

6 REGIONAL RULES

6.1 Users' Guide to Rules

6.1.1 INTRODUCTION

6.1.1.1 Chapter 6 of the Plan contains rules which allow, regulate, or prohibit resource use activities in the Hawke's Bay region (but not within the coastal environment). This Users' Guide has been prepared to assist readers to locate and understand rules of interest. It provides the following:

Section 6.1.2 An explanation of the classification of activities under the RMA.

Section 6.1.3 A guide to understanding how the rules are set out in the tables.

Section 6.1.4 A guide to interpreting the terms 'noxious', 'dangerous', 'offensive' and 'objectionable', which are used in several rules, especially those regulating the discharge of contaminants into air.

6.1.1.2 This Users' Guide provides some information on how to interpret regional rules under the RMA. However, the HBRC can provide more detailed information on interpreting regional rules and consent application processes. HBRC staff should be contacted by anyone who is in doubt about understanding the rules in this Plan or the resource consent process.

6.1.2 RULE CLASSIFICATIONS

6.1.2.1 If an activity is classified in a rule as:

- (a) **Permitted**, it can be carried out without a resource consent provided the conditions in the rule are met.
- (b) **Controlled**, a resource consent is required, but the HBRC must grant the consent if the standards and terms in the rule are met. However, the Council may impose conditions on the consent relating to matters specified in the rule over which control is reserved.
- (c) **Restricted discretionary**, a resource consent is required, and the HBRC will decide whether or not to grant the consent. However, in deciding whether or not to grant consent the HBRC is restricted to exercising its discretion over the list of matters specified in the rule.
- (d) **Discretionary**, a resource consent is required, and the HBRC will decide whether or not to grant the consent. Whether or not the Council grants consent will depend upon how consistent the proposed activity is with provisions of the RMA and the objectives and policies set in this Plan. Particular regard will be had to the "Decision-Making Criteria" contained in Chapter 3.
- (e) **Non-complying**, a resource consent is required, and can only be granted if the adverse effects on the environment will be minor, or granting consent will not be contrary to the objectives and policies of this Plan.
- (f) **Prohibited**, the activity is not allowed under any circumstances.

6.1.2.2 Figure 5 (overleaf) provides an overview of how the activity classifications work.

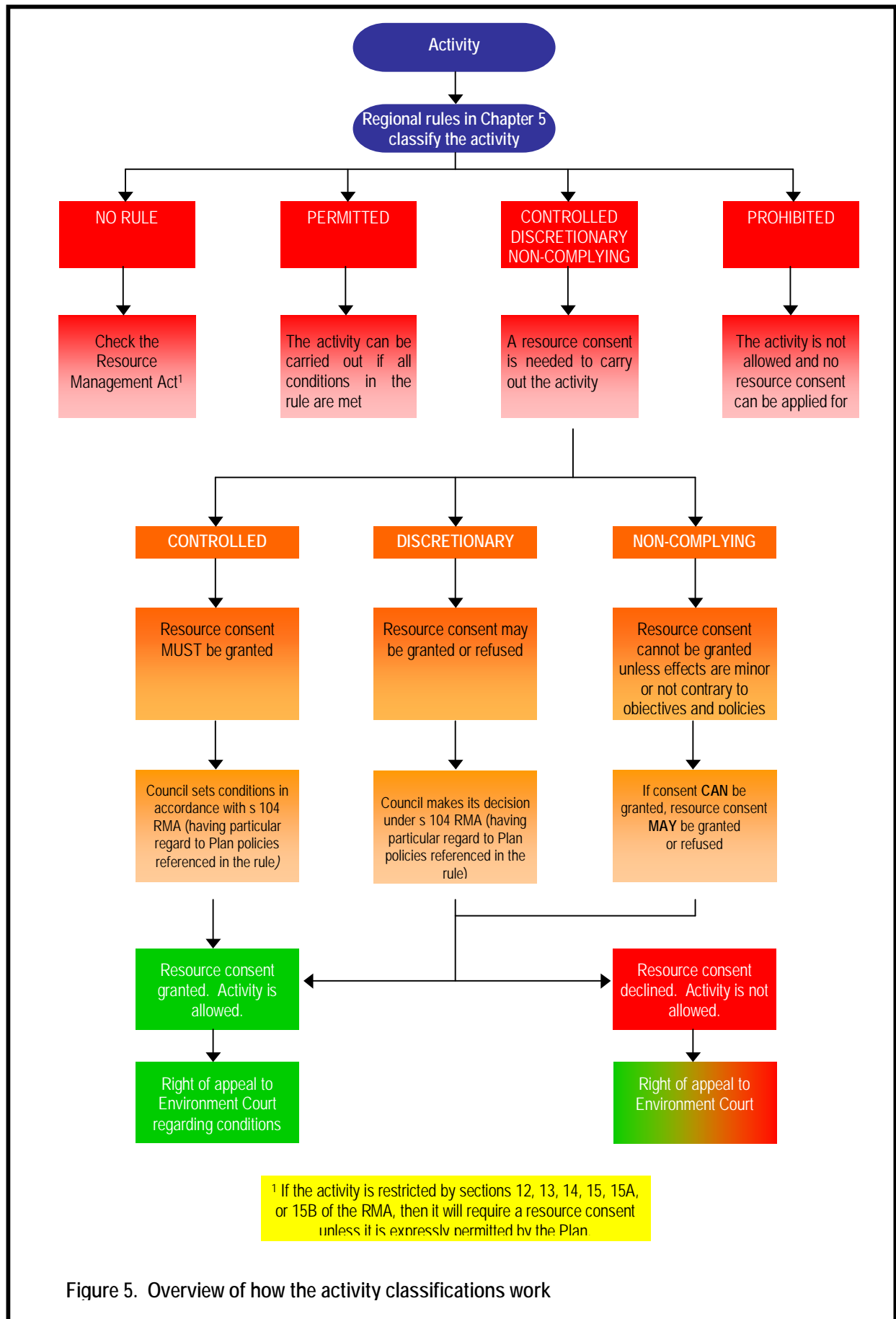


Figure 5. Overview of how the activity classifications work

6.1.3 GUIDE TO RULE TABLES

6.1.3.1 The rules in this Plan are arranged in tables. Within each of the rule tables there are six columns headed as follows:

(a) **Rule**

This column contains the rule number together with a brief title for the rule.

(b) **Activity**

The activity column describes the activity to be undertaken. For the activity to be considered under this rule it must be consistent with the description contained in this column, and meet any criteria contained in the conditions/standards/terms column.

(c) **Classification**

This column contains the classification of the activity, i.e. permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited (activity classifications are explained in section 6.1.2 of this Plan).

(d) **Conditions/Standards/Terms**

This column contains conditions for permitted activities, and standards and terms for controlled and restricted discretionary activities (note that standards and terms must be stated for controlled activities, but may or may not be stated for restricted discretionary activities). The conditions, standards and terms are ongoing requirements that must be met for as long as the activity is undertaken. Failure to comply with these amounts to a breach of the rule and may be subject to enforcement action. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent.

(e) **Matters for Control/Discretion**

This column is relevant only for controlled activities and restricted discretionary activities. For controlled activities, this column contains the matters over which the HBRC has reserved its control. For restricted discretionary activities, it contains the matters to which the Council has restricted the exercise of its discretion. When this column is blank, it means that the activity is classified as a permitted, discretionary, non-complying or prohibited activity.

(f) **Non-notification**

This column is also only relevant for controlled activities and restricted discretionary activities. For each of these activity classifications, the HBRC may state whether a consent application for the activity could be considered without notification, and/or without the need to obtain the written approval of affected persons²¹. It is important to note that a consent application for a discretionary or non-complying activity may also be considered without notification if the consent authority is satisfied that the adverse effect on the environment will be minor, and written approval has been obtained from every affected person (unless it is unreasonable to require this). An affected person is a person who is affected in a manner different from the public generally (an interested party or interest group is not necessarily an affected person).

(g) **Advisory Notes**

Advisory notes at the foot of most pages contain important information on the status of various activities.

²¹ **Non-notification of restricted discretionary activities** - Note that, for restricted discretionary activities, the rule must state both the standards and terms that the activity shall comply with, and the matters over which the Council restricts its discretion, if it is to include a statement on non-notification.

6.1.4 INTERPRETATION OF NOXIOUS, DANGEROUS, OFFENSIVE AND OBJECTIONABLE EFFECTS

6.1.4.1 Several rules in this Plan use the terms 'noxious', 'dangerous', 'offensive', and 'objectionable', particularly rules relating to the discharges of contaminants into air. These terms are also included in section 17 of the RMA. Whether an activity is 'noxious', 'dangerous', 'offensive' or 'objectionable' depends upon an objective assessment. A Regional Council enforcement officer's views will not be determinative but may trigger further action and will be one factor considered by the Court if formal enforcement action is taken.

6.1.4.2 Reference to the terms 'noxious', 'dangerous', 'offensive' and 'objectionable' are made in the glossary to this Plan. The glossary refers plan users to this section. There is no standard definition of these terms because of the need to take account of case law precedent as it develops, i.e. the Plan cannot override interpretations decided by the judiciary. However, the following notes are intended to provide some guidance for interpreting these terms:

- (a) **NOXIOUS, DANGEROUS** - The Concise Oxford Dictionary defines 'noxious' as "harmful, unwholesome". At the time of writing this Plan, the term 'noxious' did not appear to have been defined or considered in case law pertaining to the RMA. Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans.

'Dangerous' is defined as 'involving or causing exposure to harm'. Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals.

The Workplace Exposure Standards (Occupational Safety and Health Service, 1994) provide guidelines for those involved in occupational health practice, and can be used for interpreting the terms 'noxious' and 'dangerous'. The concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time weighted average standard on adjacent properties or public land. Although human health cannot be assured by compliance with this guideline, it can be used as a guide for protection of the general population.

- (b) **OFFENSIVE, OBJECTIONABLE** - 'Offensive' is defined as "giving or meant to give offencedisgusting, foul-smelling, nauseous, repulsive". 'Objectionable' is defined as "open to objection, unpleasant, offensive". Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:

(i) **Location of an activity and sensitivity of the receiving environment** - For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.

(ii) **Reasonableness** - Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.

(iii) **Existing uses** - It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will be as follows:

- (a) An assessment of the situation will be made by a council officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment will take into account the FIDOL factors - frequency, intensity, duration, offensiveness, location; and those matters identified as key considerations in 6.1.4.2 (b) (i), (ii), and (iii).
- (b) If the discharge is deemed to be offensive or objectionable by the council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.
- (c) If the discharger disputes the council officer's assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
 - (i) assessments by more council officers
 - (ii) asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours
 - (iii) promoting the use of community working groups and other means of consultation between the affected community and the discharger
 - (iv) using the services of an independent consultant to carry out an investigation, and/or community survey
 - (v) using the services of the Council's odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell
 - (vi) undertaking an odour assessment using an olfactometer, or other appropriate technology
 - (vii) leaving the matter to be determined by the Environment Court.
- (d) If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution, pursuant to the Resource Management Act 1991. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent application to be lodged.

6.2 Summary of Regional Rules

6.2.1 Table 13 (below) provides a summary of the rules for easy reference.

6.2.2 It is important to note that a "permitted activity" as described in the summary in Table 13 may be undertaken without a resource consent only if the activity complies with all the conditions/standards/terms column in the permitted activity rule.

Table 13. Summary of Regional Rules

RULE NUMBER AND TITLE	CLASSIFICATION	Page
<p>6.3 LAND USE ACTIVITIES</p> <p>6.3.1 Bore drilling & leaking bores Rule 1 Bore drilling Rule 2 Bore drilling that does not comply with Rule 1 Rule 3 Unwanted or leaking bores Rule 4 Decommissioning of bores</p> <p>6.3.2 Feedlots and feedpads Rule 5 Feedlots and feedpads Rule 6 Feedlots and feedpads not complying with Rule 5</p> <p>6.3.3 Vegetation clearance and soil disturbance Rule 7 Vegetation clearance and soil disturbance Rule 8 Vegetation clearance and soil disturbance activities that do not comply with Rule 7</p>	<p>Controlled Restricted discretionary Non-Complying Permitted</p> <p>Permitted Restricted discretionary</p> <p>Permitted Restricted discretionary</p>	<p>124 124 125 125</p> <p>126 126</p> <p>128 129</p>
<p>6.4 DISCHARGES TO AIR/LAND/WATER</p> <p>6.4.1 Agrichemicals – discharges to air/land/water Rule 9 Small scale application of agrichemicals Rule 10 Widespread application of agrichemicals</p> <p>6.4.2 Agricultural activities & other activities on production land – discharges to air/land/water Rule 11 Fertiliser use Rule 12 Stock feed Rule 13 Use of compost, biosolids & other soil conditioners Rule 14 Animal effluent Rule 15 Animal effluent in sensitive catchments Rule 16 Management of solid waste on production land</p>	<p>Permitted Permitted</p> <p>Permitted Permitted Permitted Controlled Discretionary Permitted</p>	<p>130 131</p> <p>134 134 135 136 137 138</p>
<p>6.5 DISCHARGES TO AIR</p> <p>6.5.1 Combustion of fuel – discharges to air Rule 17 Combustion of specified fuels Rule 18 Combustion of specified fuels</p> <p>6.5.2 Burning of waste – discharges to air Rule 19 Burning of waste Rule 20 Burning of specified waste</p>	<p>Permitted Controlled</p> <p>Permitted Prohibited</p>	<p>139 139</p> <p>141 143</p>

RULE NUMBER AND TITLE	RULE NUMBER AND TITLE	CLASSIFICATION	Page
6.5.3	Management of waste & other matter, excluding industrial & trade premises – discharges to air Rule 21 Waste & other matter, excluding industrial & trade premises	Permitted	144
6.5.4	Abrasive blasting – discharges to air Rule 22 Wet abrasive blasting Rule 23 Dry abrasive blasting – fixed source Rule 24 Dry abrasive blasting – moveable source	Permitted Permitted Discretionary	145 145 145
6.5.5	Moveable sources– discharges to air Rule 25 Moveable aggregate crushing & screening plants Rule 26 Moveable asphalt plants Rule 27 Moveable road burners	Permitted Discretionary Non-complying	147 147 147
6.5.6	Industrial & trade premises– discharges to air Rule 28 Miscellaneous industrial & trade premises Rule 29 Minor discharges from industrial & trade premises	Discretionary Permitted	148 149
6.5.7	Non-compliance with other rules– discharges to air Rule 30 Discharges that cannot comply with other rules	Restricted discretionary	151
6.6	DISCHARGES TO LAND/WATER		
6.6.1	Water– discharges to water Rule 31 Discharge of water	Permitted	152
6.6.2	Drainage water– discharges to land/water Rule 32 Discharge of drainage water (gravity flow systems) Rule 33 Discharge of drainage water (pumped systems)	Permitted Controlled	153 153
6.6.3	Bore drilling fluids – discharges to land/water Rule 34 Discharge of bore drilling fluids	Permitted	155
6.6.4	Domestic sewage– discharges to land Rule 35 Existing domestic sewage disposal systems Rule 36 Existing large-scale domestic sewage disposal systems Rule 37 New domestic sewage disposal systems Rule 38 Discharge of Septage	Permitted Restricted discretionary Permitted Discretionary	156 158 158 159
6.6.5	Landfills, transfer stations & waste oil – discharges to land/water Rule 39 Discharges from operating landfills & transfer stations Rule 40 Discharges from closed landfills Rule 41 Discharge of waste oil	Discretionary Controlled Non-complying	161 161 161
6.6.6	Stormwater– discharges to land/water Rule 42 Diversion & discharge of stormwater Rule 43 Diversion & discharge of urban stormwater <i>Rules 44-46 – These rule numbers have been “banked” for future use.</i>	Permitted Controlled	162 162
6.6.7	Generic discharges of contaminants– discharges to land/water Rule 47 Discharges to surface water Rule 48 Discharges of solid contaminants to land that will not enter water Rule 49 Discharges to land that may enter water Rule 50 Disturbance of bed of river/lake by livestock Rule 51 Disturbance of bed of river/lake by livestock	Permitted Permitted Permitted Permitted Discretionary	164 165 166 167 167

RULE NUMBER AND TITLE		CLASSIFICATION	Page
6.6.8	Non-compliance with other rules– discharges to land/water Rule 52 Discharges that do not comply with other rules	Discretionary	168
6.7	WATER TAKES, USES & DIVERSIONS		
6.7.1	Take & Use of water Rule 53 Minor takes & uses of groundwater Rule 54 Minor takes & uses of surface water Rule 55 Other takes and uses of surface & groundwater	Permitted Permitted Discretionary	169 170 170
6.7.2	Diversion of water Rule 56 Minor diversions Rule 57 Lawfully established diversions Rule 58 Diversions in artificial water courses Rule 59 Diversions that cannot comply with other rules	Permitted Permitted Permitted Discretionary	172 172 173 173
6.7.3	Transfer of water permits Rule 60 Transfer of permits to take & use surface water from a lake Rule 61 Transfer of permits to take & use surface water from a river Rule 62 Transfer of permits to take & use groundwater	Permitted Controlled Controlled	174 174 174
6.8	USE OF RIVERS & LAKE BEDS		
6.8.1	Use, repair & maintenance of structures Rule 63 Use of structures Rule 64 Maintenance of structures Rule 65 Replacement and upgrading of structures	Permitted Permitted Permitted	176 176 177
6.8.2	Removal & demolition of structures Rule 66 Removal & demolition of structures	Permitted	178
6.8.3	Erection and placement of dams & other barrier structure, & damming of water <i>Rule 67 Dams, weirs & other barrier structures in rivers, lakes and artificial water courses</i> Rule 68 Existing damming of water in rivers and lakes Rule 69 River and lake bed activities not expressly regulated by other rules	Permitted Controlled Discretionary	179 180 181
6.8.4	River control & drainage works & structures Rule 70 River control & drainage works & structures Rule 71 Activities affecting river control & drainage structures	Permitted Discretionary	182 183
6.8.5	Erection & placement of other structures (including access structures) Rule 72 Erection & placement of other structures, including bridges, culverts & other access structures	Permitted	184
6.8.6	River bed gravel extraction Rule 73 Small scale river bed gravel extraction Rule 74 Large scale river bed gravel extraction	Permitted Restricted discretionary	186 186
6.8.7	Other disturbances of river and lake beds Rule 75 Other disturbances of river and lake beds	Permitted	187
6.8.8	Introduction & planting of plants Rule 76 Planting of plants	Permitted	188

6.3 Land Use Activities

For information requirements refer to section 7.3

If any land use activity (such as earthworks, fencing or landscaping) may modify, damage or destroy any known archaeological site(s) an authority from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully.

6.3.1 BORE DRILLING & BORE SEALING

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>1</p> <p>Bore drilling</p> <p><i>Refer POL 17, 21, 27, 75</i></p>	<p>The drilling, construction, and alteration of bores.²²</p>	<p>Controlled</p>	<p>a. The bore shall be cased and sealed to prevent aquifer cross-connection, and leakage from the ground surface into ground water.</p>	<p>a. Bore location, diameter, depth. b. Bore screen slot size, length, depth and diameter. c. Well head completion. d. Backflow prevention. e. Information requirements, including bore logs, hydraulic head levels and aquifer tests. f. Duration of consent. g. Lapsing of consent. h. Review of consent conditions. i. Compliance monitoring.</p>	<p>Applications will generally be considered without notification, without the need to obtain the written approval of affected persons.</p>
<p>2</p> <p>Bore drilling that does not comply with Rule 1</p> <p><i>Refer POL 17, 21, 27, 75</i></p>	<p>The drilling, construction, or alteration of bores that does not comply with Rule 1.</p>	<p>Restricted discretionary</p>		<p>a. Bore location diameter, depth. b. Bore screen slot size, length, depth and diameter. c. Bore head completion. d. Backflow prevention. e. Information requirements, including bore logs, hydraulic head levels and aquifer tests. f. Duration of consent. g. Lapsing of consent. h. Review of consent conditions. i. Compliance monitoring.</p>	

²² For the purposes of this Plan, a 'bore' is defined as any pipe, cylinder or hole inserted into the ground that either

- is created for the purpose of accessing underground water, oil or gas, or
- penetrates a confined aquifer, or
- in any way causes the release of water from a confined aquifer, or
- is created for the purpose of exploring water, oil or gas resources.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
3 Unwanted or leaking bores <i>Refer POL 21</i>	The existence of any bore that is no longer wanted or is leaking water, oil or gas.	Non-complying			
4 Decommissioning of bores <i>Refer POL 75</i>	The decommissioning or sealing of bores.	Permitted	<ul style="list-style-type: none"> a. Decommissioned bores shall be backfilled and sealed at the surface to prevent contamination of groundwater. b. Decommissioned holes and bores intersecting groundwater shall be sealed to prevent the vertical movement of groundwater, and to permanently confine the groundwater to the specific zone (or zones) in which it originally occurred. c. Backfill materials, where used between permanent seals, shall consist of clean sand, coarse stone, clay or drill cuttings. The material shall be non toxic. d. Decommissioning shall be undertaken by a suitably qualified person. e. The Council shall be advised of any bores that are decommissioned. 		

6.3.2 FEEDLOTS & FEEDPADS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
5 Feedlots & feedpads <i>Refer POL 71</i>	The use of land for the purposes of operating a feedlot ²³ or feedpad ²⁴ .	Permitted	<ul style="list-style-type: none"> a. The land used for the feedlot or feedpad shall be managed in a manner that prevents any seepage of contaminants into groundwater. b. The feedlot or feedpad shall be located no less than 20 m from any surface water body. c. The feedlot or feedpad shall be located no less than: <ul style="list-style-type: none"> i. 150 metres from a residential building or any other building being part of a place of assembly on another site ii. 50 metres from a property boundary, and iii. 20 metres from a public road. d. Runoff from the surrounding catchment area is prevented from entering the feedlot or feedpad. 		
6 Feedlots & feedpads that do not comply with Rule 5 <i>Refer POL 17, 20, 47, 48, 71</i>	The use of land for the purposes of operating a feedlot or feedpad, in a manner which does not comply with Rule 5.	Restricted discretionary		<ul style="list-style-type: none"> a. The conditions which the activity cannot comply with, and the related environmental effects. b. Duration of consent. c. Lapsing of consent. d. Review of consent conditions. e. Compliance monitoring. 	

²³ For the purposes of this Plan, a 'feedlot' is defined as an area of land upon which animals are kept and fed, for more than 15 days in any 30 day period, where the stocking density or feedlot structure (e.g. a concrete pad) precludes the maintenance of pasture or ground cover.

²⁴ For the purposes of this Plan, a 'feedpad' is defined as an area of land to which animals are brought for supplementary feeding on a regular basis, where the stocking density or feedpad structure precludes the maintenance of pasture or ground cover.

ADVISORY NOTES:

1. **Sealing** - The Council will accept, as one means of compliance with condition (a) of Rule 5, the construction of a sealing layer with a permeability of no greater than 10^{-9} m/s (0.00000001 m/s).
2. **Discharge of contaminants** – Rules 5 and 6 above only address the use of land for a feedlot or feedpad (and thus, the effects associated with having a high density of animals on one site). Any discharges of contaminants associated with the operation of a feedlot or feedpad, e.g. the use of stock feed and the management of animal effluent, are addressed under rules in sections 6.4 and 6.6 of this Plan. Any discharge of contaminants associated with the operation of a feedlot or feedpad, such as the disposal of animal wastes and the bedding material or the runoff of manure during heavy rainfall are addressed under Rules in Sections 6.4 and 6.6. Any discharge of contaminants to air are covered in Rule 21.
3. **Compliance with condition (a)** – At any time Council may request information from the operator of a feedlot or feedpad to confirm compliance with condition (a).

6.3.2 VEGETATION CLEARANCE AND SOIL DISTURBANCE ACTIVITIES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
7 Vegetation clearance ²⁵ and soil disturbance <i>Refer to POL 3, 67, 71</i>	Vegetation clearance or soil disturbance activities ²⁶ .	Permitted	<p>a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body²⁶.</p> <p>b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing.</p> <p>c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to:</p> <p>i. the clearance of plantation forestry established prior to the date of this Plan becoming operative, or</p> <p>ii. the areas identified in Schedule X to this Plan.</p> <p>d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m².</p> <p>e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be:</p> <p>i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or</p> <p>ii. retained in a manner which inhibits soil loss.</p>		

²⁵ "Vegetation clearance" means the cutting, burning, clearing or destruction (including destruction by spraying) of trees, shrubs, or plants.

"Soil disturbance" means the disturbance of soil by any means including blading, contouring, ripping, discing, root raking, moving, ploughing, removing, cutting and blasting.

Vegetation clearance and soil disturbance exclude:

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
8 Vegetation clearance and soil disturbance <i>Refer to POL 3, 67, 71</i>	Vegetation clearance or soil disturbance activities which do not meet the conditions in Rule 7.	Restricted discretionary		a. The conditions, standards or terms which the activity cannot comply with, and the related environmental effects. b. Monitoring and reporting requirements. c. Duration of consent. d. Review of consent conditions.	Applications may be considered without notification, without the need to obtain the written approval of affected persons.

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- The normal maintenance of legally established structures, roads, tracks, railway lines and river beds.
 - The clearance of grasses, forest thinning, and agricultural and horticultural crops.
 - The clearance of isolated or scattered regrowth on productive pasture.
 - The clearance of any indigenous vegetation understorey beneath plantation forests.
 - The clearance of noxious weeds covered by the Regional Plant Pest Management Strategy prepared under the Biosecurity Act, 1993.
 - Non-motorised soil disturbance activities.
 - Thrusting, boring, trenching or mole ploughing associated with cable or pipe laying or a network utility operation.
 - Soil disturbance undertaken by a mine or quarry operation which either had a valid mining licence at the date the Proposed Regional Resource Management Plan was publicly notified (15 April 2000) or is lawfully established.
 - Cultivation and grazing.
 - Foundations works for structures.
 - Construction and maintenance of fences and drains.

²⁶ **Explanation of Rule 7 (a):** In considering whether condition/standard/term (a) in Rule 7 has been met, Council shall have regard to recognised Industry Codes of Practice, Best Practice Guidelines and Environmental Management Plans relevant to and adopted in carrying out the activity.

Note: 10 kg/m² of dry soil is equivalent to 5 mm depth assuming a specific gravity of 2 kg/litre.

6.4 DISCHARGES TO AIR/LAND/WATER – AGRICHEMICALS & AGRICULTURAL DISCHARGES

6.4.1 AGRICHEMICALS - DISCHARGES TO AIR/LAND/WATER

For information requirements refer to sections 7.4, 7.5, 7.6

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>9</p> <p>Small scale application of agri-chemicals</p> <p>Refer POL 10</p>	<p>The discharge of contaminants into air or onto land arising from the use or disposal of:</p> <ul style="list-style-type: none"> any agrichemicals for domestic purposes²⁷ any licensed animal remedies, or any agrichemicals using a hand-held appliance²⁸ <p>excluding the use of any agrichemicals approved for aquatic use.</p>	Permitted	<p>a. The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions.</p> <p>b. There shall be no discharge or drift of any agrichemical beyond the boundary of the subject property.</p> <p>c. The discharge shall not result in any agrichemical entering a water body.</p> <p>d. Where the agrichemical is used for non-domestic purposes, the discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004).</p>		

ADVISORY NOTE:

- In relation to condition (d)** - Section 2 of the Code deals with the management of agrichemicals (including risk management, user responsibility and identification of most suitable agrichemicals), Section 5 deals with the use of agrichemicals (including handling, mixing, and drift hazard) and Section 6 deals with the disposal of agrichemicals and their containers.
- Non-compliance with rules** – If Rule 9 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30 or a discretionary activity under Rule 52, whichever is relevant.

²⁷ For the purpose of this rule “domestic purposes” means the use of agrichemicals by a person, group or organisation in a private capacity, who do not use agrichemicals in the course of their business activities.

²⁸ For the purposes of this Plan, a “hand-held appliance” refers to a knapsack sprayer, a non-motorised handgun sprayer, or a sprayer with a rate and volume of application no greater than these devices.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>10</p> <p>Widespread application of agrichemicals</p> <p><i>Refer POL 8, 10, 17, 47</i></p>	<p>The discharge of contaminants into air or onto land, or into water, arising from the use or disposal of any agrichemical, except as provided for by Rule 9.</p>	<p>Permitted</p>	<p>a. The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions.</p> <p>b. The discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004).</p> <p>c. For the ground based application of agrichemicals the following qualifications shall be held at all times:</p> <p>i. Every commercial user shall hold a qualification that meets the requirements of Schedule XI for commercial user or be under direct supervision of a person holding the qualification.</p> <p>ii. Every contractor shall be a GROWSAFE® Registered Chemical Applicator.</p> <p>iii. Every employee of a contractor shall hold or be under training for a valid qualification that meets the requirements of Schedule XI for contractor employees.</p> <p>d. Every pilot undertaking the aerial application of agrichemicals shall hold a GROWSAFE® Pilot Agrichemical Rating Certificate.</p> <p>e. The discharge shall not result in any agrichemical being deposited on any roof or other structure used as a catchment for water supply other than in compliance with condition (f).</p> <p>f. Where the discharge is onto land or onto water for the purpose of eradicating, modifying or controlling unwanted aquatic plants:</p> <p>i. Only agrichemicals approved for aquatic use by the Environmental Risk</p>		

²⁹ For the purposes of this Plan, the term 'wetland' does NOT include:

- wet pasture
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands created for beautification purposes.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>Management Authority may be used.</p> <p>ii. The applications shall not exceed the quantity and concentration required for that purpose.</p> <p>iii. The discharge shall not include disposal to water of any agrichemical.</p> <p>iv. The discharger shall notify:</p> <ul style="list-style-type: none"> ▪ every person taking water for domestic supply within 1 km downstream of the proposed discharge, and ▪ every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge at least 1 week before commencing the discharge. <p>g. For aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals within 20 m of:</p> <p>i. any continually flowing river which has a bed width of 3 m or more, and</p> <p>ii. any lake or wetland²⁹.</p> <p>h. Aerial and ground based discharges shall be notified by the property owner, manager or contractor in accordance with the following requirements:</p> <p>i. Where the application is on private land, occurs on any land within 50 m of an adjacent property twice in any 12 month period, and occurs in circumstances where spray drift beyond the property boundary cannot be avoided, a property spray plan shall be prepared at the beginning of each year, or spray season, in accordance with Appendix M4 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). The plan shall be given upon request to the owner or occupier of any adjacent property, or to a Council officer.</p> <p>ii. Where the application is on private land, signs shall be used to clearly indicate the use of any agrichemicals:</p> <ul style="list-style-type: none"> • within 10m of public land where there is a shelter belt giving effective protection between the application and the public land, or • within 30m of public land where there is no shelter belt giving effective protection between the application and the public land. <p>iii. Where the application is on public land notification shall be given in newspapers or by door-to-door advice to land occupiers adjacent to the intended application at the beginning of the spray season, not more than six months prior to application and in any case not less than one</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>month prior to application; and signs shall be used to clearly indicate the agrichemical use.</p> <p>iv. Where the application may affect bee keeping, prior notification shall be given to the affected parties.</p>		

ADVISORY NOTES:

1. **Non-compliance with rules** – If Rule 10 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.
2. **Vertebrate toxic agents** are covered under the Hazardous Substances and New Organisms Act 1996 and under the Agricultural Compounds and Veterinary Medicines Act 1997.
3. **Rule 10, condition (h)** - For the avoidance of doubt, the notification requirements set out in condition h(i) **do not** apply to discharges of agrichemicals where there is never any spray drift beyond the property boundary.
4. **Rule 10** does not cover the disposal of agrichemical containers.
5. **Agrichemical spray drift hazard** – Table Y1 from the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004) includes the following guidance chart for assessing agrichemical spray drift hazard. Dischargers should note that adequate notification of those who may be at risk enables them to take precautionary action which can reduce the potential effects of spray drift.

FACTOR	POTENTIAL DRIFT HAZARD SCALE	
	HIGH	LOW
Wind speed	Zero/very low (<1 m/s) or >6 m/s	Steady (1-3 m/s)
Wind direction	Unpredictable	Predictable, and away from sensitive areas
Humidity	Low (delta T>8°C)	High (delta T<4°C)
Atmospheric stability	Inversion layer present	No inversion layer
Maximum height of release	>1.5 m above the target	<0.5 m above the target
Particle (droplet) size	<50 microns diameter	>250 microns diameter
Volatility	High (vapour pressure >10 mPa)	Low (vapour pressure <0.1 mPa)
Sensitive area	Close (<100 m away)	None, or more than 1 km distant
Buffer zone	None	Yes (>100 m)
Shelter belts	No shelter	Live shelter, >3 m high and 1 m thick
Toxicity	Scheduled agrichemicals	Unscheduled agrichemicals

6.4.2 AGRICULTURAL ACTIVITIES & OTHER ACTIVITIES ON PRODUCTION LAND - DISCHARGES TO AIR/LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
11 Fertiliser use <i>Refer POL 69</i>	The discharge of contaminants into air, or into or onto land, arising from the storage, transfer or use of fertiliser ³⁰ .	Permitted	a. The discharge shall not cause any effects which are noxious, offensive or objectionable. Note: The HBRC will accept, as one means of compliance with condition (a), any discharge of fertiliser undertaken in accordance with the Code of Practice for Fertiliser Use (New Zealand Fertiliser Manufacturers' Research Association, 1998).		
12 Stock feed <i>Refer POL 12, 69, 71, 75</i>	The discharge of contaminants into air, or onto or into land arising from the storage, transfer, treatment, mixing or use of stock feed ³¹ on production land, including silage.	Permitted	a. Any area in the Heretaunga Plains unconfined aquifer (Schedule Va) or the Ruataniwha Plains unconfined aquifer (Schedule IV) which is used for storing stock feed, including silage, and when there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents such contamination. b. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property. c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner. d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property. e. There shall be no discharge within 20 m of any surface water body. f. There shall be no surface ponding in any area used to store stock feed or feed stock, and no runoff of contaminants into any surface water body. g. There shall be no discharge within 30 m of any bore or well.		

ADVISORY NOTES:

1. **Non-compliance with rules** – If Rules 11 and 12 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

³⁰ For the purposes of this Plan, 'fertiliser' is defined as any substance used in sustaining or increasing the growth, productivity, or quality of plants by its application to those plants or the soil in which they grow or will grow. Rule 11 does not encompass the use of biosolids, soil conditioners, or animal effluent (See Glossary for further details).

³¹ For the purposes of this Plan, "stock feed" means organic material that can be consumed by farmed animals.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>13</p> <p>Use of compost, biosolids & other soil conditioners</p> <p>Refer POL 12, 69, 71, 75</p>	<p>The discharge of contaminants into air, or onto or into land, arising from the storage, transfer, treatment, mixing or use of compost, biosolids and other (solid or liquid) organic material for soil conditioning purposes ³² including:</p> <ul style="list-style-type: none"> • paunch grass • apex meal • stockyard scrapings • grape marc • compost (except as regulated by Rule 28³³) and • poultry manure (except as regulated by Rule 11 or 14). 	Permitted	<p>a. Any area in the Heretaunga Plains unconfined aquifer (Schedule Va) or the Ruataniwha Plains unconfined aquifer (Schedule IV) which is used for storing organic material and when there is a potential for contamination of ground water by seepage of contaminants, shall be managed in a manner that prevents such contamination.</p> <p>b. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property.</p> <p>c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>e. There shall be no surface ponding in the area used to store, mix or use the organic material, and no runoff of contaminants into any surface water body.</p> <p>f. There shall be no discharge within 30 m of any bore or well.</p> <p>g. The discharge shall occur no less than 600 mm above the winter ground water table.</p> <p>h. Where material is discharged onto grazed pasture, the application rate shall not exceed 150 kg/ha/y of nitrogen.</p> <p>i. Where material is discharged onto land used for a crop, the application rate shall not exceed the rate of nitrogen uptake by the crop.</p>		

ADVISORY NOTES:

1. **Non-compliance with rule** – If Rule 13 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.
2. If Council receives complaints about an activity operating under this rule, the Council may request a management plan which sets out how the conditions are being met.

³² For the purpose of this rule “soil conditioning purposes” means the application of organic material to improve the structure and quality of the soil

³³ The composting of more than 100 m³ of compost and raw material per premises is regulated by Rule 28.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>14</p> <p>Animal effluent</p> <p><i>Refer POL 8, 12, 14, 17, 19, 47</i></p>	<p>The discharge of contaminants into air, or onto or into production land, arising from the management of liquid animal effluent³⁴, including dairy shed effluent, piggery effluent, and poultry farm effluent, including associated sludges (except as provided for by Rules 13 & 15).</p>	<p>Controlled</p>	<p>a. Any area used for storing animal effluent, where there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents any such contamination.</p> <p>b. Either:</p> <p>i. there shall not be offensive or objectionable odour, or noxious or dangerous levels of gases or other airborne liquid contaminants, beyond the boundary of the subject property, or</p> <p>ii. for discharges of effluent from piggeries, every point of discharge shall be sited so as to meet the requirements of the "Code of Practice - Pig Farming" (New Zealand Pork Industry Board, 1997), in respect of buffer zone distances.</p> <p>c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>d. There shall be no runoff of any contaminant into any surface water body.</p> <p>e. There shall be no discharge within 30 m of any bore or well.</p> <p>f. Where effluent is discharged onto grazed pasture, the nitrogen loading rate from the effluent application shall not exceed 150 kg/ha/y of nitrogen.</p> <p>g. Where effluent is discharged onto land covered by a crop, or to be used for cropping purposes, the application rate shall not exceed the rate of nitrogen uptake by the crop.</p>	<p>a. Amount of effluent per discharge.</p> <p>b. Frequency of discharge.</p> <p>c. Maintenance of vegetative cover.</p> <p>d. Buffer zone requirements.</p> <p>e. Measures to avoid a breach of the environmental guidelines for surface and groundwater quality set out in section 5.4 and 5.6.</p> <p>f. Management of cumulative adverse effects.</p> <p>g. For discharges of effluent from piggeries, use of the best practicable option for minimising discharges of odour beyond the boundary of the subject property.</p> <p>h. Duration of consent.</p> <p>i. Review of consent conditions.</p> <p>j. Compliance monitoring.</p>	<p>Applications may be considered without notification, without the need to obtain the written approval of affected persons, except that written approval of affected neighbours may be required for new consents, but upon renewal the approval of affected neighbours will not be required.</p>

ADVISORY NOTES:

1. **Non-compliance with rule** – If Rule 14 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.
2. This rule covers the discharge of poultry effluent from poultry farms on land associated with the poultry farm, where the discharge is for the purpose of disposal.

³⁴ For the purposes of this rule, "animal effluent" refers to animal excreta (excluding human waste) that is collected and managed by people, including associated process water and contaminants including associated process water, contaminants and sludges.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>15</p> <p>Discharge of animal effluent in sensitive catchments</p> <p><i>Refer POL 8, 17, 19, 20, 47</i></p>	<p>The discharge of contaminants into air, or onto or into production land, arising from the management of liquid animal effluent³⁵, including dairy shed effluent, piggery effluent, and poultry farm effluent in the following catchments as shown in Schedule VIb:</p> <ul style="list-style-type: none"> • Headwaters of Mohaka River • Headwaters of the Ngaruroro River • Maungawhio • Lake Hatuma • Lake Tutira • Heretaunga Plains unconfined aquifer • Ruataniwha Plains unconfined aquifer • Lake Whakaki • Headwaters of the Tutaekuri River • Headwater of the Tukituki River. 	<p>Discretionary</p>			

³⁵ For the purposes of this rule, “**animal effluent**” refers to animal excreta (excluding human waste) that is collected and managed by people, including associated process water and contaminants including associated process water, contaminants and sludges.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>16</p> <p>Management of solid waste on production land</p> <p><i>Refer POL 16</i></p>	<p>The discharge of contaminants into air, or onto or into production land, arising from the storage, transfer, treatment or disposal of solid waste, including:</p> <ul style="list-style-type: none"> • the use of farm tips • offal holes. 	<p>Permitted</p>	<p>a. The waste shall have been generated on the subject property, or on another property under the same ownership as that used for disposal.</p> <p>b. There shall be no disposal of waste oil or other hazardous substances.</p> <p>c. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property.</p> <p>d. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>e. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>f. There shall be no discharge within 20 m of any surface water body, or over the Heretaunga Plains or Ruataniwha Plains unconfined aquifers as shown in Schedule IV.</p> <p>g. There shall be no ponding in the area used for waste management, and no runoff of contaminants into any surface water body.</p> <p>h. There shall be no discharge within 30 m of any bore or well.</p> <p>i. The discharge shall not cause any contamination of groundwater.</p> <p>j. Any waste disposal shall be no less than 600 mm above the winter groundwater table.</p> <p>k. Any offal holes used shall be securely covered, and shall be constructed in soil with an infiltration rate not exceeding 150 mm/hour.</p>		

ADVISORY NOTES:

1. **Non-compliance with rules** – If Rule 16 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.
2. **Combustion of waste** – The combustion of waste is addressed by Rules in section 6.5.2 of this Plan.
3. **Soil infiltration rate** – For the purposes of Rule 16 condition (k), the soil type should not comprise gravels, coarse/medium sands, scoria, fissured rock, or other such materials likely to permit free travel of excreta residues away from the offal hole.

6.5 DISCHARGES TO AIR

6.5.1 COMBUSTION OF FUEL - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>17</p> <p>Combustion of specified fuels</p> <p><i>Refer POL 69</i></p>	<p>The discharge of any contaminant into air from any industrial or trade premises or any other source, excluding any moveable source and any dwellinghouse³⁶, arising from the combustion of:</p> <ul style="list-style-type: none"> • Natural or liquefied petroleum gas; and/or • Coal, oil (excluding waste oil) or untreated wood. 	Permitted	<p>a. The total rate of heat released during the combustion process (measured on an LHV³⁷ basis) for any particular emission source:</p> <ol style="list-style-type: none"> i. 5 MW for natural or liquefied petroleum gas, or ii. 100kw for coal, oil or untreated wood, or iii. where gas and coal, oil or untreated wood is used, the cumulative discharge does not exceed the equivalent of 100 kW of coal, oil, or untreated wood being burnt. <p>b. The fuel shall be burned using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.</p> <p>c. The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within 5 m of ground level beyond the boundary of the subject property or on any public land.</p> <p>d. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure beyond the boundary of the subject property, or on public land.</p> <p>e. The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases, beyond the boundary of the subject property or on public land.</p>		
<p>18</p> <p>Combustion of specified</p>	<p>The discharge of any contaminant into air from any industrial or trade premises or any</p>	Controlled	<p>a. The total rate of heat released during the combustion process (measured on an LHV³⁷ basis) for any particular emissions source:</p> <ol style="list-style-type: none"> i. 50 MW for natural or liquefied petroleum gas, or 	<p>a. Chimney height, which will be determined generally in accordance with Schedule IX.</p> <p>b. Duration of consent.</p>	<p>Applications will generally be considered without notification, without</p>

³⁶ Discharges of contaminants into air arising from the combustion of fuels in moveable sources (including motor vehicles and aircraft), and dwelling houses, are not regulated by this Plan and therefore do not require resource consents (excluding moveable asphalt plants and road burners which are regulated under section 6.5.5).

³⁷ The Heating Value of a fuel is the amount of heat produced from the complete combustion of a unit of fuel. The Higher (or gross) Heating Value is that when all products of combustion are cooled to the pre-combustion temperature, water vapour formed during combustion is condensed, and necessary corrections have been made. Lower (or net) Heating Value (LHV) is obtained by subtracting from the gross heating value the latent heat of vaporisation of the water vapour formed by the combustion of the hydrogen in the fuel.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
fuels <i>Refer POL 8, 69</i>	other source, excluding any moveable source and any dwellinghouse, arising from the combustion of: <ul style="list-style-type: none"> • natural or liquefied petroleum gas, or • coal, oil (or untreated wood) except as provided for by Rule 17.		ii. 10 MW for coal, oil or untreated wood, or iii. where gas and coal, oil or untreated wood is used, the cumulative discharge does not exceed the equivalent of 10 MW of coal, oil or untreated wood being burnt. b. The fuel shall be burned using fuel burning equipment, and the discharge shall be from a chimney designed so that: <ul style="list-style-type: none"> i. the discharge is effectively dispersed upwards ii. the minimum efflux is 10 m/s at the chimney exit at full load for sources up to 10 MW capacity, and 15 m/s for sources greater than 10 MW capacity. c. Any combustion of waste oil shall take place only in equipment specifically designed and certified for the purpose. d. The opacity of the discharge when measured at the point of entry to the atmosphere shall not exceed 20%, except that a discharge in excess of this shall be allowed for a period of not more than 2 minutes continuously or for an aggregate of 4 minutes in any 60 minute period. e. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure beyond the boundary of the subject property, or on public land. f. The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases, beyond the boundary of the subject property or on public land. g. The discharge shall not result in any smoke that adversely affects traffic safety or reduces visibility within a height of 5 m above ground level at any point beyond the boundary of the subject property.	c. Lapsing of consent. d. Review of consent conditions. e. Compliance monitoring. f. Administrative charges. g. Effects on flight paths.	the need to obtain the written approval of affected persons.

ADVISORY NOTES:

1. **Non-compliance with rules** – If Rules 17 and 18 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.
2. **Emission rates** - Schedule IX sets out estimated emission rates of contaminants from the activities provided for by Rules 17 and 18.

6.5.2 BURNING OF WASTE - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>19</p> <p>Burning of waste</p> <p><i>Refer POL 69</i></p>	<p>The discharge of contaminants into air arising from the burning of waste.³⁸</p>	<p>Permitted</p>	<p>a. The waste shall have been generated on the same property, or on another property under the same ownership, as that used for combustion, except for:</p> <ul style="list-style-type: none"> i. Waste originating from ships, or road or rail reserves, or park reserves. ii. Waste originating from river control works. iii. Waste to be burned for the purposes of disease control or quarantine control in accordance with Section 7A and Part VII of the Biosecurity Act 1993, or for fire training purposes. <p>b. Except for burning undertaken in accordance with (c), (i) and (ii) below any material burnt on, or originating from industrial or trade premises shall be burned using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.</p> <p>c. The material to be burned shall not contain any animal waste (except animal waste generated on production land), tyres or other rubber, waste oil, any waste products containing hydrocarbons wood treated with chemicals, painted wood, chip board, plastic, asbestos, medical waste, chemical waste, or any combination of metals and combustible materials, except where the burning is:</p> <ul style="list-style-type: none"> i. for the purpose of disease control or quarantine control in accordance with Section 7A and Part VII of the Biosecurity Act 1993, or ii. for the purpose of fire training. <p>d. The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within a height of 5 m above ground level at any point beyond the boundary of the subject property, or reduces visibility within recognised flight paths in the vicinity of airports.</p> <p>e. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure beyond the boundary of the subject property.</p> <p>f. The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases, beyond the boundary of the subject</p>		

³⁸ Where discharges of contaminants occur as a result of Local Authorities carrying out their functions by burning waste on public land the above conditions (a) to (f) apply.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			property.		

ADVISORY NOTE:

1. **Territorial authority bylaws** – It is important to note that the rules above do not replace territorial local authority bylaws controlling burning. Persons burning any waste or other materials should ensure that they comply with any relevant bylaws, included prohibited or restricted fire seasons.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
20 Burning of specified waste in the open <i>Refer POL 69</i>	<p>The discharge of contaminants into air arising from the burning in the open of:</p> <ul style="list-style-type: none"> any combination of metals and combustible materials, including coated or covered cables, or animal waste (excluding animal waste generated on production land), tyres and other rubber, waste oil, wood treated with chemicals, painted wood, chip board, plastic, asbestos, medical waste or chemical waste <p>excluding circumstances where the combustion is for the purposes of disease control or quarantine control in accordance with the Biosecurity Act 1993, or for fire training purposes.</p>	Prohibited			

ADVISORY NOTES:

1. **Non-compliance with rule** – If Rule 19 cannot be complied with (and the activity is not prohibited by Rule 20), then the activity is a restricted discretionary activity under Rule 30.
2. **Disease control and quarantine control** – The Ministry of Agriculture administers disease control and quarantine control requirements.

6.5.2 MANAGEMENT OF WASTE & OTHER MATTER, EXCLUDING INDUSTRIAL & TRADE PREMISES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
21 Waste & other matter, excluding industrial & trade premises <i>Refer POL 69</i>	<p>The discharge of contaminants into air arising from the storage, use, transfer, treatment or disposal of waste and other matter, excluding:</p> <ul style="list-style-type: none"> Discharges into air from any industrial or trade premises. Discharges into air addressed by other Rules in this Plan. Discharges into air from moveable sources. 	Permitted	<p>a. Any waste which is <u>disposed of</u> shall have been generated on the subject property or on another property under the same ownership as that used for disposal.</p> <p>b. The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases, beyond the boundary of the subject property.</p> <p>c. The discharge shall not result in any visible discharge of any material, including dust, beyond the boundary of the subject property.</p> <p>d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>e. For any discharge into air arising from material sourced from industrial and trade premises, a management plan shall be prepared which sets out how conditions (b) to (d) will be met. A copy of this management plan shall be provided to the HBRC upon request.</p>		

ADVISORY NOTES:

- Non-compliance with rule** - If Rule 21 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.
- Rule 20, condition (a)** – Note that condition (a) only restricts the source of waste to be disposed of. The source of waste or other matter that is stored, used, transferred or treated is not restricted.
- Industrial and trade premises** – The discharge of contaminants into air from industrial or trade premises, arising from the management of waste and other matter, is addressed under Rules 28 and 29.
- Combustion of waste** – The discharge of contaminants into air arising from the burning of waste and other matter, is addressed under Rules 19 and 20.

6.5.3 ABRASIVE BLASTING - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
22 Wet abrasive blasting <i>Refer POL 69</i>	The discharge of contaminants into air from abrasive blasting, using wet abrasive blasting techniques.	Permitted	<ul style="list-style-type: none"> a. The discharge shall not result in any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or, in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is the lesser. b. The operator shall so far as is practicable collect and remove all debris and used blasting materials on a daily basis, and when operations are completed. c. There shall be no discharge of water spray or dust beyond the boundary of the subject property or, in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is the lesser. 		
23 Dry abrasive blasting – fixed source <i>Refer POL 69</i>	The discharge of contaminants into air from dry abrasive blasting, other than from the use of a moveable source.	Permitted	<ul style="list-style-type: none"> a. The discharge shall not result in any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property. b. All items shall be blasted within an abrasive blasting enclosure. c. There shall be no visible discharge of dust beyond the abrasive blasting enclosure. d. There shall be no discharge of water spray or dust beyond the boundary of the subject property. 		
24 Dry abrasive blasting – moveable source <i>Refer POL 69</i>	The discharge of contaminants into air from abrasive blasting, using both dry abrasive blasting techniques and a moveable source.	Discretionary			

ADVISORY NOTES:

1. **Non-compliance with rules** - If Rules 22 or 23 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.
2. **Hazardous substances** - For the purpose of condition (a) of Rules 22 and 23, the surface to be blasted should not contain any significant levels of hazardous substances, including lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, other heavy metals, and antifouling substances. The document "Guidelines for the Management of Lead-based Paint" (Occupational Safety and Health Service and Public Health Commission, 1995) provides comprehensive guidance for the removal of lead-based paints.
3. **Resource consents for multiple locations** - Nothing in Rule 24 precludes persons from applying for a single permit to cover multiple locations in the Hawke's Bay region.
4. Where discharges may enter water then the activity must also meet the requirements of Rule 49; or the requirements of the Operative Regional Coastal Plan (HBRC, 1999) where the discharge enters coastal waters.

6.5.4 MOVEABLE SOURCES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
25 Moveable aggregate crushing & screening plants <i>Refer POL 69</i>	The discharge of contaminants into air from the operation of a moveable aggregate crushing and screening plant.	Permitted	a. There shall be no visible discharge of water spray or dust beyond the boundary of the subject property, or in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is the lesser.		
26 Moveable asphalt plants <i>Refer POL 69</i>	The discharge of contaminants into air arising from the operation of a moveable asphalt plant.	Discretionary			
27 Moveable road burners <i>Refer POL 69</i>	The discharge of contaminants into air arising from the operation of moveable equipment used to treat road surfaces with heat.	Non-complying			

ADVISORY NOTES:

1. **Non-compliance with rule** - If Rule 25 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.
2. **Resource consents for multiple locations** - Nothing in Rules 26 and 27 above precludes persons from applying for a single permit to cover multiple locations in the Hawke's Bay region.

6.5.5 INDUSTRIAL & TRADE PREMISES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>28</p> <p>Miscellaneous industrial & trade premises</p> <p><i>Refer POL 8, 13, 14, 69</i></p>	<p>The discharge of contaminants into air from any industrial or trade premises caused by any of the following activities, that is not specifically regulated by any other rule within this Plan:</p> <ol style="list-style-type: none"> 1. waste disposal 2. composting, where more than 100 m³ (in total) of raw material, composting material and compost is held per premise at any one time 3. combustion of natural or liquefied petroleum gas at a rate at the point of discharge exceeding 50 MW 4. combustion of coal, oil or untreated wood at a rate at the point of discharge exceeding 10 MW 5. the manufacture of cement, fertiliser, milk powder, other dried milk derived products, or rubber goods 6. the manufacture of fibre board, pulp or paper 7. the mechanical drying of treated timber 8. rendering, tanning, fellmongering, skin or hide processing, or pet food processing 9. fumigation processes, except for biosecurity purposes 10. the manufacture of organic or inorganic chemicals, including pharmaceuticals 11. crematoria 12. asphalt plants 13. hot dip galvanising 14. manufacture or disposal of radioactive substances 15. manufacture of soaps or detergents 16. use of di-isocyanates or organic plasticisers 17. manufacture of aluminium, steel, fibreglass, glass or frit 18. sintering, calcining, or roasting of metal ores 19. smelting of any metal or metal alloy, including scrap metal 20. carbonisation, gasification, refining, purification, or reforming of natural gas, petroleum oil, shale, coal, wood, or other carbonaceous materials 21. smelting or burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides. 	Discretionary			

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/ Discretion	Non-notification
<p>29</p> <p>Minor discharges from industrial & trade premises</p> <p><i>Refer POL 69</i></p>	<p>The discharge of contaminants into air from any industrial or trade premises that is not specifically regulated by any other rule within this Plan, including:</p> <ul style="list-style-type: none"> • discharges of heat to air • discharges of energy to air, including release of energy from sources of electromagnetic radiation, including radio transmitter, television, or cell phones; or release of X-rays from a radioactive source • discharges for the purposes of ventilation or vapour displacements • discharges arising from the use of fumigants for biosecurity purposes. 	<p>Permitted</p>	<ul style="list-style-type: none"> a. The discharge shall not result in any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property. b. The opacity of any discharge of smoke when measured at the point of discharge shall not exceed 20%, except that a discharge in excess of this shall be permitted for a period of not more than two minutes continuously or for an aggregate of four minutes in any 60 minute period. c. There shall be no visible discharge of any contaminant beyond the boundary of the subject property or on public land, other than smoke from fuel burning equipment or water vapour. d. Any discharge of water vapour shall not result in any plume which adversely affects traffic safety, or reduces visibility within a height of 5 m above ground level at any point beyond the boundary of the subject property, or reduces visibility within recognised flight paths in the vicinity of airports. e. Any discharge of odour shall not be offensive or objectionable beyond the boundary of the subject property. f. The dust deposition rate resulting from the discharge shall not raise the ambient dust deposition rate by more than 4 g/m² per 30 days at any point beyond the boundary of the subject property. g. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure beyond the boundary of the subject property. 		

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			h. The discharge shall not result in any airborne liquid contaminant excluding water vapour being carried beyond the boundary of the subject property. i. The discharge shall be located and designed to avoid cross contamination of air intake used for ventilation purposes.		

ADVISORY NOTES:

1. **Non-compliance with rule** - If Rule 29 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

6.5.6 NON-COMPLIANCE WITH OTHER RULES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>30</p> <p>Discharges to air that cannot comply with rules 11-19, 21-29</p> <p><i>Refer POL 8, 12, 13, 14, 16, 17, 19,20, 69, 71, 75</i></p>	<p>The discharge of contaminants into the air which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, non-complying, or prohibited activity.</p>	<p>Restricted discretionary</p>		<p>a. The conditions, standards or terms which the activity cannot comply with, and the related environmental effects.</p> <p>b. For activities that would otherwise be controlled activities (if they complied with all standards and terms of the relevant rule), the "matters for control" set out in the relevant rule.</p> <p>c. Duration of consent.</p> <p>d. Lapsing of consent.</p> <p>e. Review of consent conditions.</p> <p>f. Compliance monitoring.</p>	<p>Applications will generally be considered without notification, without the need to obtain the written approval of affected persons.</p>

6.6 Discharges to Land/Water

For information requirements refer to sections 7.5, 7.6

6.6.1 WATER - DISCHARGES TO WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
31 Discharge of water <i>Refer POL, 71, 79</i>	The discharge of water (excluding drainage water) into water.	Permitted	<p>a. The discharge shall not cause or contribute to the flooding of any property, unless written approval is obtained from the affected property owner.</p> <p>b. The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge.</p> <p>c. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing.</p>		

ADVISORY NOTES:

1. **Non-compliance with rule** - If Rule 31 cannot be complied with, then the activity is a discretionary activity under Rule 52.
2. Discharge of water onto or into land - Note that the discharge of water onto or into land is not restricted by the RMA.
3. See Glossary for definition of "**after reasonable mixing**".
4. Discharges of sediment to surface water bodies as a result of scouring are covered by Rule 49.

6.6.2 DRAINAGE WATER - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
32 Discharge of drainage water (gravity flow systems) <i>Refer POL 71, 72, 79</i>	The diversion and discharge of drainage water into water or onto or into land, from a gravity flow system (without pumping).	Permitted	<p>a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of any discharge from the drainage activity.</p> <p>b. The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>c. The activity shall not adversely affect any wetland³⁹.</p> <p>d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing.</p> <p>e. Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow.</p> <p>f. Any suspended solids in the discharge shall comply with Policy 72.</p>		
33 Discharge of drainage water (pumped systems) <i>Refer POL 71, 72, 79</i>	The diversion and discharge of drainage water into water or onto or into land, from a pumped system.	Controlled	<p>a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the drainage activity.</p> <p>b. The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>c. The activity shall not adversely affect any wetland.</p> <p>d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing.</p>	<p>a. Location of discharge.</p> <p>b. Rate of pumping.</p> <p>c. Time of pumping.</p> <p>d. Flood mitigation measures.</p> <p>e. Duration of consent.</p> <p>f. Review of consent conditions.</p> <p>g. Compliance monitoring.</p>	Applications will generally be considered without notification or the need to obtain the written approval of affected persons.

³⁹ For the purposes of this Plan the term 'wetland' does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			e. Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. f. Any suspended solids in the discharge shall comply with Policy 72.		

ADVISORY NOTE:

1. **Non-compliance with rules** - If Rules 32 or 33 cannot be complied with, then the activity is a discretionary activity under Rule 52.
2. While the discharge of drainage water by gravity flow is a permitted activity, the discharge of drainage water from a pumped system requires a resource consent due to the potential adverse environmental effects of greater water flow, generated by a pumped system. The consent authority may require the ability to control the water flow from time to time, such as through temporary cessation of pumping or other means.
3. **'Drainage'** means the activity of lowering the water table to achieve productive land use to facilitate stability of land or structures, or to achieve some other resource use activity. This generally involves the diversion of water.
4. **'Catchment'** means the total area from which a single water body collects surface and subsurface runoff.

6.6.3 BORE DRILLING FLUIDS - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
34 Discharge of bore drilling fluids <i>Refer POL 71</i>	The discharge of bore drilling fluids onto or into land, or into water ⁴⁰ , for the purpose of bore construction, maintenance or alteration.	Permitted	<ul style="list-style-type: none"> a. There shall be no discharge of contaminants into any surface water body. b. There shall be no discharge of contaminants onto any property other than the subject property, without the consent of the property owner. c. The discharge shall not contain more than 15 g/m³ of oil and grease. d. No discharge to groundwater shall contain more than 100 g/m³ suspended solids and no discharge to land shall contain more than 150 g/m³ suspended solids. e. The discharge shall not cause the natural temperature of any receiving water to change by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing. 		

ADVISORY NOTE:

1. **Non-compliance with rule** - If Rule 34 above cannot be complied with, then the activity is a discretionary activity under Rule 52.

⁴⁰ For the purpose of this Rule “into water” refers to the groundwater into which the bore is being drilled, and therefore is concerned only with groundwater-bearing aquifers.

6.6.4 DOMESTIC SEWAGE - DISCHARGES TO LAND

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
35 Existing domestic sewage disposal systems <i>Refer POL 16, 71, 75</i>	The discharge of contaminants onto or into land from any domestic sewage ⁴¹ disposal system, which existed prior to notification of this Plan ⁴² .	Permitted	<p>a. The rate of discharge shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>b. The discharge shall not occur over the Heretaunga Plains unconfined aquifer as shown in Schedule Va.</p> <p>c. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>d. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>e. Either:</p> <ul style="list-style-type: none"> i. the point of discharge shall be no less than 600 mm above the winter groundwater table, or ii. the discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 1995) in any groundwater body after reasonable mixing⁴³. <p>f. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p> <p>g. For discharges from pit privies, the privy shall be constructed in soil with an infiltration rate not exceeding 150 mm/h.</p> <p>h. Compliance with any conditions of a resource consent held for the activity prior to notification of this Plan.</p> <p>i. A schedule and/or record of maintenance undertaken shall be forwarded to the HBRC on request.</p>		

ADVISORY NOTE:

1. **Soil infiltration rate** – For the purpose of Rule 35 t(g) the soil type should not comprise gravels, coarse/medium sands, scoria, fissured rock, or other such materials likely to permit free travel of excreta residues away from the vault chamber.
2. **Non compliance with rules** - If any of the rules in this section cannot be complied with, then the activity is a discretionary activity under Rule 52.

⁴¹ "Domestic sewage" means any wastewater, including faecal matter, urine, household and commercial wastewater, that contains human waste.

⁴² For the purposes of this Rule, "existing systems" do not include systems that have been modified or replaced after notification of this Plan.

⁴³ See Glossary for a definition of "after reasonable mixing".

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>36</p> <p>Existing large scale domestic sewage disposal systems</p> <p><i>Refer to POL 16, 17, 18, 71, 75</i></p>	<p>The discharge of contaminants onto or into land from any domestic sewage disposal system, which existed prior to notification of this Plan, unless the discharge is allowed by Rule 35.</p>	<p>Restricted discretionary</p>	<p>a. The discharge shall not occur over the Heretaunga Plains unconfined aquifer as shown in Schedule Va.</p> <p>b. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>c. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>d. Either:</p> <p>i. The point of discharge shall be no less than 600 mm above the winter groundwater table; or</p> <p>ii. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 1995) in any groundwater body after reasonable mixing⁴⁴.</p> <p>e. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p>	<p>a. Method of treatment.</p> <p>b. Method of disposal.</p> <p>c. Effluent application rate.</p> <p>d. Need for reserve area.</p> <p>e. Buffer zone requirements.</p> <p>f. Duration of consent.</p> <p>g. Review of consent conditions.</p> <p>h. Compliance monitoring.</p>	
<p>37</p> <p>New domestic sewage disposal systems, including greywater disposal</p> <p><i>Refer POL 16, 71, 75</i></p>	<p>The discharge of contaminants onto or into land from any domestic sewage including greywater established after notification of this Plan.</p>	<p>Permitted</p>	<p>a. Where the wastewater receives no more than primary treatment, or advanced primary treatment, the discharge shall be onto or into a property with a land area of no less than 2500 m².</p> <p>b. The rate of discharge of domestic sewage (including greywater) shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>c. The treatment and disposal system shall be designed to cater for the peak daily loading.</p> <p>d. The discharge shall not occur over the Heretaunga Plains unconfined aquifer as shown in Schedule Va nor on any land zoned for residential activity in any Proposed or Operative District Plan.</p> <p>e. The discharge shall not occur within 20 m of any surface water body (including any stormwater open drain or roadside drain), or any tile drain or within 1.5 metres of any property boundary.</p>		

⁴⁴ See Glossary for a definition of "after reasonable mixing".

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<ul style="list-style-type: none"> f. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body. g. The discharge shall be distributed evenly over the entire disposal area. h. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge. i. The discharge shall not occur within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge. j. The point of discharge shall be no less than 600 mm above the winter ground water table. k. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 1995) in any groundwater body after reasonable mixing. l. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property or on any public land. m. For discharges using the long-drop method: <ul style="list-style-type: none"> i. the long-drop shall be constructed in soil with an infiltration rate not exceeding 150 mm/h, and ii. the long drop shall not be the primary wastewater system for any permanently occupied dwelling. n. The system shall be designed, constructed, operated and maintained in a manner which ensures that there is no clogging of the disposal system or soils. o. Where the wastewater receives secondary treatment or better, the discharge shall not exceed 20 g/m³ of BOD, and 30 g/m³ of suspended solids. p. The treatment and disposal system shall be maintained in accordance with the manufacturers' instructions and a schedule of maintenance shall be forwarded to the HBRC upon request. 		

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			q. The discharge shall not be disposed of by way of spray irrigation.		
38 Discharge of septage ⁴⁵ <i>Refer POL 16, 17</i>	The discharge of septage onto or into land.	Discretionary			

ADVISORY NOTES:

- Soil infiltration rate** – For the purpose of condition (m) of Rule 37, the soil type should not comprise gravels, coarse/medium sands, scoria, fissured rock, or other such materials likely to permit free travel of excreta residues away from the vault chamber.
- Compliance with Rule 37** – The Hawke’s Bay Regional Council will accept, as one means of compliance with conditions (c), (g), (h), (j), (k), and (m) of Rule 37, a system designed, constructed, operated and maintained in accordance with AS/NZS 1547: “On-Site Domestic Wastewater Treatment”, where this Standard is implemented in the manner shown in the chart overleaf.
- Levels of treatment** – For the purposes of the Rules in this section, primary treatment, advanced primary treatment, and secondary treatment are defined as follows:
 - “Primary treatment” – The settlement or separation of sludge, scum and other settleable solids, e.g. a single or double chamber septic tank.
 - “Advanced primary treatment” – Primary treatment with the addition of an effluent filter screen.
 - “Secondary treatment” – Treatment of settled overflow from primary treatment, or advanced primary treatment, by aerobic biological or physical biological processes.

⁴⁵ ‘Septage’ is defined as the pumped out contents of a primary treatment unit removed during desludging operations, including scum, sludge and tank liquid.

FIGURE 6: Guideline to assist in Selecting Most Suitable Domestic Sewage Disposal System For A Site

This chart supports the permitted activity rule for new domestic sewage discharges (Rule 37). It provides users with guidelines as to the options of treatment and disposal for Hawke's Bay conditions, and is consistent with the draft AZ/NZS 1547: "On-site Domestic Wastewater Treatment." Further information is being prepared to assist both applicants and territorial authorities in determining compliance with Rule 37. This information, in the form of guidelines, will be available subsequent to this Plan being publicly notified as a proposed plan.

Land owners are not necessarily restricted by the disposal options provides in this Schedule. New technologies can be implemented provided it is consistent with the Standard. In order to use the chart, assess the site conditions by following the chart to arrive at the alternatives available as listed below.

Treatment Options

- A A level of treatment able to achieve an effluent quality of 10 g/m³ BOD/10g/m³ SS
- B A level of treatment able to achieve an effluent quality of 20 g/m³ BOD/30g/m³ SS
- C Advanced primary treatment
- D Primary treatment
- E No treatment

Disposal Options

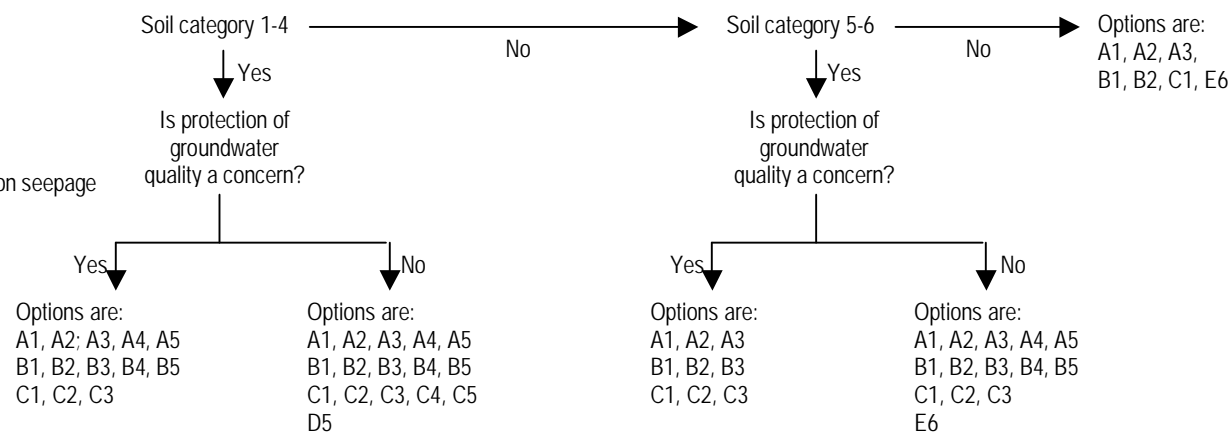
1. Constructed above ground with subsurface trickle or drip irrigation (mounds, evapotranspiration seepage systems).
2. Covered surface trickle or drip irrigation at natural ground surface.
3. Shallow subsurface drip irrigation, enhanced material (100-200 mm deep).
4. Shallow subsurface drip irrigation, in-situ material (100-200 mm deep).
5. Standard subsurface soakage trench or bed (450-600mm deep).
6. Pit privy (human wastes only).

Is protection of water quality a concern?

Answer 'Yes' if:

- There are existing water supplies in the vicinity sourced from a shallow unconfined or semi-confined productive aquifer.
- The soil category is rapid to free draining
- The underlying aquifer is unconfined or semi-confined and comprises sands or gravels, or fractured, jointed or intersected geologies such as limestone and rain is a primary source of recharge.
- In doubt whether the above conditions apply or whether the activity is able to comply with minimum separation or groundwater quality requirements.

Soil Category	Indicative Drainage	Soil Texture
1	Rapid drainage	Gravels and sands
2	Free draining	Sandy loams
3	Good to moderate drainage	Loams
4	Moderate to slow drainage	Clay loams
5	Slow to poor drainage	Light clays
6	Poor drainage	Medium to heavy clays



6.6.5 LANDFILLS, TRANSFER STATIONS & WASTE OIL - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
39 Discharges from operating landfills & transfer stations <i>Refer POL 17, 47</i>	The discharge of contaminants onto or into land, or into water, arising from operating landfills and transfer stations.	Discretionary			
40 Discharges from closed landfills ⁴⁶ <i>Refer POL 17, 47</i>	The discharge of contaminants onto or into land, or into water, arising from closed landfills.	Controlled	a. Management of the site shall be undertaken in accordance with a Landfill Management Plan approved by the Hawke's Bay Regional Council.	a. Adequacy of protection of the landfill from saltwater and fresh water intrusion. b. The permeability of the compacted capping layer. c. The ability of landfill surfaces to prevent ponding. d. The adequacy of the grass cover. e. Mitigation measures to meet required water quality standards. f. Frequency, location and method of sampling, and the determinants to be measured and method of measurement.	
41 Discharge of waste oil <i>Refer POL 17</i>	The discharge of waste oil ⁴⁷ onto or into land (excluding by way of disposal at a landfill).	Non-complying			

⁴⁶ "Closed landfill" means any landfill that was no longer operating at the date of public notification of this Plan.

⁴⁷ For the purposes of this Plan, "waste oil" is defined as a petroleum or synthetically derived oil which has become contaminated during storage, handling or use.

6.6.6 STORMWATER - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>42</p> <p>Diversion and discharge of stormwater</p> <p><i>Refer POL 15, 16, 17, 47, 49, 71, 75</i></p>	<p>The diversion and discharge of stormwater from any constructed open drainage system or piped stormwater drainage system that:</p> <ul style="list-style-type: none"> • does not drain any industrial or trade premises, or • Drains any industrial or trade premises covering an area of less than 2 ha, excluding premises used for the storage of any hazardous substance. 	Permitted	<p>a. The activity shall not cause any permanent:</p> <ol style="list-style-type: none"> i. reduction of the ability of the receiving channel to convey flood flows. ii. bed scouring or bank erosion of the receiving channel. <p>b. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials in any receiving water body after reasonable mixing.</p>		
<p>43</p> <p>Diversion and discharge of stormwater</p> <p><i>Refer POL 15, 16, 17, 47, 49, 71, 75</i></p>	<p>Diversion and discharge of stormwater except as provided by Rule 42.</p>	Controlled	<p>a. All reasonable measures shall be taken to ensure that the discharge is unlikely to give rise to all or any of the following effects in any receiving water after reasonable mixing:</p> <ol style="list-style-type: none"> i. The production of any 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. 	<ol style="list-style-type: none"> a. Location of the point of diversion and discharge including its catchment area. b. Volume, rate, timing and duration of the discharge, in relation to a specified design rainfall event. c. Effects of the activity on downstream flooding. d. Contingency measures in the event of pipe capacity exceedence. e. Actual or likely adverse effects 	<p>Applications may be considered without notification and without the need to obtain the written approval of affected persons in accordance with section 94 (1) (b) of the RMA. Applications may however be notified if special circumstances exist in terms of section 94 (5) of the RMA. In</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
				<p>on fisheries, wildlife, habitat or amenity values of any surface water body.</p> <p>f. Actual or likely adverse effects on the potability of any ground water.</p> <p>g. Duration of the consent.</p> <p>h. A compliance monitoring programme.</p> <p>i. A bond.</p> <p>j. Administrative charges.</p>	<p>considering whether or not special circumstances exist, the Council will include consideration of:</p> <ol style="list-style-type: none"> 1. The record of compliance with any previous regulations relating to the activity for which a discharge permit is sought. 2. The downstream uses of the receiving water body. 3. The extent of public and tangata whenua interest in the activity and/or its effects.

ADVISORY NOTES:

1. **Non-compliance with rules** – If the rules in this section cannot be complied with, then the activity is a discretionary activity under Rule 52.
2. For the purposes of clarification, the rules in this section do not apply to the discharge of stormwater into coastal water.

6.6.7 GENERIC DISCHARGES OF CONTAMINANTS - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>47</p> <p>Discharges to surface water</p> <p><i>Refer POL 71, 79</i></p>	<p>The discharge of contaminants into surface water, pursuant to section 15 (1) (a) RMA, except as expressly regulated by other rules in this Plan.</p>	<p>Permitted</p>	<ul style="list-style-type: none"> a. The rate of discharge shall be no greater than 50 m³/d. b. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the discharge activity. c. There shall be no scouring or erosion of any land or any water course beyond the point of discharge. d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing. e. The discharge shall not cause the pH to change by more than 0.2 units, or to extend outside the range 6.5 to 9.0 units, after reasonable mixing. f. There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or any emission of objectionable odour, in any receiving water after reasonable mixing⁴⁸. g. There shall be no conspicuous change in the colour or visual clarity of any receiving water after reasonable mixing. h. The discharge shall not cause the biochemical oxygen demand to increase by more than 2 g/m³ in any receiving water body after reasonable mixing. i. The discharge shall not cause any increase in the concentration of pathogenic organisms. j. The discharge shall not cause the concentration of dissolved oxygen in any river or lake to drop below 80% after reasonable mixing. k. The discharge shall not cause the concentration of ammoniacal nitrogen (NH₄⁺) in any river or lake to exceed 0.1 mg/l after reasonable mixing. l. The discharge shall not cause the concentration of soluble reactive phosphorus in any river or lake to exceed 0.015 mg/l after reasonable mixing. 		

⁴⁸ See Glossary for a definition of "after reasonable mixing".

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>m. The discharge shall not cause the concentration of any other contaminant (including other nutrients, heavy metals, hazardous substances and indicator bacteria), after reasonable mixing, to:</p> <ul style="list-style-type: none"> i. Increase by more than 5% in any natural or modified receiving water body or 10% in any artificial receiving water body; ii. Exceed the following standards: <ul style="list-style-type: none"> a. The contact recreation guidelines contained in "Bacteriological Water Quality: Guidelines for Marine and Fresh Water" (Ministry of Health and Ministry for the Environment, December 1998). b. The guidelines for the protection of freshwater aquatic ecosystems contained in the "Australian Water Quality Guidelines for Fresh and Marine Waters" (ANZECC, 1992). 		
<p>48 Discharges of solid contaminants, including cleanfill, to land that will not enter water <i>Refer POL 67</i></p>	<p>The discharge of solid contaminants, including cleanfill, onto or into land in circumstances that will not result in any contaminant entering water, pursuant to section 15 (1) (d) and section 15 (2) RMA, except as expressly regulated by other rules in this Plan.</p>	<p>Permitted</p>	<ul style="list-style-type: none"> a. The discharge shall not increase land instability or the risk of erosion. b. The discharge shall not cross the boundary of the subject property onto any other property, unless written approval is obtained from the affected property owner. c. The discharge shall not cause any increase in the concentration of any hazardous substances or pathogenic organisms on or in any land. d. The discharge shall not cause any increase in the risk of human or animal disease. e. The discharge shall not have any acid producing potential⁴⁹. f. Upon request by the HBRC, a management plan, setting out how the conditions above will be met shall be prepared and provided to the HBRC. g. There shall be no discharge within 20 m of any surface water body, or over the Heretaunga Plains or Ruataniwha Plains unconfined aquifers as shown in Schedule IV, or within 20 metres of the coastal marine area, except for material extracted from a surface water body associated with the maintenance of legally established structures. h. Where the volume of solid contaminants on the subject property is greater than 100 m³ the person responsible for the discharge shall notify the 		

⁴⁹ "Acid producing potential" is a laboratory measure of the ability of a rock or soil mass to generate acid drainage.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			Hawke's Bay Regional Council within 7 days of that volume being reached or exceeded.		
<p>49</p> <p>Discharges to land that may enter water</p> <p><i>Refer POL 16, 71, 79</i></p>	<p>The discharge of contaminants onto or into land, in circumstances which may result in those contaminants (or any other contaminant emanating as a result of natural processes from those contaminants) entering water, pursuant to section 15 (1) (b) RMA, except as expressly regulated by other rules in this Plan.</p>	<p>Permitted</p>	<p>a. The rate of discharge shall be no greater than 50 m³/d.</p> <p>b. The discharge shall not result in a breach of any of the conditions set out in Rule 47.</p> <p>c. The discharge shall not result in a breach of any of the conditions set out in Rule 48.</p> <p>d. The point of discharge shall occur no less than 600 mm above the winter ground water table.</p> <p>e. There shall be no surface ponding in the area of discharge, or runoff of any contaminant into a surface water body as a result of the discharge.</p> <p>f. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>g. There shall be no discharge within 20 m of any surface water body, or over the Heretaunga Plains or Ruataniwha Plains unconfined aquifers as shown in Schedule IV, except for material extracted from a surface water body associated with the maintenance of legally established structures.</p> <p>h. There shall be no surface ponding in the area used to store, mix or use the organic material, and no runoff of contaminants into any surface water body.</p> <p>i. There shall be no discharge within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge.</p> <p>j. The discharge shall not cause any degradation of existing ground water quality in confined aquifers in the Heretaunga Plains and Ruataniwha Plains aquifer systems.</p> <p>k. For other aquifers, the discharge shall not cause or contribute to a breach of the following guidelines after reasonable mixing:</p> <p>i. The "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 1995).</p> <p>ii. The guideline for irrigation contained in the "Australian Water Quality Guidelines for Fresh and Marine Waters" (Australian and New Zealand Environment and Conservation Council, 1998).</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>l. Where the quality of ground water in any aquifer encompassed by condition (k) breaches the standards specified in that condition prior to the discharge occurring, the discharge shall not cause any further degradation of the quality of ground water in any such aquifer after reasonable mixing.</p>		
<p>50</p> <p>Disturbance of bed of river or lake by livestock</p> <p><i>Refer POL 47, 79</i></p>	<p>The disturbance of the bed of any permanently flowing river or any lake arising from the entry of livestock.</p>	<p>Permitted</p>	<p>a. The disturbance shall not cause any conspicuous change in the visual clarity of the water after reasonable mixing.</p> <p>b. Supplementary feed is not deposited on the bed of the river or lake.</p> <p>c. The disturbance shall not result in faecal coliforms exceeding 200 cfu/100 ml in any receiving water after reasonable mixing.</p>		
<p>51</p> <p>Disturbance of bed of river or lake by livestock</p> <p><i>Refer POL 47, 79</i></p>	<p>The disturbance of the bed of any permanently flowing river or any lake arising from the entry of livestock, which cannot comply with one or more conditions/standards/terms in Rule 50.</p>	<p>Discretionary</p>			<p>Consent applications will generally be considered without notification and without the need to obtain the written approval of affected persons.</p>

ADVISORY NOTES:

1. **Non-compliance with rules** - If any of the rules in this section cannot be complied with, then the activity is a discretionary activity under Rule 52.
2. **Discharges onto or into land that are not from industrial or trade premises** – Section 15 (1) (d) of the RMA restricts the discharge of any contaminant from industrial or trade premises onto or into land. By contrast, the discharge of contaminants from other premises onto or into land is allowed (provided no contaminant enters water) unless specifically regulated by a rule.
3. **“Natural temperature”** means the temperature which occurs naturally when the water is not influenced by known discharges or activities which may cause an increase or decrease in the temperature in the water.
4. **Rules 47 and 49** - Where there is doubt about compliance with the conditions (a) to (m) it is the responsibility of the person undertaking the activity to prove to the council that the conditions are being complied with or a resource consent shall be required.
5. For the purpose of Rule 50, **“conspicuous change”** means more than 20% change in clarity as measured by a 200 mm black disc as per “Water Quality Guidelines Number 2” published by the Ministry for the Environment.

6.6.8 NON-COMPLIANCE WITH OTHER RULES - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>52</p> <p>Discharges that do not comply with rules 9-14, 16, 31-51</p> <p><i>Refer POL 14, 16, 17, 19, 22, 47, 48, 49, 71, 79</i></p>	<p>The discharge of:</p> <ul style="list-style-type: none"> • contaminants onto or into land, or into water, or • water into water <p>which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, non-complying or prohibited activity.</p>	<p>Discretionary</p>			

6.7 Water Takes, Uses & Diversions

For information requirements refer to section 7.7

6.7.1 TAKE & USE OF WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>53 Minor takes & uses of ground water</p> <p><i>Refer POL 24, 33, 77</i></p>	<p>The take and use of groundwater, excluding the take and use of groundwater from the water management zones shown in Schedule VI.</p>	<p>Permitted</p>	<p>a. The total volume taken shall not exceed 20 m³/d per property⁵⁰ (other than for aquifer testing, for which the volume of take is not restricted).</p> <p>Note that:</p> <ul style="list-style-type: none"> • The take and use of water for reasonable domestic needs⁵¹, stock drinking purposes and fire fighting, including from locations within the groundwater management zones in Schedule VI is not required to be included in this measurement. • When the permitted activity limit of 20 m³ per day is exceeded a consent is required for the total take. <p>b. The rate of take shall not exceed 10 l/s (other than aquifer testing, for which the rate of take is not restricted).</p> <p>c. The take shall not adversely affect any lawfully established efficient groundwater take⁵², or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.</p> <p>d. The take shall not adversely affect any wetland⁵³.</p> <p>e. A backflow prevention device shall be installed in circumstances where</p>		

⁵⁰ For the purposes of this Plan the term 'property' refers to one or more allotments as contained on a single certificate of title, and also includes all adjacent land that is in the same ownership.

⁵¹ Refer to Glossary for definition of "reasonable domestic needs".

⁵² For the purposes of this Plan, "efficient taking" of groundwater means abstraction by a bore which penetrates an aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level), with the bore being adequately maintained, of sufficient diameter and screened to minimise drawdown, with a pump capable of drawing water to the land surface.

⁵³ For the purpose of this Plan the term "wetland" does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			there is the risk of contaminants flowing down a bore used for taking groundwater, into a groundwater aquifer.		
54 Minor takes & uses of surface water ⁵⁴ <i>Refer POL 35, 43</i>	The take and use of surface water, except from the following catchments, as shown in Schedule Via: <ul style="list-style-type: none"> • Maraekakaho Stream to confluence with Ngaruroro River. • Ahuriri Estuary catchment including Taipo Stream catchment. • Awanui Stream (including Poukawa Stream and Lake Poukawa catchments) to confluence with Karamu Stream. • Louisa Stream to confluence with Karamu Stream. • Papanui Stream. • Lake Tutira and catchment. • Herehere Stream. • Mangaroa Stream. • School Stream. • Karituwhenua Stream. • Te Waikaha Stream.² 	Permitted	a. Except for takes occurring for a period of less than 4 weeks, the total volume taken shall not exceed 20 m ³ /d ⁵⁵ per property; (or per work site where the activity relates to the take and use of water for the maintenance of road reserves) nor shall the total volume exceed the reasonable needs of the user, whichever is the lesser. b. For takes occurring for a period of less than 4 weeks within any 90 day period, the total volume taken by any person shall not exceed 200 m ³ per 7 day period. c. The rate of take shall not exceed 10% of the instantaneous flow ⁵⁶ at the point of take. d. The intake velocity shall not exceed 0.3 m/s. e. The activity shall not adversely affect any wetland. f. The take shall not adversely affect any lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.		
55 Other takes & uses of surface & ground-	The take and use of surface water or groundwater, except as provided for by Rules 53 or 54.	Discretionary			

⁵⁴ The taking of water for an individual's reasonable domestic needs and the reasonable needs of an individual's animals drinking water is not restricted by this rule.

⁵⁵ When the permitted activity limit of 20 m³ per day is exceeded, a consent is required for the total take.

⁵⁶ "Instantaneous flow" refers to the rate of river flow at the time of measurement.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
water <i>Refer POL 26-32, 36- 43, 73, 77</i>					

ADVISORY NOTE:

1. **Bore drilling** – Note that a land use consent is required for the drilling, construction or alteration of any bore, in accordance with Rule 1.

6.7.2 DIVERSION OF WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>56</p> <p>Minor diversions</p> <p><i>Refer POL 79</i></p>	<p>The diversion of water, except as expressly provided for by other rules within this Plan.</p>	<p>Permitted</p>	<p>a. Either:</p> <ol style="list-style-type: none"> i. The catchment⁵⁷ area above the diversion shall not exceed 50 hectares, or ii. The diversion shall remain within the bed of the affected water body, or iii. The diversion shall divert no more than 10% of the flow of the affected water body, and the diverted water shall be returned to the affected water body no more than 100 m downstream of the point at which the water is diverted. <p>b. The activity shall not adversely affect any wetland⁵⁸.</p> <p>c. The diversion shall not be from one catchment to another.</p> <p>d. The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>e. The diversion shall not adversely affect any lawfully established take, which existed at the time that the diversion commenced.</p> <p>f. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the diversion.</p> <p>g. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion activity.</p>		
<p>57</p> <p>Lawfully established</p>	<p>Any lawfully established diversion of water⁵⁹.</p>	<p>Permitted</p>	<p>a. The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>b. The diversion shall not adversely affect any lawfully established take, which</p>		

⁵⁷ 'Catchment' means the total area from which a single water body collects surface and subsurface runoff.

⁵⁸ For the purposes of this Plan the term 'wetland' does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
diversions <i>Refer POL 79</i>			<p>existed at the time that the diversion commenced.</p> <p>c. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the diversion.</p> <p>d. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion activity.</p>		
58 Diversions and discharge of water in an artificial water course <i>Refer POL 79</i>	The diversion and discharge of water associated with the maintenance and removal or demolition of structures in any artificial water course and any associated discharge of sediment.	Permitted	<p>a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion and drainage activity.</p> <p>b. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>c. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.</p>		
59 Diversions that cannot comply with rules 56-58 <i>Refer POL 38, 79</i>	Any diversion of water which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary or non-complying activity.	Discretionary			

⁵⁹ **Lawfully established diversions** – Note that this rule provides for diversions established in accordance with either Section 14 of the RMA, or Section 20 of the RMA which provides for certain existing lawful activities to be allowed.

6.7.3 TRANSFER OF WATER PERMITS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
60 Transfer of permits to take & use surface water from a lake <i>Refer POL 36</i>	The transfer of a permit to take and use surface water from a lake, to another site.	Permitted	a. The transfer is to another site within the same lake.		
61 Transfer of permits to take & use surface water from a river <i>Refer POL 36, 79</i>	The transfer of a permit to take and use surface water from a river, to another site.	Controlled	a. The transfer is to another site within the same stream management zone, ⁶⁰ where the flow is not significantly less than at the original site of abstraction. b. The transfer shall not result in any reduction in the rate of surface water recharge into groundwater. c. The transfer shall not adversely affect any lawfully established surface water abstraction, which existed prior to transfer of the take. d. The transfer shall not result in any increase in adverse effects on aquatic ecosystems or fish passage.	a. Timing of take. b. Design of intake. c. Duration of consent. d. Review of consent conditions. e. Compliance monitoring. f. Volume of water required by, or reasonable needs of, transferee.	Consent applications will generally be considered without notification, without the need to obtain the written approval of affected persons.
62 Transfer of permits to take & use groundwater <i>Refer POL 25, 77</i>	The transfer of a permit to take and use groundwater, to another site.	Controlled	a. The transfer is to another site within the same aquifer. b. The transfer is to a location at which the aquifer has the same or greater aquifer transmission and storage characteristics. c. The transfer shall not adversely affect any lawfully established efficient groundwater abstraction, ⁶¹ which existed prior to transfer of the take. d. The transfer shall not cause any reduction in the flow of any river or spring.	a. Aquifer testing. b. Duration of consent. c. Review of consent conditions. d. Compliance monitoring. e. Volume of water required by, or reasonable needs of transferee.	Consent applications will generally be considered without notification, without the need to obtain the written approval of affected persons.

⁶⁰ "Stream Management Zone" refers to the reaches of a river and/or its tributaries governed by a single minimum flow site.

⁶¹ For the purposes of this Plan "efficient abstraction" of groundwater means abstraction by a bore which penetrates an aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level), with a pump capable of drawing water to the land surface.

ADVISORY NOTE:

1. **Notifying transfers of water permits** - Pursuant to section 136 of the RMA, the transfer of a water permit has no effect until written notice of the transfer has been received by the HBRC. In addition, section 136 also sets out the requirements for the transfer of a water permit in circumstances that do not comply with the rules above.

6.8 Use of River & Lake Beds

For information requirements refer to section 7.8

6.8.1 USE, REPAIR & MAINTENANCE OF STRUCTURES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
63 Use of structures <i>Refer POL 79</i>	The use of any lawfully established structure ⁶² in, on, under or over the bed of a river, lake or artificial watercourse.	Permitted			
64 Maint- enance of structures <i>Refer POL 79</i>	The maintenance of any lawfully established structure in, on, under or over the bed of a river or lake, and <ul style="list-style-type: none"> • any associated disturbance of the river or lake bed, and • any associated discharge of sediment, and • any associated diversion of water except as provided for by Rule 70.	Permitted	<ol style="list-style-type: none"> a. The activity shall not result in any increase in the area of river or lake bed occupied by the structure. b. There shall be no discharge of contaminants, other than sediment, into the river or lake. c. The disturbance of any river or lake bed, and any associated removal, flushing or deposit of bed material, shall only be to the extent necessary to maintain the functional integrity and operational efficiency of the structure. d. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.⁶³ e. All materials removed from the structure and excess construction materials shall be removed from the bed by completion of the activity. f. All materials used shall not be toxic to aquatic ecosystems. g. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure. h. There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris. i. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days. j. Upon completion of any channel bank works within a river or lake bed, the banks shall be reinstated to a natural contour and revegetated. 		

⁶² Note that a “lawfully established structure” means a structure lawfully established either before or after this Plan was prepared.

⁶³ See the Glossary for a definition of “after reasonable mixing”.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>k. There shall be no damage or destruction to flood control or river protection works.</p> <p>l. In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 1 May to 30 September (fish spawning season) other than the necessary maintenance of culverts, drains or bridges and for the clearance of debris from structures.</p>		
<p>65</p> <p>Replacing and upgrading of structures</p> <p><i>Refer POL 79</i></p>	<p>Any activity associated with the replacement and upgrading of any line or cable, owned or managed by a network utility operator, over the bed of any river or lake.</p>	<p>Permitted</p>	<p>a. There shall be no reduction in the ability of the channel to convey flood flows, or impedence to the passage of floating debris.</p> <p>b. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>c. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days and for no more than 12 hours on any one day within those five days.</p> <p>d. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.</p>		

ADVISORY NOTE:

1. **Non-compliance with rule** - If Rule 64 cannot be complied with, then the activity is a discretionary activity under Rule 69.
2. For the purpose of Rule 63 'use' refers to the actual use of the structure and not to matters contained in sections 14 and 15 of the Resource Management Act 1991.
3. For the purpose of Rule 64 "**conspicuous change**" means a change in colour of more than five points on the Munsell scale or more than 20% change in clarity as measured by a 200 mm black disc as per "Water Quality Guidelines Number 2" published by the Ministry for the Environment. For example, a change in water colour from blue to blue/green is 10 points on the Munsell scale.

6.8.2 REMOVAL & DEMOLITION OF STRUCTURES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>66</p> <p>Removal & demolition of structures</p> <p><i>Refer POL 79</i></p>	<p>The removal or demolition of a structure, or any part of a structure, in, on, under, or over the bed of a river or lake, and:</p> <ul style="list-style-type: none"> • any associated disturbance of the river or lake bed, and • any associated discharge of sediment, and • any associated diversion of water <p>except as provided for by Rule 70.</p>	<p>Permitted</p>	<ol style="list-style-type: none"> a. There shall be no discharge of contaminants, other than sediment, into the river or lake. b. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.⁶⁴ c. All removal and demolition material shall be removed from the bed by completion of the activity. d. All materials used shall not be toxic to aquatic ecosystems. e. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure. f. There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris. g. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days. h. Upon completion of any channel bank works within a river or lake bed, the banks shall be reinstated to a natural contour and revegetated. i. There shall be no damage or destruction to flood control or river protection works. j. The HBRC shall be informed in writing of the removal or demolition of any of the following structures, at least 15 working days prior to the commencement of the activity: <ol style="list-style-type: none"> i. Access structures in or on the bed of a river or lake, including bridges, culverts, and fords, which are located within a catchment greater than 50 hectares; ii. Structures which occupy more than 5 m² of the bed of the river or lake. k. In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 1 May to 30 September (fish spawning season). 		

ADVISORY NOTE:1. Non-compliance with rule - If Rule 66 cannot be complied with, then the activity is a discretionary activity under Rule 69.

⁶⁴ See Glossary for a definition of "after reasonable mixing".

6.8.3 ERECTION & PLACEMENT OF DAMS & OTHER BARRIER STRUCTURES, & DAMMING OF WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>67</p> <p>Dams, weirs & other barrier structures in rivers, lakes and artificial water – courses</p> <p>Refer POL 79</p>	<p>The erection or placement of any dam, weir or other barrier structure in, on, under, or over the bed of a river, lake and artificial watercourse, and:</p> <ul style="list-style-type: none"> any associated damming or diversion of water, and any associated discharge of sediment; and any associated disturbance of the river or lake bed. 	Permitted	<p>a. The catchment area of the <u>new</u> structure shall not exceed 50 hectares.</p> <p>b. The volume of water to be stored or retained by the <u>new</u> structure to spill level shall not exceed 20,000 m³.</p> <p>c. The height of the structure (as measured vertically from the downstream bed to the crest) shall be no greater than 4 m.</p> <p>d. A spillway shall be constructed to prevent the <u>new</u> structure being overtopped during storm events, unless the structure is designed to allow overtopping.</p> <p>e. The impounded water shall not encroach onto any property, nor impede any drainage system, beyond the subject property unless agreed to in writing by any affected property owners.</p> <p>f. Erection or placement of the structure shall not cause any erosion, scour or deposition beyond the area of erection or placement.</p> <p>g. The impounded water shall not cause any erosion or instability of bordering land.</p> <p>h. Within rivers and lakes, provision shall be made to maintain existing fish passage within the water body and, where the water body is permanently flowing, provision shall be made to maintain a residual flow immediately downstream of the structure of at least 1.2 l/min per hectare of catchment above the structure, except at times where such flow would not have occurred prior to the construction of the structure.</p> <p>i. Where the volume of water to be stored or retained by the structure to spill levels exceeds 10,000 m³ and where the structure is located within the catchment of a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974 the HBRC shall be informed about the erection or placement of the structure at least 15 working days prior to the commencement of works.</p> <p>j. There shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation to the</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			erection of whitebait stands, maimai, and necessary access structures to these. k. In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation to the erection of whitebait stands, maimai, and necessary access structure to these. l. Conditions (a) to (d) do not apply to structures which are located in a land drainage or flood control area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908 or the Local Government Act 1974.		
68 Existing damming of water in rivers and lakes <i>Refer POL 79</i>	Any existing damming of water associated with a lawfully established dam, weir, or other barrier structure in, on, under, over the bed of a river, lake or artificial water course that is not provided for by Rule 67.	Controlled	a. The impounded water shall not encroach onto any property beyond the subject property, unless agreed to in writing by any affected property owners.	a. Stability of the land bordering the dam. b. Residual downstream flow. c. Flood risk in the event of failure. d. Maintenance of structure. e. Duration of the consent. f. Review of consent conditions. g. Compliance monitoring.	Consent applications will generally be considered without notification without the need to obtain the written approval of affected persons.

ADVISORY NOTE:

1. **Non-compliance with rule** – If Rule 67 can not be complied with, then the activity is a discretionary activity under Rule 69.
2. **Water takes** – Note that a consent to take water is required for takes and uses of surface water in accordance with Rule 54 or 56.
3. **Dams** - Include stock water dams, Irrigation dams, fire-fighting dams and dams in artificial water courses.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>69 River & lake bed activities that are not expressly regulated by other rules <i>Refer POL 79</i></p>	<p>Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.</p>	<p>Discretionary</p>			

6.8.4 RIVER CONTROL & DRAINAGE WORKS & STRUCTURES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>70</p> <p>River control & drainage works & structures</p> <p><i>Refer POL 79</i></p>	<p>Any activity, as described in the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works (1999), that is carried out by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974, in relation to flood control and drainage, including:</p> <ul style="list-style-type: none"> • edge protection works • planting • river protection maintenance works • irrigation intake maintenance • weed and vegetation control (excluding spraying) • drain maintenance, and drainage outlet maintenance • drain crossings • river mouth openings for the purpose of flood mitigation • river management and drainage for the maintenance of surface water quality • channel diversions within a river bed or drain, ancillary to the above activities <p>that would otherwise contravene:</p> <ul style="list-style-type: none"> • section 13 or section 14 of the RMA, or • section 15 of the RMA in relation to the discharge of sediment. 	Permitted	<p>a. The activity or structure shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>b. The appropriate Fish and Game Council, iwi and Department of Conservation office, shall be notified at least 5 working days before any channel diversion is undertaken.</p> <p>c. There shall be no discharge of contaminants, other than sediment, arising from the use of machinery in the bed of any river or lake.</p> <p>d. The activity shall not adversely affect any wetland.⁶⁵</p> <p>e. All activities shall be undertaken in accordance with the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works, 1999.</p>		

⁶⁵ For the purpose of this Plan the term 'wetland' does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>71</p> <p>Activities affecting river control & drainage schemes⁶⁶</p> <p>Refer POL 79</p>	<p>Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974:</p> <ul style="list-style-type: none"> • The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The deposition of any rock, shingle, earth, debris or other substance in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The reclamation or drainage of the bed of any river, lake or artificial water course. • The undertaking of any other land disturbance activity which impedes access to the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The erection of any structure and the undertaking of any land disturbance activity which interferes with the integrity of any defence against water.⁶⁷ 	Discretionary			

ADVISORY NOTE:

1. **Non-compliance with rule** - If Rule 70 cannot be complied with, then the activity is a discretionary activity under Rule 69.
2. The ongoing maintenance or repair of any structure authorized by a resource consent pursuant to Rule 71 is permitted pursuant to Rule 64.
3. Any activity permitted by Rules 64 and 65 is not subject to Rule 71.

⁶⁶ It is important to note that the Hawke's Bay Regional Council owns much of the land within River Control and Drainage Schemes, and thus has landowner rights and responsibilities in relation to this land.

⁶⁷ "Defence against water" includes stopbanks and their foundations.

6.8.5 ERECTION & PLACEMENT OF OTHER STRUCTURES (INCLUDING ACCESS STRUCTURES)

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
72 Erection & placement of other structures, including bridges, culverts & other access structures ⁶⁸ <i>Refer POL 79</i>	<p>The erection or placement of any structure in, on, under, or over the bed of a river or lake, that is not expressly regulated by other rules within this Plan, and</p> <ul style="list-style-type: none"> any associated disturbance of the river or lake bed, and any associated discharge of sediment, and any associated damming or diversion of water. 	Permitted	<p>a. The scale of the structure shall comply with the following:</p> <ol style="list-style-type: none"> Access structures in or on the bed of a river or lake, including bridges, culverts, and fords, shall be located in a catchment that is no greater than 150 ha. Other structures in or on the bed of a river or lake shall occupy an area of bed no greater than 10 m². <p>b. The structure shall not change the natural course of any river or lake.</p> <p>c. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.⁶⁹</p> <p>d. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>e. All materials used shall not be toxic to aquatic ecosystems.</p> <p>f. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>g. The structure shall not cause any increase in the risk of flooding or damage to any property during flood events, including the risk resulting from trapped debris.</p> <p>h. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days.</p> <p>i. The activity or structure shall not cause any erosion, scour or deposition beyond the area of the activity or structure or adversely affect any other lawfully established structure.</p> <p>j. All excess materials shall be removed from the bed by completion of the activity.</p> <p>k. In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season)</p>		

⁶⁸ **Building permits** – Note that a building permit from the relevant territorial authority may be required.

⁶⁹ See Glossary for a definition of “after reasonable mixing”.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>except in relation to the erection of whitebait stands, maimai, and necessary access structures to these, or where emergency works are required.</p> <p>I. Any whitebait structure shall be removed within 14 days of the end of any whitebait season.</p>		

ADVISORY NOTE:

1. **Non-compliance with rule** - If Rule 72 cannot be complied with, then the activity is a discretionary activity under Rule 69.
2. For the purpose of this Rule “access structures” includes temporary crossings used in the harvesting of forests.

6.8.6 RIVER BED GRAVEL EXTRACTION

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
73 Small scale river bed gravel extraction <i>Refer POL 79</i>	The extraction of sand, gravel or other material from the bed of a river using a hand-held, non-mechanical device (e.g. a shovel), and any associated disturbance of the bed.	Permitted	<ol style="list-style-type: none"> The quantity of bed material extracted by any person at any one time shall not exceed 0.25 m³. The total quantity of bed material extracted by any person shall not exceed 1 m³ per year. The material shall be extracted from an area of river bed that is not covered by water at the time of extraction. The area from which material is extracted shall be recontoured so that no mounds or depressions remain. There shall be no discharge of any contaminant directly into water. 		
74 Large scale river bed gravel extraction <i>Refer POL 53, 79</i>	<p>The extraction of sand, gravel or other material from the bed of any river or lake, and:</p> <ul style="list-style-type: none"> any associated disturbance of the bed, and any associated discharge of sediment, and any associated diversion of water <p>that is not provided for by Rule 73.</p>	Restricted discretionary		<ol style="list-style-type: none"> Location of extraction sites and stockpile areas. Volume of gravel extracted. Rate of removal of gravel. Period of extraction. End use of the gravel. Dust management. Other matters set out in Policy 53. Financial contributions. Duration of consent. Review of consent conditions. Compliance monitoring. 	

6.8.7 OTHER DISTURBANCES OF RIVER & LAKE BEDS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
75 Other disturbances of river and lake beds <i>Refer POL 79</i>	<p>The disturbance of the bed of a river or lake, except as provided for by other rules.</p> <p>This may be caused for example by:</p> <ul style="list-style-type: none"> • tunnelling, or • drilling, or • excavation. 	Permitted	<p>a. The maximum area of disturbance shall be no greater than 5 m².</p> <p>b. The disturbance shall not change the natural course of any river or lake.</p> <p>c. Any release of sediment shall not cause any conspicuous change⁷⁰ in the colour or visual clarity of water after reasonable mixing.⁷¹</p> <p>d. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>e. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>f. The disturbance shall not cause any increase in the risk of flooding or damage to any property during flood events, including the risk resulting from trapped debris.</p> <p>g. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days, and for no more than 12 hours, on any one day within those five days.</p> <p>h. The activity or structure shall not cause any erosion, scour or deposition beyond the area of disturbance or adversely affect any other lawfully established structure.</p> <p>i. All excess materials shall be removed from the bed by completion of the activity.</p> <p>j. There shall be no disturbance of any part of the bed covered by water from 1 May and 30 September (fish spawning season).</p>		

Advisory note:

1. **Non compliance with Rule** - If Rule 75 can not be complied with then the activity is a discretionary activity under Rule 69.

⁷⁰ For the purposes of Rule 75 “conspicuous change” means a change in colour of more than five points on the Munsell scale or more than 20% change in clarity as measured by a 200 mm black disc as per “Water Quality Guidelines Number 2” published by the Ministry for the Environment. For example, a change in water colour from blue to blue/green is 10 points on the Munsell Scale.

⁷¹ See Glossary for a definition of “after reasonable mixing”.

6.8.8 INTRODUCTION & PLANTING OF PLANTS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
76 Planting of plants <i>Refer POL 79</i>	The introduction or planting of any plant or any part of any plant in, on, or under the bed of a river or lake, except as provided for by Rule 70, or Rule 71.	Permitted	<p>a. The planting shall not result in any reduction in the ability of the water body to convey flood flows or any impedance to the passage of debris.</p> <p>b. The activity shall not cause any significant erosion, scour or deposition.</p> <p>c. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish.</p> <p>d. There shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season).</p> <p>e. Plantings undertaken in accordance with this rule shall not cause disturbance, damage or destruction of existing indigenous vegetation in the bed of a lake or in the bed of the continuously flowing portion of a river.</p>		

ADVISORY NOTES:

1. **Plant pests** -Pursuant to the Biosecurity Act 1993, it is an offence for anyone to sell, propagate or distribute any plant classified as a plant pest in the Regional Plant Pest Management Strategy.
2. **Non-compliance with rule** - If Rule 76 cannot be complied with, then the activity is a discretionary activity under Rule 69.