, paint or solvent) are released to water or to the bed of the river from equipment being used for the activity, and no refuelling of equipment takes place on any area of the river bed.
- (g) The short-term visual clarity of any permanent flowing river or wetland shall not be reduced by more than 40%, after reasonable mixing, due to sediment or sediment-laden discharge originating from the site of the disturbance activity.
- (h) No activity shall affect the seasonal or annual range in water levels concentrations, to an extent that may adversely affect the natural ecosystem of any indigenous wetland.
- (i) The volume removed or disturbed is less than 100 m<sup>3</sup> in any 12-month period.

**Note:** Rules relating to land disturbance activities within the Riparian Management Zone are included within Section 34 of this Plan.

**Explanation:** *This rule allows for land owners to remove deposited material from the riverbed on the upstream side of a dam structure where it has built up and thereby decreased the water storage capacity of the dam structure.*

## **31.2 CONTROLLED ACTIVITIES**

There are no controlled activities for other uses of the bed of the river or lake.

## **31.3 DISCRETIONARY ACTIVITIES**

The following activity relating to other uses of the beds of rivers and lakes is a discretionary activity:

- 1. Any activity restricted by Section 13(1) of the Act, which cannot meet the requirements of the permitted activity rules or is a non-complying**

**rule in Section 31, and falls outside the scope of any other rule in this Plan, is a discretionary activity.**

#### **31.4 NON-COMPLYING ACTIVITIES**

The following activity relating to other uses of the beds of rivers and lakes is a non-complying activity:

- 1. Any activity which takes place within a significant indigenous wetland identified in accordance with Appendix 13B, is a non-complying activity.**

#### **31.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for other uses of river or lake beds.



## 32. ENVIRONMENTAL STANDARDS FOR LAND DISTURBANCE ACTIVITIES

The environmental standards that follow are referred to in the rules set out in Sections 33 and 34.

Staff Interpretation Available <https://thehub:443/id:A118190>

### 32.1 GENERAL ENVIRONMENTAL STANDARDS

1. The short-term visual clarity of any permanently flowing river or wetland shall not be reduced by more than 40%, after reasonable mixing, due to sediment or sediment laden discharge originating from the site of the land disturbance activity.
2. The short-term visual clarity of any lake or coastal waters shall not be reduced by more than 20%, after reasonable mixing, due to sediment or sediment laden discharge originating from the site of the land disturbance activity.

**Note:** See Appendix 1 for explanation on the measurement of visual clarity.

3. No vegetation, slash, soil, earth, rock, or any other debris shall be allowed to enter or shall be placed in a position where it could readily enter, or be carried into, a river, lake or wetland, that may result in:
  - Diversion or damming; and/or
  - Bed or bank erosion; and/or
  - Adverse effects on ecosystems that are more than minor.

Legal Opinion Available <https://thehub:443/id:A118203>

4. No vegetation, slash, soil, earth, rock or any other debris shall be allowed to enter or shall be placed in a position where it could enter and have more than minor adverse effects within the Coastal Marine Area.
5. All practicable measures shall be taken to avoid creating erosion features such as sheet wash, slips, slumps, rills and gullies, wind erosion, blow outs and stream bank erosion and to mitigate the effects of existing erosion features.
6. The activity shall not interfere with or destroy any waahi tapu, as defined in the Definitions, urupa or any other sites known to the local iwi which are of spiritual or cultural significance to Maori, which have been identified to the Council. Should archaeological remains or features be uncovered the activity shall cease and the Council notified as soon as practicable. Also as soon as practicable the Council will then notify the appropriate tangata whenua entity. The activity shall not be recommenced without the authority of the New Zealand Historic Places Trust.

**Note:** (i) Rule 32.01.06 complements the duties and obligations imposed on all persons by the *Historic Places Act 1993* in respect of archaeological sites. The *Historic Places Act 1993* (Section 10) makes it an offence to destroy, damage or modify or cause to be

destroyed, damaged or modified the whole or part of an archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.

- (ii) The Department of Conservation is the holder of the records of the New Zealand Archaeological Association. The existing records are subject to ongoing review and new records are continually being added. The Department of Conservation should be consulted to determine whether there are any known archaeological sites in a particular area.
  - (iii) Rule 32.01.06 does not abrogate the responsibility of people to satisfy themselves prior to commencement of work as to the location of waahi tapu etc. and their need to consult with tangata whenua with interest in the area. The Council can provide lists of local contacts.
7. To prevent erosion where vegetation clearance results in areas of exposed soil, these areas shall be revegetated as soon as practicable in the spring or autumn immediately following, to achieve an 80% ground cover within 24 months of the operation being completed.
  8. No storage, mixing of fuels, oils, agrichemicals or other similar substances shall take place in the Riparian Management Zone.
  9. All vegetation shall be felled away from any water body unless, for safety reasons, it is impractical to do so.
  10. There are no more than minor adverse effects on aquatic life.
  11. The activity shall not take place within any indigenous wetland and, where the activity involves the taking, use, drainage or diversion of water, the activity shall not cause any change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem.
  12. Any adverse effect on the ability of any downstream water users to take water to meet their authorised needs is minimised.

## **32.2 ENVIRONMENTAL STANDARDS FOR EARTHWORKS**

1. Where earthworks result in areas without vegetation cover, these areas shall be revegetated as soon as practicable in the spring or autumn immediately following, to an 80% ground cover within 24 months of the operation being completed. Where the operation is not finished but will need to stop for the winter months, any bare area must be over sown with a temporary cover or mulched in autumn or there must be contingency measures in place, to minimise soil loss.
2. Batters and side castings are to be stabilised by appropriate measures such as compacting, seeding, drainage and/or other methods of stabilisation to avoid slumping of upslope land and movement of soil offsite such that it can enter a water body or the Coastal Marine Area.
3. Roading and tracking shall be adequately maintained at all times or revegetated when no longer in use, to avoid or minimise erosion and

sediment discharges to any adjacent water bodies or the Coastal Marine Area.

4. All earthworks shall incorporate stormwater controls including water tables, grade control structures and cut-off drains and any other runoff control measures necessary to prevent scour from channelled water and to prevent sediment discharges.

### 32.3 ENVIRONMENTAL STANDARDS FOR LAND PREPARATION

1. Mechanical preparation of land, with the exception of subsurface drainage, shall be carried out parallel to the contour, where feasible. Where it is physically not possible to carry out land preparation parallel to the contour due to slope, sufficient runoff control measures shall be provided to prevent gully and rill erosion.
2. Windrows of slash shall be parallel to the contour to reduce sediment runoff.

### 32.4 ENVIRONMENTAL STANDARDS FOR PLANTATION FORESTRY

1. Where practicable and safe to do so, all trees shall be directionally felled or pulled back from any river, lake, indigenous wetland or the Coastal Marine Area. The removal of any tree that has been felled into any river, lake or indigenous wetland shall be undertaken so as to minimise damage to the bed and/or banks.

**Note:** Where a tree has entered an indigenous wetland, it may be more appropriate to leave it in place rather than remove the tree if doing so will cause excessive damage.

2. During forest harvesting operations, all stem butts shall be raised above the ground when cable logging through the Riparian Management Zone. That is, when hauling the operation shall be undertaken in such a manner so as to minimise damage to remaining riparian vegetation.
3. Machines from ground harvesting operations shall not operate within 5 metres of the bed of a river, lake, indigenous wetland or the Coastal Marine Area other than at a designated crossing or on existing roads or tracks or to assist with directional felling or to lift the stem butt out of any river, lake, indigenous wetland or the Coastal marine Area ('Turning' or 'screwing' of machines shall not occur within 5 metres of the bed of a river, lake, indigenous wetland, or the Coastal Marine Area).
4. Harvesting in or adjacent to the Riparian Management Zone shall be undertaken in such a way as to minimise disturbance of riparian edge vegetation (other than plantation forestry species being harvested that has formed part of the riparian vegetation).
5. Where soil disturbance within the Riparian Management Zone results from harvesting an 80% ground cover shall be achieved within 12 months of the operation being completed.

6. During the period 1 May to 30 September inclusive, the vegetation disturbance activity shall not result in more than 10% of the activity being disturbed to the extent that mineral subsoil (B<sub>3</sub> Horizon or deeper) is exposed. Operations on sand soils are excluded.

**Note:** A discretionary activity consent is required for the harvest of any trees planted after the date this Plan became operative<sup>5</sup> where those trees are within 5 metres of a water body or the Coastal Marine Area. Consent may be refused for a discretionary activity, or it may be granted with or without conditions.

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<sup>5</sup> The Plan became Operative on 28 August 2004

## 33. RULES FOR LAND DISTURBANCE ACTIVITIES

### 33.1 PERMITTED ACTIVITIES

The following land disturbance activities are permitted activities:

1. **Vegetation clearance that is not on erosion prone land, and is not in a Riparian Management Zone, is a permitted activity**, provided that:
  - (a) The Environmental Standards in Section 32 are complied with; and
  - (b) Vegetation clearance by burning does not take place on peat soils, nor on any contiguous area in excess of 5 hectares on other soils.
  
2. **Vegetation clearance on erosion prone land that is not in the Riparian Management Zone, is a permitted activity**, provided that:
  - (a) The Council is notified at least 15 days prior to the vegetation clearance being undertaken;
  - (b) The Environmental Standards in Section 32 are complied with;
  - (c) The area of vegetation clearance is less than 5 hectares in any 12 month period unless the clearance is plantation forestry;
  - (d) Vegetation clearance by burning does not take place on peat soils; nor any contiguous area in excess of 5 hectares on other soils;
  - (e) The site of the activity will be re-established in woody vegetation within 24 months from the start of the vegetation clearance operation;
  - (f) Ground based methods of vegetation clearance are only undertaken during the period 1 October to 30 April inclusive, unless it is on sand country; and
  - (g) There are no more than minor adverse effects on soil conservation.
  
3. **Any earthworks that are not in a Riparian Management Zone, are a permitted activity**, provided that:
  - (a) The volume moved or disturbed is less than 5,000 m<sup>3</sup> in any 12 month period where the activity is not undertaken on erosion prone land;
  - (b) The volume moved or disturbed is less than 1,000 m<sup>3</sup> in any 12 month period and the surface area of the soil exposed is less than 1,000 square metres where the activity is undertaken on erosion prone land;
  - (c) There are no more than minor adverse effects on soil conservation beyond the property boundary; and
  - (d) The Environmental Standards in Section 32 are complied with.
  
4. **Any land preparation that is not on erosion prone land, and that is not in a Riparian Management Zone, is a permitted activity**, provided that:
  - (a) The Environmental Standards in Section 32 are complied with; and
  - (b) There are no more than minor adverse effects on soil conservation.

**Note:** On land having a slope of greater than 15 degrees particular care needs to be taken to ensure there are no more than minor adverse effects, and reference should be made to the Council for guidance.

**Explanation (For Rules 33.01.01 – 33.01.04):** Land use activities on non-erosion prone land should, as a general rule, be able to be undertaken with minimal adverse effects. There are however, certain combinations of geology, soils and slope which are more susceptible to erosion as a result of land disturbance activities, so environmental standards are required to be complied with in order to avoid or minimise potential adverse effects.

## 33.2 CONTROLLED ACTIVITIES

The following land disturbance activities are controlled activities:

**1. Any earthworks which are not located in the Riparian Management Zone; and**

- (1) Are not located on erosion prone land and the volume moved or disturbed is greater than 5,000 m<sup>3</sup> in any 12 month period; or**
- (2) The earthworks are associated with the harvest of plantation forestry on erosion prone land with a slope of less than 26 degrees or where the soils are sand soils; and the volume moved or disturbed is greater than 1,000 m<sup>3</sup> in any 12 month period and/or the surface area of the soil is exposed is greater than 1,000 m<sup>2</sup>;**

**are a controlled activity, provided that:**

- (a) The Environmental Standards in Section 32 are complied with; and**
- (b) There are no more than minor adverse effects on soil conservation beyond the property boundary.**

### **Matters Subject to Control**

The matters over which the Council will exercise control are:

- (1) The adequacy of sediment and runoff control measures.**
- (2) The location and extent of any earthworks.**
- (3) The adequacy of site rehabilitation and revegetation measures to control sediment discharge and adverse effects on soil conservation.**
- (4) Information and monitoring requirements.**

An application for a controlled activity under Rule 33.02.01 need not be notified in accordance with ss.94.1(c) of the Act if the written approvals of those who the Council considers to be adversely affected by the activity have been obtained unless:

1. The Council considers it unreasonable in the circumstances to require every such approval to be obtained; or
2. The Council considers in accordance with Section 94(5) that special circumstances exist to require notification.

In making a decision about whether for the purposes of s.94 of the Act any person is adversely affected by the granting of a resource consent, the Council may take into account effects on the following:

- (a) Any landowner/occupier whose property may be adversely affected through any earth movement associated with the activity (refer also to Rule 22.02.01);
- (b) The Department of Conservation where there is a known historical feature or area of significant indigenous vegetation or significant habitats of indigenous fauna as defined in Appendix 13B, at or near the site of the activity; and/or
- (c) The local Iwi where there is a known site of spiritual or cultural significance.

### 33.3 DISCRETIONARY ACTIVITIES

The following land disturbance activities are discretionary activities:

1. **Any earthworks, that are not located in the Riparian Management Zone that are not permitted, controlled or non-complying activities are discretionary activities.**
2. **Any vegetation clearance, that is not located in the Riparian Management Zone and is not a permitted, or non-complying activity is a discretionary activity.**
3. **Any land preparation, that is not located in the Riparian Management Zone which;**
  - (a) **is undertaken on erosion prone land; or**
  - (b) **does not comply with Rule 33.01.04,****is a discretionary activity.**

### 33.4 NON-COMPLYING ACTIVITIES

The following land disturbance activity is a non-complying activity:

1. **Any activity which takes place within a significant indigenous wetland identified in accordance with Appendix 13B is a non-complying activity.**

### 33.5 PROHIBITED ACTIVITIES

There are no prohibited activities for land disturbance activities.



## 34. RULES FOR LAND DISTURBANCE ACTIVITIES WITHIN THE RIPARIAN MANAGEMENT ZONE

The criteria for determining the Riparian Management Zone are shown in Figure 7, which is repeated at the end of this section for convenience.

### 34.1 PERMITTED ACTIVITIES

The following land disturbance activities within the Riparian Management Zone are permitted activities:

**1. Grazing or access of stock is a permitted activity, provided that:**

- (a) The Environmental Standards in Section 32.01 are complied with; and
- (b) Stream bank vegetation, excluding grass, is only removed where:
  - (i) it impedes flood flows; or
  - (ii) it causes stream bank erosion; or
  - (iii) it is a pest plant; and
  - (iv) it does not contribute to shading of the water; or
  - (v) it is not necessary to prevent stream bank erosion.

**Explanation:** *Grazing in the Riparian Management Zone can reduce the effectiveness of the vegetation in that area to trap nutrients and sediments, and therefore to reduce the volumes of contaminants entering the water body. Animal excreta directly discharged into this sensitive area is more likely to be carried into streams during rain. Where stock are able to enter the water, more immediate pollution of the water can occur.*

*Where stock browse the stream bank vegetation, particularly during drought conditions when feed may be low, important sources of food and shade for aquatic habitats may be lost. Rises in temperature due to loss of shade are likely to contribute to the degradation of water quality.*

*Where cattle have access to stream banks and stream beds, there can be considerable disturbance of earth and stream sediments, which may destroy or modify aquatic habitats.*

**2. Vegetation Clearance within the Riparian Management Zone is a permitted activity, provided that:**

- (a) The Environmental Standards in Section 32 are complied with; and
- (b) The Vegetation;
  - (i) impedes or is likely to impede flood flows; or
  - (ii) causes or is likely to cause stream bank erosion; or
  - (iii) is a plantation forest planted prior to this Plan becoming operative<sup>6</sup>; or

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<sup>6</sup> The Plan became Operative on 28 August 2004.

- (iv) is a plantation forest planted after this Plan became operative and the clearance is outside a setback of 5 metres from a water body; or
  - (c) The vegetation clearance:
    - (i) is the minimum necessary to give effect to the permitted activity rules in this Plan; and
    - (ii) does not exceed 200 m<sup>2</sup> in total; or
    - (iii) it is the minimum necessary for track and road maintenance.
- 3. Earthworks in the Riparian Management Zone are a permitted activity, provided that:**
- (a) The Environmental Standards in Section 32 are complied with;
  - (b) The earthworks are the minimum necessary;
    - (i) to give effect to the permitted activity rules in this Plan; and
    - (ii) the area of exposed soil is less than 200 m<sup>2</sup> and the volume of earth disturbed is less than 50 m<sup>3</sup>; or
    - (iii) for track or road maintenance;
  - (c) Following the completion of any earthworks those parts of the Riparian Management Zone that are not required for the permitted activity are reinstated to a stable contour and revegetated as soon as practicable; and
  - (d) As a result of the earthworks in the Riparian Management Zone there are no adverse flooding or drainage effect on any property owned or occupied by another person.
- 4. Land preparation in the Riparian Management Zone is a permitted activity, provided that:**
- (a) The Environmental Standards in Section 32 are complied with; and
  - (b) The activity takes place outside a setback of 5 metres from the water body and the dominant slope is less than 15 degrees.

## **34.2 CONTROLLED ACTIVITIES**

There are no controlled activities for land disturbance activities within the Riparian Management Zone.

## **34.3 DISCRETIONARY ACTIVITIES**

The following land disturbance activities within the Riparian Management Zone are discretionary activities:

- 1. Any activity which cannot comply with, or is outside the scope of, the permitted rules, or is not a non-complying activity, is a discretionary activity.**

- 2. The burning of waste vegetation within the Riparian Management Zone is a discretionary activity.**

***Explanation:** The Riparian Management Zone plays an important role in protecting and enhancing the water quality of adjacent water bodies. The clearance of shade-giving shrubs and trees can be detrimental to stream life, particularly where the stream is shallow and slow moving. Where vegetation is cleared, mitigation measures such as replanting in species and densities appropriate to that Riparian Management Zone may be required.*

*Burning of any vegetation as a land preparation method is not a technique that the Council encourages. In the Riparian Management Zone, burning would remove any protective vegetation including that on the stream banks, leaving the banks and channel most vulnerable to erosion.*

#### **34.4 NON-COMPLYING ACTIVITIES**

The following land disturbance activity within the Riparian Management Zone is a non-complying activity:

- 1. Any activity which takes place within a significant indigenous wetland identified in accordance with Appendix 13B is a non-complying activity.**
- 2. Vegetation clearance by burning in the Riparian Management Zone is a non-complying activity.**

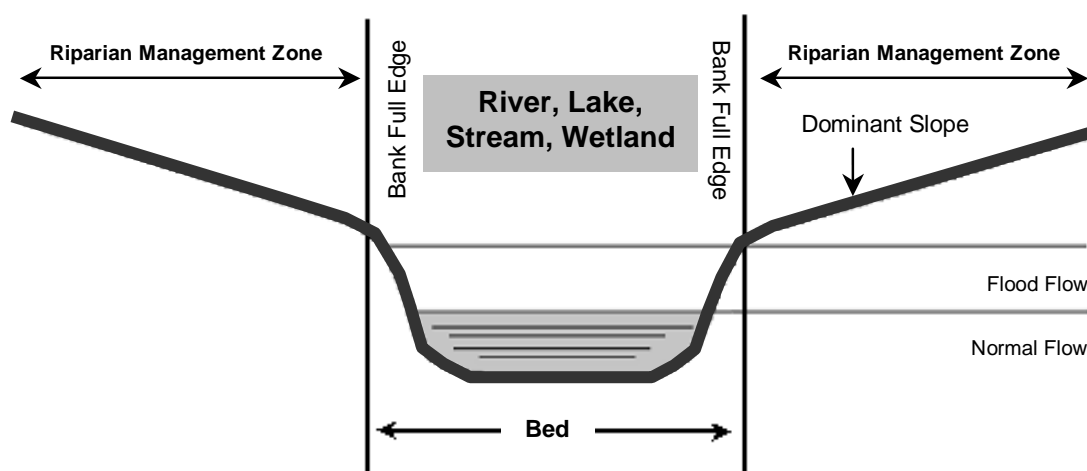
#### **34.5 PROHIBITED ACTIVITIES**

There are no prohibited activities for land disturbance activities in the Riparian Management Zone.

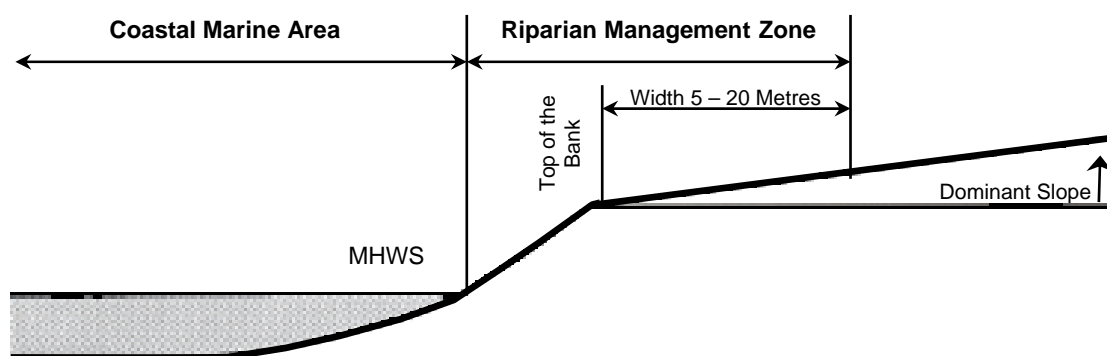
## FIGURE 7: RIPARIAN AND FOREDUNE MANAGEMENT ZONE

- Note:**
- (i) Figures (7A) and (7B) define land adjacent to water bodies and the Coastal Marine Area except where that land comprises sand dunes.
  - (ii) Figure (7C) defines the Riparian Management Zone in relation to the foredune.
  - (iii) These figures are not to scale
  - (iv) Contact the Council should you require any assistance with the practical application of these diagrams.

### FIGURE 7A: RIPARIAN MANGEMENT ZONE

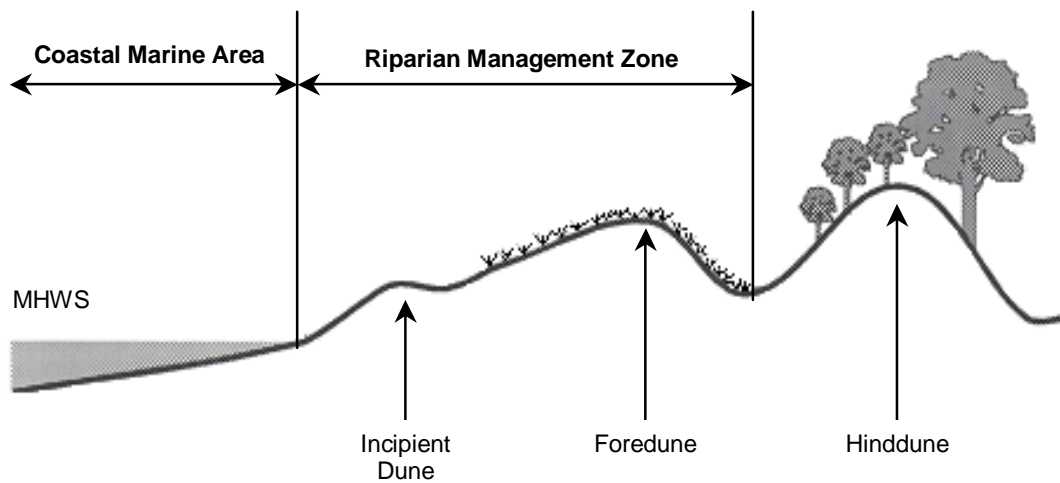


### FIGURE 7B: RELATIONSHIP BETWEEN THE RIPARIAN MANAGEMENT ZONE AND THE COASTAL MARINE AREA



- Note:** If the top of the bank cannot be identified it should be taken from the beginning of the vegetated area.

**FIGURE 7C: RIPARIAN MANAGEMENT ZONE IN RELATION TO THE FOREDUNE**



The Riparian Management Zone is the land between the bed of the river, lake, or indigenous wetland or the Coastal Marine Area and a distance measured inland from the bank full edge of the water body or from the top of the bank adjacent to the Coastal Marine Area of:

- 5 metres where the dominant slope is less than 8 degrees
- 10 metres where the dominant slope is between 8 – 15 degrees
- 20 metres where the dominant slope is greater than 15 degrees

Where the dominant slope is 0 degrees or less there shall be no Riparian Management Zone.

Notwithstanding the above where the land adjacent to the Coastal Marine Area is unvegetated or vegetated sand dunes, the Riparian Management Zone in this instance is the land between the Coastal Marine Area and the bottom of the leeward side of the foredune.



## 35. INFORMATION REQUIREMENTS

Section 88 of the Act and the Fourth Schedule contain general information requirements for resource consent applications, and outline what should be included in an Assessment of Environmental Effects. The full text of these Sections are given in Appendix 3 and should be read in conjunction with this section.

This section builds on the information requirements of the Fourth Schedule and Section 88, and describes the information requirements in more detail for applications, discharge permits, water permits, land use consents for activities associated with the beds of rivers and lakes and land use consents for land disturbance activities.

If the information supplied with a resource consent application is insufficient to understand the nature of the activity or its effect, further information will be requested in accordance with s.92 of the Act.

### 35.1 INFORMATION REQUIREMENTS FOR DISCHARGE PERMIT APPLICATIONS

The information supplied with a discharge permit application should include:

- (a) Details and scale plan(s) of the proposed effluent or stormwater collection, treatment and disposal system.
- (b) Site plan(s) showing:
  - (i) the location of the effluent or stormwater collection, treatment and disposal system and its discharge point(s);
  - (ii) separation distances between the land disposal site and nearby water bodies;
  - (iii) site contours;
  - (iv) water bodies within the vicinity of the discharge point(s);
  - (v) flood levels (where appropriate);
  - (vi) property boundaries, and adjoining properties with the names of the current owners and occupiers marked.
- (c) For land disposal, a description of the soil type and geology underlying the disposal area, soakage tests undertaken and the results, and a water balance assessment (where appropriate), and a description of groundwater and surface water quality.
- (d) Where the application is for a discretionary activity to discharge effluent of high organic content to water, evidence showing that the proposed option is the best practicable option.
- (e) Where the application is for a discretionary activity consent for the disposal of sewage effluent to deep soakage systems, the following additional information is required:
  - (i) soil profile study identifying suitable permeable soil layers at depth;

- (ii) the depth of winter (June, July and August) groundwater at the discharge point or evidence that sufficient groundwater separation can be achieved;
  - (iii) evidence showing that use of a deep soakage system is the best practicable option for the site; and
  - (iv) consideration of ground conditions with respect to potential adverse effects on land stability.
- (f) Sufficient information to assess the mixing zone boundary and the water quality monitoring sites for discharges to water:
- (i) a photograph of the discharge point and representative reaches immediately upstream and downstream of the discharge point;
  - (ii) an estimate of the average width, depth and flow of the receiving water body during mean annual flow conditions and low flow conditions;
  - (iii) the distance downstream to the confluence of the next surface water inflow;
  - (iv) stream bed substrate and instream vegetation;
  - (v) any existing water quality information;
  - (vi) other uses (takes and discharges) upstream and downstream of the point of discharge (of sufficient distance to enable cumulative effects to be assessed);
  - (vii) a description of the outfall and how the effluent will mix with the receiving water (i.e. will it stay close to the bank, or will it mix across the entire width within several metres of the discharge point);
  - (viii) design criteria of any diffuser which is incorporated into the outfall structure.
- (g) A report outlining the consultation undertaken, the information supplied and any response to the views of those consulted. Consultation should be undertaken with the following:
- (i) the local iwi;
  - (ii) the Department of Conservation;
  - (iii) landowners and occupiers adjoining the site of the proposed activity;
  - (iv) any downstream users of the water who may be affected by the proposal;
  - (v) other relevant groups.
- (h) A management plan for the operation and maintenance of the effluent or stormwater collection, treatment and disposal system, including contingency measures. (The matters to be addressed in a management plan for a landfill operation are listed in Appendix 4.)
- (i) For stormwater discharges from catchments with a high proportion of impervious areas, a stormwater management plan. (The matters to be addressed in a stormwater management plan are listed in Appendix 5.)
- (j) A monitoring programme outlining how the effects will be monitored and by whom.

## 35.2 INFORMATION REQUIREMENTS FOR WATER PERMITS

### 35.2.1 General Information Requirements

The information supplied with a water permit application should include:

- (a) A plan showing the proposed point of taking, the boundary of the property, the location of any existing water takes and any indigenous wetlands which may be affected by the proposed take.
- (b) A description of the maximum and average quantities of water to be taken, the proposed methods of taking, reticulation, application and use, and any proposed measures to avoid wastage.
- (c) Provision of specific information or any accepted industry standard or guideline justifying the quantity of water applied for.
- (d) Where an applicant applies for more than 500 cubic metres per day for irrigation purposes, the provision of a water balance sheet estimating average daily water needs for each month over the period of irrigation, and estimating peak requirements. The water balance should take into account rainfall, soil types, evapotranspiration and soil moisture deficits and how these change over the irrigation season.
- (e) An assessment of the effect of the take directly or indirectly on any areas of indigenous wetland.
- (f) A description of the means by which effects on indigenous wetlands will be avoided, remedied or mitigated.
- (g) An assessment of the effects of the proposed take on the natural character of the environment, and any:
  - (i) ecological;
  - (ii) amenity;
  - (iii) cultural; and
  - (iv) recreational values of the water body.
- (h) A description of the means by which effects on the natural character of the environment and any ecological, amenity, cultural and recreational values will be avoided, remedied or mitigated.
- (i) A report outlining the consultation undertaken, the information supplied and any response to the views of those consulted. Consultation by the applicant is encouraged with the following where they have an interest in or are affected by the proposal:
  - (i) the local iwi;
  - (ii) the Department of Conservation;
  - (iii) landowners and occupiers adjoining the site of the proposed activity;
  - (iv) any downstream users of the water who may be affected by the proposal;
  - (iv) other affected groups;
  - (v) the local authority for the territorial district to which an application relates.

- (j) A monitoring programme outlining how the effects will be monitored and by whom.

### **35.2.2 Specific Information Requirements for River Takes**

In addition to the general information requirements in Section 36.02.01, the information supplied with a water permit application for taking water from a river or stream should also include:

- (a) A description of any alternatives to direct river abstraction that have been considered, particularly over dry periods, including the possible use of groundwater and water storage dams, and the reasons for selecting the proposed source(s).
- (b) An assessment of the Design Minimum Flow at the point of the take with a description of the method used and supporting calculations.
- (c) An assessment of the typical grain size together with a description used in its calculation.
- (d) A description of the method used to estimate the average depth in fast flowing stretches of the river. A recommended procedure is described in Appendix 12.
- (e) The length of the river required to be assessed by the applicant in relation to (c) and (d) above will be that part of the river likely to be affected by the take. This will usually be to that point downstream beyond which inflow from runoff or tributaries equals or exceeds the volume of water sought by the applicant.

#### **Where a minimum flow less than the Design Minimum Flow is proposed:**

- (a) A description of the typical cross-sectional profile of the stream or representative sections.
- (b) The effect of the proposed take on water level (depth) downstream and the distance downstream at which this effect, under worse case conditions, could be regarded as being negligible. Worse case conditions will be maximum take under low flows.
- (c) The effects (if any) on water velocity and water quality downstream.
- (d) The distance from the take point to downstream waterfalls or other obstacles, and a description of the features of the obstacle including a statement as to its probable effect on the diversity and abundance of aquatic life upstream.
- (e) A description of the scale, timing and method of any regular instream or bank management works above or below the proposed take.
- (f) The effect on any downstream users and the potential for saltwater to extend further upstream.
- (g) A description of the aquatic plants present and an indication as to their general abundance, particularly during low flow periods.
- (h) An assessment of different measures proposed to mitigate potential flow related effects. Such measures might include the planting and/or fencing of riparian strips, tertiary treatment or land application of effluent.
- (i) The provision of data, which models or predicts the effect of flow on oxygenation, based on in situ dissolved oxygen measurements.

- (j) A description of any rare or threatened aquatic fauna or flora and an assessment of their flow-related habitat requirements.

### **35.2.3 Specific Information Requirements for Takes from Dams or Other Impoundment Structures**

In addition to the general information requirements in Section 36.02.01, the information supplied with a water permit application for taking water from a dam or other impoundment structures should also include:

- (a) A description of the fish migration patterns in the river. This may involve fish surveys, local observations and/or predictions based on habitat and catchment features.
- (b) An assessment of the extent to which bypass flows, including flow pulses, might be needed to maintain fish migration and upstream fish populations.
- (c) Where appropriate, a description of how the discharge of water below the dam will be managed to meet fish migration needs, and avoid the discharge of poor quality water.
- (d) An assessment of the degree to which siltation and plant growth might be affected downstream to the extent that the discharge from the dam might need to be managed to avoid potential adverse effects.

### **35.2.4 Specific Information Requirement for Water Takes from Lakes**

In addition to the general information requirements in Section 36.02.01, the information supplied with a water permit application for taking water from a lake should also include:

- (a) A description of the effects of the take on lake levels, taking into account the natural range in lake level.
- (b) An assessment of the effect of any lake level changes on the ecology of the lake ecosystem.

### **35.2.5 Specific Information Requirements for Water Diversions**

In addition to the general information requirements in Section 36.02.01, and specific information requirements for river takes in Section 36.02.02, the information supplied with a water permit application to divert water should also include:

- (a) A plan showing the point in the water body from which the water is to be diverted, the diversion channel, the point at which the water is discharged and the water body affected.
- (b) A description of any alternative methods and sources that have been considered and the reasons for selecting the proposed source and method.
- (c) Where the water is diverted into another water body, an assessment of the effects of the diversion on the cultural and spiritual values of the tangata whenua.
- (d) A description of how the water diversion is to be controlled during low flows and high flows.

### **35.2.6 Specific Information Requirements for Groundwater Takes**

In addition to the general information requirements in Section 36.02.01, the information supplied with a water permit application to take groundwater should also include:

- (a) A plan showing the proposed location of the bore, the boundary of the property, the location of any neighbouring bores and surface water resources, including coastal water, and the location and description of any land based effluent disposal system.
- (b) A copy of the borelog showing the total depth, casing depth, screen depth, recommended pumping rate, standing water level and pumping water level.
- (c) An assessment of the effects and sustainability of pumping the proposed volume on the groundwater resource, and any adjacent bores or surface or coastal water resources. A pump test may be required where the proposed volumes are large in relation to the resource or there are neighbouring bores supplying existing users who may be affected by the proposed take.

## **35.3 INFORMATION REQUIREMENTS FOR STRUCTURES OR WORKS IN, ON, UNDER OR OVER THE BED OF A RIVER OR LAKE**

### **35.3.1 General Information Requirements**

The information supplied with a land use consent application for a structure or works associated with the beds or rivers or lakes should include:

- (a) A site plan showing the location of the proposed structure or works, the boundary of the property and adjoining properties with the names and addresses of the current owners and occupiers marked.
- (b) A plan, drawn to scale, showing the design specifications for the structure, and/or area of works. (For dams, refer Section 36.03.02.)
- (c) A description of any proposed works to prevent erosion of the bed of the water body, as a result of the structure.
- (d) The timing of the proposed works, and a description of how adverse effects on water quality will be minimised during construction and after the works.
- (e) A description of the aquatic habitat and fish migration patterns in the catchment within which the structure or works is proposed and an assessment of any effects the proposed activity may have on those habitats, and fish migration patterns.
- (f) An assessment of the extent to which bypass flows around the structure might be needed to maintain fish migration and upstream fish populations.
- (g) An assessment of the effects of the proposed structure or works on the environment, having particular regard to any drainage or flooding effects off site.
- (h) A description of alternative methods that have been considered and the reasons for selecting the proposed method.
- (i) A description of the means by which effects on the natural character of the environment and any ecological, amenity, cultural and recreational values will be avoided, remedied or mitigated.

- (j) An assessment of the effects of the proposed structure or works on human life, health and safety, private and community property and existing flood mitigation structures or works.
- (k) A description of any mitigation measures proposed to help prevent or minimise actual and potential adverse effects.
- (l) A report outlining the consultation undertaken, the information supplied and any response to views of those consulted. Consultation by the applicant is encouraged with the following where they have an interest in or are affected by the proposal:
  - (i) the local iwi;
  - (ii) the Department of Conservation;
  - (iii) landowners and occupiers adjoining the site of the proposed activity;
  - (iv) any downstream users of the water who may be affected by the proposal;
  - (v) other affected groups.
- (m) A monitoring programme outlining how the effects will be monitored and by whom.

### 35.3.2 Specific Information Requirements for Dams

In addition to the general information requirements in Section 36.03.01, the information supplied with a land use consent application to build a dam structure in the bed of a river or lake should also include:

- (a) A plan, drawn to scale, showing the design specifications for the dam structure wall, the storage area, fish and invertebrate passage design, the spillway dimensions and low flow bypass provisions, including the level of the intake for the low flow bypass pipe within the reservoir.
- (b) The specification of the water supply intake pipe and structure, and the level of the intake pipe within the reservoir.
- (c) A statement of the catchment area behind the proposed dam.
- (d) Calculations to justify the spillway dimensions.
- (e) A description of the geology and soils in the vicinity of the dam site.
- (f) An estimation of the volume of soil required to construct the dam and the proposed source of the soil.
- (g) An explanation of the works programme including start and finish dates.
- (h) A description of the aquatic habitat in the catchment within which the dam is proposed.
- (i) An assessment of the effects of the proposed dam on other users within the catchment, water quality and aquatic habitat values.
- (j) A description of the geology, soil types, existing land use, vegetation, habitats of indigenous fauna, and any historic, cultural or natural features.

**Note:** Where relevant, refer also to Sections 36.02.03 (Information Requirements for Dams and other Impoundment Structures).

### **35.3.3 Specific Information Requirements for River Crossings**

In addition to the general information requirements in Section 36.03.01, the information supplied with a land use consent application to construct a crossing (bridge, culvert, ford) should also include:

- (a) The design specifications of the proposed crossing including the road approaches to the crossing.
- (b) The location of the crossing in relation to any bends in the stream and location of flood overflow path.

### **35.3.4 Specific Information Requirements for Extraction of Riverbed Material**

In addition to the general information requirements in Section 36.03.01, the information supplied with a land use consent application to extract riverbed material should also include:

- (a) A description of the activity including the methods to be used and volumes to be extracted on a daily, monthly and yearly basis.
- (b) A description of the water body from which the extraction is proposed including its hydrology and sediment bedload regime, and any aquatic habitat values.

### **35.3.5 Specific Information Requirements for Planting**

In addition to the general information requirements in Section 36.03.01, the information supplied with a land use consent application to plant vegetation in the bed of a river or lake should also include:

- (a) A description of the plant species to be planted, the purpose for which they are to be planted, and the location within the bed of the river or lake.
- (b) Evidence of the likely effectiveness for the desired purpose, and an assessment of the effects on desirable species already present in areas adjacent to and downstream from the proposed plantings.
- (c) Any required maintenance programme to control the growth.
- (d) A description of alternative methods and reasons for selecting the planting method.

### **35.3.6 Specific Information Requirements for Reclamation and Drainage**

In addition to the general information requirements in Section 36.03.01, the information supplied with a land use consent application to reclaim or drain the bed of a river or lake should also include:

- (a) Evidence that there is no alternative to the proposed activity which does not involve reclamation and drainage; and that there is a demonstrated need for reclamation or drainage which provides significant benefits to the community.
- (b) A statement detailing the ecological values of the area to be reclaimed or drained.

### 35.4 SPECIFIC INFORMATION REQUIREMENTS FOR LAND USE CONSENT APPLICATIONS

The information supplied with land use consent applications should include:

- (a) A locality map showing property boundaries, and area(s) of works;
- (b) A Plan, preferably on an aerial photograph, showing catchment boundaries, any water bodies, sources of runoff and sediment control measures;
- (c) A description of the geology, soil types, existing land use, vegetation, habitats of indigenous fauna, and any historic, cultural or natural features;
- (d) Details of proposed works, areas affected, and methods to be used, especially vegetation removal;
- (e) An explanation of the works programme including expected start and finish dates;
- (f) Details of major cut and fill operations;
- (g) Descriptions of mitigation measures proposed to help prevent or reduce actual or potential effects, including extra precautions to be taken near or in the Riparian Management Zone;
- (h) A description of revegetation programmes planned for cleared areas or rehabilitation programmes for major excavations;
- (i) A report outlining the consultation undertaken, the information supplied and any response to the views of those consulted. Consultation by the applicant is encouraged with the following where they have an interest in or are affected by the proposal:
  - (i) the local iwi;
  - (ii) the Department of Conservation;
  - (iii) landowners and occupiers adjacent to the land disturbance activity;
  - (iv) any downstream users of the water who may be affected by the proposal;
  - (v) other relevant groups.
- (j) A monitoring programme outlining how the effects will be monitored and by whom.



## 36. ASSESSMENT CRITERIA

This section sets out matters in respect of which the Council may exercise its discretion when making decisions on resource consent applications.

The primary criteria for assessing and deciding on applications for resource consents are listed in the Act under s.104 – Matters to be considered and s.105 – Decisions on applications. Under these Sections, decisions are subject to Part II of the Act. Additional assessment criteria which will be applied in the consideration of applications for discretionary and non-complying activities are detailed below.

### 36.1 ASSESSMENT CRITERIA FOR DISCHARGE PERMIT APPLICATIONS

Applications for discharge permits for discretionary activities and non-complying activities will be assessed in accordance with s.104, s.105, and s.107 (Restriction of grant of certain discharge permits) of the Act and having regard to the following:

- (a) The level of treatment provided by the proposed effluent or stormwater collection, treatment and disposal system.
- (b) The concentrations and loadings of contaminants in the discharge.
- (c) The nature and sensitivity of the receiving environment including the proximity of the discharge to water bodies and the water body's associated cultural values, and the proximity to identified significant natural features, archaeological sites and historic features.
- (d) The mitigation measures and safeguards incorporated into the design of the various components of the proposed effluent or stormwater collection, treatment and disposal system.
- (e) The adequacy of the Assessment of Environmental Effects.
- (f) The adequacy of the assessment of alternatives and whether or not the proposed effluent treatment and disposal system is the best practicable option.
- (g) The adequacy of any Management Plan (where required) for the operation and management of the proposed effluent treatment and disposal system.
- (h) For stormwater discharges, the adequacy of the collection and reticulation system in relation to the overall catchment drainage and the need for a stormwater management plan to be prepared.
- (i) The adequacy of any proposed monitoring programme to monitor the effects of the discharge.

Applications for discharge permits for Controlled Activities will be assessed on the matters over which the Regional Council has retained control (refer to the relevant controlled activity rule).

## **36.2 ASSESSMENT CRITERIA FOR WATER PERMIT APPLICATIONS TO TAKE, USE, DAM AND DIVERT WATER**

Applications for water permits for discretionary and non-complying activities will be assessed in accordance with s.104 and s.105 of the Act and having regard to the following:

### **36.2.1 General Assessment Criteria**

- (a) The adequacy of the Assessment of Environmental Effects, in terms of the Fourth Schedule of the Act.
- (b) The adequacy of information substantiating the applicant's need for water.
- (c) The extent to which the taking of water from the proposed source will impact on the resource, and on other users, including any cumulative effects of the takes on the resource.
- (d) The adequacy of the assessment of any alternative water sources considered, or other water management strategies and the reasons for selecting the proposed water source.
- (e) The adequacy of any water conservation and mitigation measures for the proposed system.
- (f) The number, location and type of point source discharges which could contribute nutrients and organic material to the river, and the effect of the water take on the ability of the water body to assimilate those contaminants.
- (g) The extent to which the natural character of the environment is maintained.
- (h) The extent to which amenity, cultural, recreational and social values and economic well-being are adversely affected.
- (i) The adequacy of any proposed monitoring programme to monitor the effects of the taking, use, damming or diverting of water.

### **36.2.2 Assessment Criteria for River Takes and Diversion**

- (a) The accuracy of the Design Minimum Flow estimate below the take point, or point of diversion and the possible adverse effects of reduced flows on downstream river water quality and ecology.
- (b) The adequacy of the assessment of substrate characteristics and water depths in the potentially affected river sections below the take point and the proportion of native bush or riparian habitat in the catchment.
- (c) The adequacy of information used to determine the downstream physical habitat features in the potentially affected river sections.

**Note:** Where a departure below the Design Minimum Flow is requested, refer Policy 9.05.08.

### **36.2.3 Assessment Criteria for Takes from Dams**

- (a) The adequacy of information on fish migration in the catchment and the likely effects of the proposed dam on fish migration.
- (b) The extent to which siltation and plant growth downstream of the dam may be affected, particularly during dam replenishment.

- (c) The adequacy of any provisions made to ensure downstream water quality is maintained.
- (d) The level of the water supply intake within the dam reservoir, and the likelihood of offensive odours from the intended use of the water.

**Note:** Refer also Section relating to assessment criteria for Design Minimum Flow.

**Note:** Assessment Criteria 37.02.02 (a) – (c) also apply.

#### **36.2.4 Assessment Criteria for Takes from Lakes**

- (a) The adequacy of information on lake levels, bathymetry, volume and evaporation, upon which, the effects of water level changes can be assessed.
- (b) The extent to which the lakes ecology may be adversely affected.

#### **36.2.5 Assessment Criteria for Takes and Diversions which may affect Indigenous Wetlands**

- (a) The adequacy of information on the physical and hydrological relationship between the taking and diverting of water, and any areas of indigenous wetlands.
- (b) Where an indigenous wetland is likely to be adversely affected, whether the indigenous wetland has significant ecological values in accordance with the criteria outlined in Appendix 13B, Criteria for Significant Areas of Indigenous Vegetation and Habitats of Indigenous Fauna (Regional Policy Statement, Section 23).
- (c) The adequacy of any proposed provisions to avoid, remedy or mitigate direct or indirect effects on indigenous wetlands, having regard to any significant ecological values.

#### **36.2.6 Assessment Criteria for Groundwater Takes**

- (a) The cumulative effects of the proposed groundwater take and existing groundwater users in relation to the average annual recharge of the aquifer.
- (b) The extent to which the proposed groundwater take may adversely affect other groundwater and surface water users, and the adequacy of any pump test analysis to confirm those effects.
- (c) The proximity to the freshwater/seawater interface and the likelihood of any seawater intrusion affecting groundwater users.
- (d) The proximity of the bore and the standing groundwater level to any effluent disposal field and the likelihood of contaminants being drawn into the aquifer as a result of pumping.

### **36.3 ASSESSMENT CRITERIA FOR LAND USE CONSENT APPLICATIONS FOR STRUCTURES AND WORKS IN, ON, UNDER OR OVER THE BED OF A RIVER OR LAKE**

Applications for land use consents for discretionary and non-complying activities will be assessed in accordance with s.104 and s.105 of the Act and having regard to the following:

### 36.3.1 General Assessment Criteria

- (a) The adequacy of the Assessment of Environmental Effects, in terms of the Fourth Schedule of the Act.
- (b) The adequacy of the assessment of any alternative locations or methods considered, and the reasons for selecting the proposed location and/or method.
- (c) The length of time to complete the works and whether the resulting degradation in water quality is considered to be temporary.
- (d) The adequacy of any proposed mitigation measures for the proposed system.
- (e) The adequacy of any proposed monitoring programme to monitor the effects of the proposed structure or works.
- (f) The proximity of the proposed works to any protected natural feature, protected archaeological site or historic feature, waahi tapu or urupa and any effects on them.
- (g) The adequacy of the provision made to maintain fish movement upstream and downstream where this is required.
- (h) The extent to which the structure or works would cause adverse drainage or flooding effects on surrounding properties.
- (i) Where an indigenous wetland is likely to be adversely affected, whether the indigenous wetland has significant ecological values in accordance with the criteria outlined in Appendix 13B, Criteria for Significant Areas of Indigenous Vegetation and Habitats of Indigenous Fauna (Also in Regional Policy Statement, Section 23).
- (j) The extent to which amenity, cultural, recreational and social values and economic well-being are adversely affected.
- (k) The extent to which the structure is likely to cause scour or erosion and the methods proposed for avoiding these effects.
- (l) The extent to which the proposal would require the destruction of riparian vegetation and the adequacy of proposals for enhancement or restoration of riparian vegetation.

### 36.3.2 Assessment Criteria for Dam Structures

- (a) The adequacy of the proposed foundation works, given the geology and soil at the dam structure site.
- (b) The location of the flood flow bypass with respect to the stability of the flood path and areas of fill and the ability to contain the flood flow on the property.
- (c) The adequacy of any proposed fish pass.
- (d) Whether there is a need to provide for larger pulses of water to be maintained below the dam structure during filling.
- (e) The likely quality of the water to be released below the dam structure and the effect on downstream water quality and aquatic habitats.
- (f) The adequacy or need for flushing flows is to be provided for after dam structure construction.

**Note:** Assessment Criteria 36.02.02 (a) – (c), 36.02.03 and 36.02.05 also apply.

**36.3.3 Assessment Criteria for Planting**

- (a) The adequacy of the proposed maintenance programme.
- (b) The appropriateness of the proposed method for the stated purpose.
- (c) The extent to which the proposed planting may adversely affect the existing indigenous vegetation on the bed of the river or lake and ecology of the water body.

**36.3.4 Assessment Criteria for Extraction of River Bed Materials**

- (a) The adequacy of the assessment of the sustainable yield of the river material.
- (b) The extent to which the proposed extraction may adversely affect the existing indigenous vegetation on the bed of the river or lake, and aquatic habitats.

**36.3.5 Assessment Criteria for Drainage and Reclamations**

- (a) Whether it has been adequately demonstrated that the proposed drainage or reclamation provides significant benefits to the community and that there are no alternatives to the proposed activity.

**36.3.6 Assessment Criteria for Stopbanks on Flood Plains**

- (a) Whether it has been adequately demonstrated that the proposed stopbank is the only effective alternative.
- (b) The adequacy of the assessment of effects on other properties.

**36.4 ASSESSMENT CRITERIA FOR APPLICATIONS FOR LAND DISTURBANCE ACTIVITIES**

Applications for land use consents for the discretionary and non-complying activities will be assessed in accordance with s.104 and s.105 the Act, and having regard to the following:

- (a) The scale, method and timing of the land disturbance activity and the nature of the surrounding catchment.
- (b) The proximity of the land disturbance activity to any water body, the nature and sensitivity of the water body and any associated values and the likely effects on that water body.
- (c) The proximity of the land disturbance activity to any areas of significant indigenous vegetation and significant habitats of indigenous fauna that meet the criteria in Appendix 13B, any outstanding or significant natural feature identified in a regional or district plan, any known archaeological site or historic feature, waahi tapu or urupa; and any effects on them.
- (d) The expected efficiency of sediment control measures and any other mitigation measures.
- (e) The removal and/or any retention of vegetation and the expected efficiency of any revegetation and/or rehabilitation programme.
- (f) The adequacy of any proposed monitoring programme to assess the effects of the activity on the environment.

- (g) The practicality of alternative methods to undertake the activity and their likelihood of having reduced environmental effects.

Applications for Land Use Consents for Controlled Activities will be assessed on the matters over which the Council has retained control (refer to the relevant controlled activity rule).