

Appendix 4

Tracked changes rules as supported by Fish & Game

Note: The following provisions include tracked changes reflecting F&G's recommended changes. Those changes are coloured **red** and, where deletion of a provision was sought, are shown with a **strikethrough**.

Also shown are changes recommended to the rules in the s42A report. Those changes are coloured **green**. (Note that not all changes proposed in the s42A report are included in this manner; while there are some exceptions, it is primarily only those provisions in respect of which F&G made a submission where the proposed changes are included.)

Sections or provisions in **grey text** are matters that will be addressed in F&G evidence in Hearing Groups 2 and 3 (notwithstanding that in some instances, the provisions are addressed in the s42A report, i.e. Rules 5.55 – 5.58, 5.94, 5.95, 5.107 – 5.111, 5.147 – 5.154).

The s42A report changes have been included for information only to assist the Commissioners. The s42A recommended changes are neither supported or opposed, except where specific mention has been made in F&G briefs of evidence or where the F&G tracked changes are shown in preference.

Section 5 - Region-wide Rules

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General Rules

~~5.1 Unless specifically stated to the contrary, any activity must comply with all the rules of Section 5 of this Plan~~

~~5.2 Unless specifically stated to the contrary, any rule on the same subject matter in the relevant sub-regional zones in Sections 6-15 of this Plan prevails over the relevant rule of Section 5-~~

5.3 Notes and cross-references are included for information purposes only and do not form part of the rules and nor should they be considered a complete list.

5.4 ~~For the avoidance of doubt~~ For any activity that is classified as a controlled activity or a restricted discretionary activity, the CRC includes, within the matters to which control is reserved or discretion is restricted, the lapse period, the duration of the resource consent, the review of the conditions of a resource consent, the need for a bond or financial contributions, and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

5.5 Any recovery activity that would otherwise contravene sections 9(2), 13(1), 14(2), s14(3) or s15(1) of the RMA and is not listed as a permitted activity in this Plan is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The timing, duration and scale of the activity;
2. The adequacy of the management plan prepared in respect of the activity, and in particular, the identification of the effects and the proposed mitigation; and
3. The extent to which the proposed activity is consistent with the objectives and policies of this Plan.

5.6 Any activity that is not a recovery activity that would otherwise contravene sections 13(1), 14(2), s14(3) or s15(1) of the RMA and is not listed as a permitted, restricted discretionary, discretionary, non-complying or prohibited activity in this Plan is a discretionary activity.

On-site Wastewater

5.7 The discharge of wastewater from an existing on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The discharge was lawfully established prior to ~~1 November 2013~~ [date of notification of Plan];
2. The treatment and disposal system has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance;
3. The volume of the discharge has not been increased as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system;
4. The treatment and disposal system is operated and maintained in accordance with the system's design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management;
5. ~~The discharge is within the area marked "Septic tank Suitability – Area A" on the Planning Maps; and~~
6. The discharge is not onto or into land:
 - (a) where there is an available sewerage network;
 - (b) that is contaminated or potentially contaminated ~~except where a discharge permit or land use consent for storage of hazardous substances exists;~~
 - (c) that is listed as an archaeological site;
 - (d) where the discharge would enter any surface water body;
 - (e) within 20 m of any surface water body or the Coastal Marine Area;
 - (f) within 50 m of a bore used for water abstraction;
 - (g) within a group or community drinking water supply protection area as set out in Schedule 1 of this Plan; or
 - (h) where there is, at any time, less than 1m of vertical separation between the discharge point and groundwater
7. The discharge shall not result in wastewater being visible on the ground surface; and
8. The discharge shall not contain hazardous substances or hazardous waste.

5.8 The discharge of wastewater from an existing on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.7 is a ~~restricted~~ discretionary activity.

~~The CRC will restrict discretion to the following matters:~~

1. ~~The effect of not meeting the condition or conditions of Rule 5.7.~~
2. ~~The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality.~~

Notification

~~Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.~~

~~Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.~~

5.9 The discharge of wastewater from a new, modified or upgraded on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The discharge volume does not exceed 2 44 m³ per day week;
2. The discharge is within the area marked "On-Site Effluent Suitability Area ~~Septic tank Suitability – Area A~~" on the Planning Maps;
3. The discharge is not onto or into land:
 - (a) where there is an available sewerage network;
 - (b) that is contaminated or potentially contaminated ~~except where a discharge permit or land use consent for storage of hazardous substances exists;~~
 - (c) listed as an archaeological site;
 - (d) where the discharge would enter any surface water body;

- (e) within 20 m of any surface water body or the Coastal Marine Area;
 - (f) within 50 m of a bore used for water abstraction; ~~or~~
 - (g) within a group or community drinking water supply protection area as set out in Schedule 1; ~~or~~
 - (h) ~~Where there is, at any time, less than 1 metre of vertical separation between the discharge point and groundwater.~~
4. The treatment and disposal system is designed and installed in accordance with Sections 5 and 6 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management; and
 5. The treatment and disposal system is operated and maintained in accordance with the system's design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management.
 6. ~~The discharge shall not result in wastewater being visible on the ground surface; and~~
 7. ~~The discharge shall not contain hazardous substances or hazardous waste.~~

5.10 The discharge of wastewater from a new or upgraded on-site domestic wastewater treatment system onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.9 is ~~a restricted~~ discretionary activity.

~~**The CRC will restrict discretion to the following matters:**~~

- ~~1. The effect of not meeting the condition or conditions of Rule 5.9.~~
- ~~2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality.~~

~~Notification~~

~~Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.~~

~~Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.~~

Swimming Pool or Spa Water

5.11 The discharge of swimming pool or spa pool water into water or onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The discharge of filter backwash water is only onto land, and the discharge does not enter any surface waterbody or wetland, including via a stormwater system; and
2. For swimming pool or spa pool water discharges that do not contain filter backwash water, the discharge may be either onto land or into water, provided:
 - (a) that for all discharges:
 - (i) there are no copper chemicals, flocculants, including aluminium salts in the discharge and the concentration of sodium chloride (common salt) does not exceed 3500 grams/m³;
 - (ii) the swimming pool or spa pool has not been treated within the previous 14 days with a pool sanitizing agent containing chlorine, bromine, or Baquacil™; and
 - (iii) the discharge does not result in water or contaminants flowing onto another site; and
 - (b) that for discharges to surface water:
 - (i) the discharge is not within a group or community drinking water supply protection area as set out in Schedule 1; and
 - (ii) for discharges to a river, the rate of flow in the river, at the point of discharge, is at least five times the rate of discharge.

5.12 The discharge of swimming pool or spa pool water into water or onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.11 is a restricted discretionary activity.

~~The CRC will restrict discretion to the following matter:~~

- ~~1. The effect of not meeting the condition or conditions of Rule 5.11.~~

Greywater

- 5.13 The discharge of greywater onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:**
1. The discharge is only from a dwelling house and does not contain any waste from a toilet or any hazardous substances;
 2. The application rate does not exceed 50 mm per day;
 3. The discharge does not result in greywater flowing, seeping, or ponding on the surface of the ground for more than two hours;
 4. The system does not store greywater for more than 12 hours and incorporates a proprietary filter prior to discharge;
 5. The discharge does not result in water or contaminants flowing onto another site; and
 6. The point of discharge is not within:
 - (a) 20 m of a surface water body or the Coastal Marine Area;
 - (b) 20 m of a bore used for water abstraction;
 - (c) where an activity or industry, other than A8, listed in Schedule 3 has occurred or is occurring; or
 - (d) a site listed as an archaeological site.
- 5.14 The discharge of greywater onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.13 is a restricted discretionary activity.**

The CRC will restrict discretion to the following matters:

1. The effect of not meeting the condition or conditions of Rule 5.13.
2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality.

Pit and Composting Toilets

- 5.15 The discharge of untreated human excrement via a pit toilet onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:**
1. When a pit toilet is filled to within 0.5 m of the original land surface, or is no longer used, the content of the pit toilet is covered with at least 0.5 m of soil;
 2. Surface runoff does not enter a pit toilet;
 3. There is at least 600 mm of soil or sand between the point of discharge and the highest known groundwater level; and
 4. The pit toilet is not:
 - (a) within 20 m of a surface water body, a bore used for water abstraction or the Coastal Marine Area;
 - (b) within a group or community drinking water supply protection area as set out in Schedule 1;
 - (c) within any area or zone identified in a proposed or operative district plan for residential, commercial or industrial purposes;
 - (d) sited on unconsolidated gravels, coarse or medium sands, fissured rock or scree unless there is at least 600 mm of soil or sand placed in the base of the pit; or
 - (e) on a site listed as an archaeological site.
- 5.16 The discharge of untreated human excrement via a pit toilet onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.15 is a restricted discretionary activity.**

The CRC will restrict discretion to the following matters:

1. The effect of not meeting the condition or conditions of Rule 5.15.
2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality, including Policy 4.11.

5.17 The discharge of aerobically composted material from a composting toilet onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:

1. The material discharged has been subject to aerobic decomposition for at least 12 months from the last addition of raw excrement and is worked into the soil immediately following the discharge; and
2. The discharge is not onto or into land:
 - (a) within 20 m of a surface water body, the Coastal Marine Area or a bore used for water abstraction;
 - (b) within a group or community drinking water supply protection area as set out in Schedule 1;
 - (c) used for growing food crops for human consumption;
 - (d) when there is water ponding on the soil surface; or
 - (e) listed as an archaeological site.

Note: The composting toilet system may also require approval for use under the Building Act 2004.

5.18 The discharge of aerobically composted material from a composting toilet onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.17 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The effect of not meeting the condition or conditions of Rule 5.17.
2. The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality, including Policy 4.11.

Dust Suppressants

5.19 The discharge of oil as a dust suppressant onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The discharge is only of vegetable oil, or of new light fuel or lubricating oil and is:
 - (a) applied in a manner that does not result in pooling or runoff, with a maximum application rate not exceeding 2 litres/m² per day and 4 litres/m² per annum; and
 - (b) not within 20 m of a surface water body, the Coastal Marine Area, a bore or soak-hole.

5.20 The discharge of oil as a dust suppressant onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.19 is a restricted discretionary activity.

The CRC will restrict discretion to the following matter:

1. The effect of not meeting the condition or conditions of Rule 5.19.

Pest Control

5.21 The discharge of a vertebrate toxic agent via land-based methods, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The substance and the application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996; and
2. The discharge is not:
 - (a) within 5 m of the wetted bed of a river, lake or artificial watercourse, a wetland boundary or the Coastal Marine Area; or
 - (b) within 20 m of a bore used for drinking water; or
 - (c) within a group or community drinking water supply protection area as set out in Schedule 1.

5.22 The discharge of a vertebrate toxic agent via land-based methods, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water, that does not meet one or more of the conditions in Rule 5.21 is a discretionary activity.

5.23 The discharge of a vertebrate toxic agent from an aircraft, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water, is a controlled activity provided the following conditions are met:

1. The substance and the application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996; and
2. The discharge is not:
 - (a) within 20 m of the wetted bed of a river, lake or artificial watercourse that is more than 3 m wide, a wetland boundary or the Coastal Marine Area or within 20 m of a bore used for drinking water; or
 - (b) within a group or community drinking water supply protection area as set out in Schedule 1.

The CRC reserves control over the following matters:

1. Measures to avoid, mitigate or remedy adverse effects on aquatic ecosystems and human or animal drinking water;
2. The provision of advice and information about the exercise of the consent to people and authorities in and adjacent to the application area; and
3. The adequacy of application methods, systems and management processes to prevent fugitive discharges and the recording of application areas.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

5.24 The discharge of a vertebrate toxic agent from an aircraft, onto or into land, including the bed of a lake or river, in circumstances where a contaminant may enter water, that does not meet one or more of the conditions in Rule 5.23 is a discretionary activity.

5.25 The discharge of an agrichemical, or agrichemical equipment or container washwater, into or onto land, including the bed of a lake, river or artificial watercourse, in circumstances where a contaminant or water may enter water is a permitted activity provided the following conditions are met:

1. The agrichemical and application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996;
2. The discharge of the agrichemicals is undertaken in accordance with Section 5 and Appendices L and S of New Zealand Standard NZS 8409:2004 Management of Agrichemicals;
3. No mixing or diluting of an agrichemical or rinsing or cleaning of containers or equipment takes place within:
 - (a) 5 m of a surface water body, or a bore; or
 - (b) in the bed of a river or lake, or within the Christchurch Groundwater Protection Zone as shown on the Planning Maps, unless:
 - (i) the mixing or dilution takes place within a sealed, bunded system that will contain a volume of at least 110% of the largest spray tank to be filled; or
 - (ii) the mixing or dilution is for a hand-held application technique or method.
4. If the water used for mixing or dilution is being abstracted from a surface water body or groundwater, a backflow prevention system is in place to prevent the agrichemical from flowing back into the source water.
5. Where the discharge is from an aircraft:
 - (a) the discharge is carried out by a person who holds a GROWSAFE® Pilots' Agrichemical Rating Certificate or an AIRCARE™ Accreditation;
 - (b) the flight paths are recorded by an on-board differential global positioning system and this record is kept for at least 12 months following the discharge and made available to the CRC upon request; and

- (c) the discharge in the bed of a river in Hill and High Country areas does not occur between the first day of September and the last day of November in any year; and
- 6. The discharge is not within a group or community drinking water supply protection area as set out in Schedule 1 or within 10 m of any bore used for drinking water supply.

Note: See also the rules on vegetation clearance – 5.143 – 5.154.

- 5.26 The discharge of an agrichemical, or agrichemical equipment or container washwater, into or onto land in circumstances where a contaminant or water may enter water that does not meet one or more of the conditions of Rule 5.25 is a restricted discretionary activity.**

The CRC will restrict discretion to the following matter:

- 1. The effect of not meeting the condition or conditions of Rule 5.25.

Note: See also the rules on vegetation clearance – 5.143 – 5.154.

- 5.27 The discharge of diquat or glyphosate to a surface water body via land based methods is a permitted activity provided the following conditions are met:**

- 1. The discharge is carried out by a person who holds a current GROWSAFE® Registered Chemical Applicator's Certificate issued by the New Zealand Agrichemical Education Trust; and
- 2. The discharge is only incidental to the spraying of the bed or bank of a river, the bed of a lake, or an artificial watercourse, or a wetland, undertaken in accordance with Rule 5.25;
- 3. The discharge is not:
 - (a) within a group or community drinking water supply protection area as set out in Schedule 1; or
 - (b) into a river or artificial watercourse within 250 m upstream or 100 m downstream, or in a lake within 250 m, of any other surface water intake.

Note: See also the rules on vegetation clearance – 5.143– 5.154.

- 5.28 The discharge of an agrichemical to a surface water body, that does not meet one or more of the conditions in Rule 5.27 is a restricted discretionary activity.**

The CRC will restrict its discretion to the following matters:

- 1. Measures to avoid, mitigate or remedy unintended adverse effects on aquatic ecosystems (in addition to the intended removal of the flora or fauna by the application of the relevant agrichemical), and human or animal drinking water;
- 2. The provision of advice and information about the exercise of the consent to people and authorities in and adjacent to the application area; and
- 3. The adequacy of application methods, systems and management processes to prevent fugitive discharges and the recording of application areas.
- 4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to human and animal drinking water quality.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

Offal and Farm Rubbish Pits

5.29 The use of land for an offal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities provided the following conditions are met:

1. The discharge is to a pit that:
 - (a) has a volume of less than 50 m³;
 - (b) is sited and designed to prevent surface runoff entering the pit; and
 - (c) is designed to prevent animals <http://ecan.govt.nz/our-responsibilities/regional-plans/regional-plans-under-development/lwrp/Pages/notification-submissions.aspx> from gaining access to the pit; and
2. The discharge is only of dead animals or animal parts produced on the site where the pit is located;
3. No more than one pit is constructed or used per site per annum;
4. When any pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents are covered with soil to a depth of at least 0.5 m or the pit is covered with an impermeable lid; and
5. The discharge does not occur:
 - (a) within 50 m of a surface water body, a bore used for water abstraction, the boundary of the site, or the Coastal Marine Area;
 - (b) within a group or community drinking water supply protection area as set out in Schedule 1;
 - (c) outside of the area marked "Septic tank Suitability – Area A" on the Planning Maps, unless there is at least 3 m of soil or sand between the point of discharge and the highest known groundwater level;
 - (d) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps; or
 - (e) on a site listed as an archaeological site.

Note: Nothing in this rule prevents a pit being used for both an offal pit and an on-site refuse disposal pit, if the conditions of both rules are complied with.

5.30 The use of land for an offal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.29 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The effect of not meeting the condition or conditions of Rule 5.29.
2. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to human and animal drinking water quality.

5.31 The use of land for an on-site refuse disposal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities provided the following conditions are met:

1. The discharge is to a pit:
 - (a) located on a site of greater than 20 ha in area;
 - (b) with a volume of less than 50 m³;
 - (c) sited and designed to prevent surface runoff entering the pit; and
 - (d) designed to prevent animals from gaining access to the pit; and
2. No hazardous substances or agricultural containers are discharged;
3. The discharge is only of refuse produced on the site where the pit is located;
4. No kerbside community or local authority refuse collection is available;
5. When any pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents are covered with soil to a depth of at least 0.5 m or the pit covered with an impermeable lid; and
6. The discharge does not occur:
 - (a) within 50 m of a surface water body, a bore used for water abstraction, the boundary of the site or the Coastal Marine Area;
 - (b) within a group or community drinking water supply protection area as set out in Schedule 1;
 - (c) outside of the area marked "Septic tank Suitability – Area A" on the Planning Maps, unless there is at least 3 m of soil or sand between the point of discharge and the highest known groundwater level;

- (d) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps: or
- (e) on a site listed as an archaeological site.

Note: Nothing in this rule prevents a pit being used for both an offal pit and an on-site refuse disposal pit, if the conditions of both rules are complied with.

5.32 The use of land for an on-site refuse disposal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule

5.31 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The effect of not meeting the condition or conditions of Rule 5.31.
2. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to human and animal drinking water quality.

Animal and Vegetative Waste

5.33 The discharge of solid animal waste, or vegetative material containing animal excrement or vegetative material, including from an intensive farming process or industrial or trade process, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The material does not contain any hazardous substance or hazardous waste;
2. The material does not include any waste from a human effluent treatment process; and
3. The material is not discharged:
 - (a) onto the same area of land more frequently than once every two months;
 - (b) onto land when the soil moisture exceeds field capacity;
 - (c) within 20 m of a bore used for water abstraction, a surface water body or the Coastal Marine Area; or
4. within a group or community drinking water supply protection area as set out in Schedule 1.

5.34 The discharge of solid animal waste, or vegetative material containing animal excrement or vegetative material, including from an intensive farming process or industrial or trade process, into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.33 is a discretionary activity.

Stock Holding Areas and Animal Effluent

5.35 The use of land for a stock holding area, the use of land for the collection, storage and treatment of animal effluent and the subsequent discharge of animal effluent or water containing animal effluent and other contaminants onto or into land where a contaminant may enter water is a restricted discretionary activity, provided the following conditions are met:

1. The stock holding area, collection, storage and treatment of animal effluent is not within:
 - (a) 20 m of a surface water body, a bore used for water abstraction or the Coastal Marine Area;
 - (b) a group or community drinking water supply protection area as set out in Schedule 1; and
2. The discharge of animal effluent or water containing animal effluent and other contaminants:
 - (a) is not directly to, or within, 20 m of a surface water body (other than a wetland constructed primarily to treat animal effluent), a bore used for water abstraction or the Coastal Marine Area;
 - (b) does not occur beyond the boundary of the site;
 - (c) a group or community drinking water supply protection area as set out in Schedule 1
 - (d) has backflow prevention installed if the animal effluent or water containing animal effluent is applied with irrigation water; and
 - (a) is not to potentially contaminated land.

The CRC will restrict discretion to the following matters:

1. Measures to avoid, mitigate or remedy adverse effects on aquatic ecosystems and human or animal drinking water;
2. Measures to store effluent and application rates;
3. Methods to store effluent and application rates in times of adverse weather conditions, including frozen ground, or in cases of equipment failure;
4. The proximity of any discharge on any identified site of significant indigenous biodiversity;
5. The adequacy of design, construction, systems and management processes to minimise fugitive discharges from the system, including, but not limited to, any design leakage from the stockholding and effluent storage areas, flow paths and mitigation in case of equipment failure or breakage;

The extent to which the proposed activity is consistent with the objectives and policies of this Plan relating to Ngāi Tahu values, human and animal health and drinking water quality, including Policy 4.11.

- 5.36** The use of land for a stock holding area, the use of land for the collection, storage and treatment of animal effluent and the subsequent discharge of animal effluent or water containing animal effluent and other contaminants into or onto land where a contaminant may enter water that does not meet one or more of the conditions of Rules 5.35 is a non-complying activity.

Silage Pits and Compost

- 5.37** The use of land for a silage pit or the stockpiling of other fermenting or decaying organic matter and any associated discharge into or onto land where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The volume of any silage pit or stockpile is less than 20 m³; or
2. The volume of any silage pit or stockpile is greater than 20 m³ and is not sited:
 - (a) within 20 m of a surface water body, the boundary of the site, a bore or the Coastal Marine Area;
 - (b) within a group or community drinking water supply protection area as set out in Schedule 1; or
 - (c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;
3. Any liquid that drains from the silage pit or stockpile does not enter a surface water body, other than a wetland constructed primarily to treat animal effluent; and
4. Any fermenting or decaying organic matter does not originate from an industrial or trade process.

- 5.38** The use of land for a silage pit or the stockpiling of other fermenting or decaying organic matter and any associated discharge into or onto land where a contaminant may enter water, that does not meet one or more of the conditions in Rule 5.37 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The effect of not meeting the condition or conditions of Rule 5.37.
2. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to water quality.

Farming

Note 1 : All other rules in this Plan that control discharges, including of nutrients, from farming activities to water or onto or into land in circumstances where nutrients may enter water also have to be complied with. Examples of such rules are Rules 5.29 and 5.30 relating to offal pits.

5.39 Prior to 1 July 2017, the use of land for any farming activity existing at 11 August 2012 and outside of the Lake Zone shown on the Planning Maps, is a permitted activity if the following condition is met:

1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model, is kept and is provided to the CRC upon request.

5.40 Prior to 1 July 2017, the use of land for a farming activity existing at 11 August 2012 and within the Lake Zone shown on the Planning Maps, is a permitted activity if the following conditions are met:

1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model;
2. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
3. The Farm Environment Plan is externally audited each year for the first three years by a Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
4. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.

5.41 The use of land for a farming activity that does not comply with one or more of the conditions of Rules 5.39 or 5.40 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;

The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.

The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary where relevant, under section 95B(3) of the RMA.

5.42 Prior to 1 July 2017 the use of land for a change to an existing farming activity is a permitted activity if the following conditions are met:

1. The land holder has been granted a water permit, or holds shares in an irrigation company that has been granted a water permit, that authorises irrigation on the land and the land is subject to conditions that specify the maximum amount of nitrogen that may be leached;
 2. The property is outside a Lake Zone as shown on the Planning Maps;
1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model;
 2. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
 3. The Farm Environment Plan is externally audited each year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
 4. A record of the audit compliance grading and the average annual loss of nitrogen for the property is

provided to the CRC by 31 August of that year.

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- 5.43** Prior to 1 July 2017, the use of land for a change to an existing farming activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured pale blue or green on the Planning Maps is a restricted discretionary activity.

The CRC will restrict the exercise of discretion to the following matters:

- 5.41.1 The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
- 5.41.2 The potential effects of the land use on surface and groundwater quality, and sources of drinking water;
- 5.41.3 The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
- 5.41.4 The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

- 5.44** Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured orange on the Planning Maps is a discretionary activity.

- 5.45** Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.

- 5.46** From 1 July 2017, the use of land for any farming activity, is a permitted activity if the following conditions are met:

- 5.41.5 The land is outside a Lake Zone shown on the Planning Maps; and
- 5.41.6 The average annual loss of nitrogen does not exceed the rate for the relevant farming activity in Schedule 8; and
- 5.41.7 The annual average loss of nitrogen, averaged over three consecutive years is less than 20 kilograms per hectare a record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model, is kept and is provided to the CRC upon request; or
- 5.41.8 If the annual average loss of nitrogen, averaged over three consecutive periods from 1 July in one year to 30 June in the following year, is 20 kilograms per hectare or more:
 - 5.41.8.1 a Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
 - 5.41.8.2 the Farm Environment Plan is externally audited each year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
 - 5.41.8.3 a record of the audit compliance grading and the average annual loss of nitrogen for the property is be provided to the CRC by 31 August of that year.

- 5.47** From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured pale blue or green on the Planning Maps is a restricted discretionary activity.

The CRC will restrict the exercise of discretion to the following matters:

5. The flight paths are recorded by an on-board differential global positioning system and this record is kept for at least 12 months following the discharge and made available to the CRC upon request.

Note: The discharge of fertiliser may also be restricted by Rules 5.39 to 5.51.

- 5.54 The discharge of fertiliser onto land, or onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.52 or rule 5.53 is a discretionary activity.**

Land Drainage Water

- 5.55 The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or into or onto land is a permitted activity provided the following conditions are met:**

1. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not:
 - 5.55.1.1 produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - 5.55.1.2 produce any conspicuous change in the colour or visual clarity; and
2. The discharge does not:
 - 5.55.2.1 occur within a group or community drinking water supply protection area as set out in Schedule 1;
 - 5.55.2.2 contain any hazardous substance or hazardous waste; or
 - 5.55.2.3 originate from or enter potentially contaminated land.

- 5.56 The discharge of water that may contain contaminants from sub-surface or surface drains into an artificial watercourse, constructed wetland or into or onto land that does not meet one or more of the conditions of Rule 5.55 is a discretionary activity.**

- 5.57 The discharge of water that may contain contaminants from sub-surface or surface drains into a river, lake or natural wetland is a permitted activity provided the following conditions are met:**

1. The discharge of land drainage water is only from a drainage system, the full spatial extent of which existed at 3 July 2004;
2. The concentration of:
 - 5.57.2.1 total suspended solids in the discharge does not exceed 50 grams/m³; and
 - 5.57.2.2 un-ionised hydrogen sulphide in the discharge does not exceed 0.005 grams/m³;
3. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not:
 - 5.57.3.1 produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - 5.57.3.2 produce any conspicuous change in the colour or visual clarity; or
 - 5.57.3.3 produce any emission of objectionable odour; and
4. The discharge does not:
 - 5.57.4.1 occur within a group or community drinking water supply protection area as set out in Schedule 1; or
 - 5.57.4.2 contain any hazardous substance or hazardous waste.

- 5.58 The discharge of water that may contain contaminants from sub-surface or surface drains into a river, lake or natural wetland that does not meet the conditions of Rule 5.57 is a discretionary activity.**

Cemeteries

- 5.59 The use of land for an existing cemetery, and any ancillary discharge of contaminants into or onto land in circumstances where a contaminant may enter water is a permitted activity.**

Schedule 1; is a prohibited activity.

Industrial and Trade Wastes

5.69 The discharge of any liquid or sludge from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

1. The volume of the discharge does not exceed 10 m³ per day;
2. The discharge is at a rate not exceeding 5 mm per day;
3. The discharge does not:
 - 5.69.3.1 contain any hazardous substance or hazardous waste; or
 - 5.69.3.2 originate on potentially contaminated land; and
4. The discharge is not:
 - 5.69.4.1 directly to a surface water body, or within 50 m of a surface water body, a bore used for water abstraction, a dwelling house or the Coastal Marine Area;
 - 5.69.4.2 within a group or community drinking water supply protection area as set out in Schedule 1;
 - 5.69.4.3 within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;
 - 5.69.4.4 onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil;
 - 5.69.4.5 within any area or zone identified in a proposed or operative district plan for residential or commercial purposes;
 - 5.69.4.6 within an area coloured orange or red on the Planning Maps, unless the discharge contains no nitrogen.

5.70 The discharge of any liquid or sludge from an industrial or trade process, excluding sewage, into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.69 is a discretionary activity.

Stormwater

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

The CRC will restrict discretion to the following matters:

1. The stormwater management plan prepared to address the management of stormwater in the catchment and matters set out in guidance documents prepared by the CRC, and its implementation;
2. The rate and volume of discharge and the changes to the flow regime of a river or artificial watercourse, flood frequency, including flooding of land or dwellings, erosion of river bank and channels;
3. Concentration of contaminants and adverse effects, including cumulative effects on the receiving water quality of surface and groundwater, aquatic ecosystems, Ngāi Tahu cultural values and other existing uses and users of the water, including takes and discharges;
4. Measures to:
 - 5.71.4.1 reduce the volume and concentration of contaminants in the discharge;
 - 5.71.4.2 ensure the volume and rate of discharge do not exceed:
 - 5.71.4.2.1 the capability of the soil and subsoil layers at the site to reduce contaminant concentrations in the discharge;
 - 5.71.4.2.2 the infiltration capacity of the soil and subsoil layers at the site;
 - 5.71.4.3 avoid the accumulation of toxic or persistent contaminants in the soil or subsoil layers; and
 - 5.71.4.4 minimise suspended sediment in stormwater from activities involving

5. The protection of any drinking water sources.

1. The discharge is into a community or network utility operator stormwater system; or
2. The discharge is not from or onto potentially contaminated land;
3. The discharge is not into:
 - 5.72.3.1 a water race, as defined in Section 5 of the Local Government Act 2002;
 - 5.72.3.2 a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or
 - 5.72.3.3 a water body that is Natural State, unless the discharge was lawfully established before 1 November 2013;
4. The discharge does not result in an increase in the flow in the receiving water body at the point of discharge of more than 1% of a flood event with an AEP of 20% (one in five year event);
5. For a discharge of stormwater onto or into land:
 - 5.72.5.1 the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property;
 - 5.72.5.2 the discharge does not result in the ponding of stormwater on the ground for more than 48 hours;
 - 5.72.5.3 the discharge is located at least 1 m above the highest groundwater level that can be reasonably inferred for the site at the time the discharge system is constructed;
 - 5.72.5.4 there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and
 - 5.72.5.5 for a discharge from a roof, the discharge system is sealed to prevent the entry of any other contaminants; and
6. For a discharge of stormwater to surface water:
 - 5.72.6.1 The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
 - 5.72.6.2 the concentration of total suspended solids in the discharge shall not exceed:
 - 5.72.6.2.1 50 g/m³, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
 - 5.72.6.2.2 100 g/m³ where the discharge is to any other river or to an artificial watercourse; and
 - 5.72.6.3 the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.

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Water Tracers

5.74 The discharge of a water tracer to groundwater, a river, lake or artificial watercourse is a controlled activity provided the following conditions are met:

1. The tracers are limited to the following:
 - 5.74.1.1 *Bacillus stearothermophilus* and *Bacillus subtilis* v. *niger*; *Lycopodium* sp. spores;
 - 5.74.1.2 Baker's yeast (*Saccharomyces cerevisia*);
 - 5.74.1.3 Bacteriophages;
 - 5.74.1.4 Rhodamine WT and Fluorescein fluorescent dyes;
 - 5.74.1.5 so
dium chloride
or potassium
chloride; or
(f)potassium
bromide; and
2. The discharge is not within a group or community drinking water supply protection area as set out in Schedule 1.

The CRC will restrict discretion to the following matters:

1. Duration and timing of the discharge; and
2. The volume and concentration of the tracer and likely effects on water quality, aquatic ecosystems and sources of drinking water.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

5.75 The discharge of a water tracer to groundwater, a river, lake or artificial watercourse that does not meet one or more of the conditions in Rule 5.74 is a discretionary activity.

Other Minor Contaminant Discharges

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

1. The volume of the discharge does not exceed 10 m³ per day and the application rate does not exceed 10 mm per day;
2. The discharge is not directly into groundwater;
3. The discharge does not result in any overflow or runoff into any surface water body or onto neighbouring site;
4. The discharge does not, in groundwater, render fresh water unsuitable or unpalatable for consumption by farm animals or humans;
5. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope;
6. The discharge does not occur when the soil moisture exceeds field capacity;
7. The discharge is not from potentially contaminated land; and
8. The discharge is not within
 - 5.76.8.1 50 m of a bore used for water abstraction; or
 - 5.76.8.2 within a group or community drinking water supply protection area as set out in Schedule 1.
9. Where the discharge is from the use of live ammunition associated with military training under the Defence Act 1990, Conditions 1 to 8 do not apply.

Advice Note:

Any discharge that is not permitted by this rule or is not classified by any other rule in this Plan will require resource consent as a discretionary activity under Rule 5.6

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

1. The discharge is not from potentially contaminated land;
2. The discharge is not into a Natural State water body;
3. The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5; and
4. the concentration of total suspended solids in the discharge shall not exceed:
 - (a) 50 g/m³, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or
 - (b) 100 g/m³ where the discharge is to any other river or to an artificial watercourse.
5. **The discharge shall not result in more than a 20% change in the rate of flow of the receiving surface water body.**
6. **The discharge must meet the water quality standards in Schedule 5**

Advice Note:

Any discharge that is not permitted by this rule or is not classified by any other rule in this Plan will require resource consent as a discretionary activity under Rule 5.6

Bores

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

1. The bore or gallery is installed by a bore driller or bore drilling company that holds a current accreditation under the CRC Bore Installers Accreditation Programme;
2. The bore is not for hydrocarbon exploration or production;
3. The screening of any bore or gallery may only be into a single aquifer or water-permeable zone and all aquifers or water-permeable zones of differing pressure, water quality, or temperature are sealed to prevent the interconnection or movement of groundwater between aquifers or water-permeable zones;
4. Any bore constructed to abstract groundwater is screened to below any minimum water level for the groundwater zone as set out in Sections 6-15 of this Plan;
5. Contaminants or water are prevented from entering the top of the bore or gallery or underlying groundwater by:
 - 5.78.5.1 covering or capping the bore or the above ground portion of the gallery pipe, when not in use;
 - 5.78.5.2 sealing the exterior of the bore (the annulus) with bentonite or concrete grout from ground level to above the screen or 1 m below ground level, whichever is the lesser; and
 - 5.78.5.3 sealing the bore-head or above ground portion of the gallery pipe at ground or pumphouse floor level with a concrete pad of at least 0.3 m radius and 0.1 m thickness which is contoured to slope away from the bore or pipe; and
6. Information on bore or gallery location, bore installation (including bore logs and intended uses), and other relevant information is submitted to the CRC within 20 working days of drilling the bore.

Note: the “use” of a bore or gallery does not authorise the taking or use of water.

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

1. For any non-permanent bore, it is decommissioned by filling with clean material and compacted or sealed at the surface to prevent contaminants entering the bore;

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

5.80 From the 1st of November 2013, the use of land, including the bed of a lake or river, for the installation, maintenance and use of a bore or a water infiltration gallery that does not meet one or more of the conditions in Rule 5.78 or 5.79 is a discretionary activity.

Note: the “use” of a bore or gallery does not authorise the taking or use of water.

5.81 The use of land, including the bed of a lake or river, for the installation, maintenance and use of a bore for hydrocarbon exploration or production is a discretionary activity.

5.82 The taking of water from groundwater for the purposes of carrying out bore development or pumping tests and the associated use and discharge of that water is a permitted activity, provided the following conditions are met:

1. The take continues only for the time required to carry out bore development or a pumping test and in any event, the taking does not exceed 120 hours within any 14 day period and total no more than 10 days in any consecutive 12 month period per bore;
2. Any bore development or pumping test is carried out in accordance with Schedule 11;
3. An assessment of interference effects, undertaken in accordance with Schedule 12, does not show that any community, group or private drinking water supply bore will be prevented from taking water; and
4. At the point and time of any discharge to surface water, the rate of flow in the river or artificial watercourse is at least five times the rate of the discharge.

5.83 The taking of water from groundwater for the purposes of carrying out bore development or pumping tests and the associated use and discharge of that water that does not meet one or more of the conditions in Rule 5.82 is a restricted discretionary activity.

The CRC will restrict discretion to the following matter:

1. The effect of not meeting the condition or conditions of Rule 5.82.

Small and Community Water Takes

Interpretation

Note 1: The rules relating to small and community water takes and construction, including road maintenance (Rules 5.84 to 5.93) are the only rules in Section 5 relating to water takes that apply to small and community water takes and construction, including road maintenance. If a small or community water take does not comply with the relevant conditions, then it is considered under the rules for other water takes (Rules 5.96 to 5.106). Specific rules in Sections 6-15 can still over-ride these Section 5 rules.

Note 2: Nothing in this Plan affects an individual's right to take water in accordance with section 14(3)(b) of the RMA.

Note 3: Wetlands, including the margins of rivers, lakes and artificial watercourses, that are contiguous with a river, lake or artificial watercourse and within the bed of the river, lake or artificial watercourse are not considered wetlands for the purposes of Rules 5.76 to 5.100.

5.84 The take and use of water from a river, lake or an artificial watercourse is a permitted activity provided the following conditions are met:

1. The total take ~~or diversion~~ and use per site:
 - (a) is less than the following rates and volumes:

Water body	7DMALF	Rate	Volume per day
River	< 100 L/s	0.5 L/s	2 m ³
River	100 – 500 L/s	2 L/s	10 m ³
River	500 L/s – 10 m ³ /s	5 L/s	20 m ³
River	10 – 20 m ³ /s	5 L/s	50 m ³
River	>20 m ³ /s	5 L/s	100 m ³
Artificial watercourse	N/A	5 L/s	10 m ³
Lakes	N/A	5 L/s	50 m ³

~~(b) for rivers where the 7DMALF is unable to be calculated is at a rate of less than 5 L/s and a maximum volume of 10 m³ per day; and~~

2. Fish are prevented from entering the water intake as set out in Schedule 2;
3. Where the take or diversion is from a water body with a minimum flow that is set in Sections 6-15, the take or diversion of water for other than an individual's reasonable domestic and stockwater use ceases when the flow is at or below the minimum flow for that water body, as ~~measured by~~ ~~as published on~~ the CRC ~~website~~;
4. The take is not from any river or part of a river that is subject to a Water Conservation Order;
5. Where the take is from a ~~water race~~, a irrigation or hydro-electricity canal or storage facility, the abstractor holds a current written agreement with the holder of the resource consents for the taking or diversion of water into the ~~water race~~, canal or storage facility; and
6. The take is not from the Avon River/Ōtākaro or Heathcote River or a natural wetland or a hāpua.

5.84A The take and use of water from any river or part of a river where the MALF is unable to be calculated is a discretionary activity.

5.85 The take and use of water from any river or part of a river that is subject to a Water Conservation Order is a restricted discretionary activity provided the following conditions are met:

1. The take ~~or diversion~~ is at a rate of less than 5 L/s and a maximum volume of 100 m³ per day;
2. Fish are prevented from entering the water intake as set out in Schedule 2; and
3. The take ~~or diversion~~ of water for other than an individual's reasonable domestic and stockwater use ceases when the flow is at or below the minimum flow for that water body as set out in the relevant Water Conservation Order.

The CRC will restrict discretion to the following matter:

1. ~~Whether the take, in combination with all other takes, complies with~~ The provisions of the relevant Water Conservation Order.

5.86 The taking and using of less than 5 L/s and 10 m³ per day of groundwater is a permitted activity provided the following condition is complied with:

1. The bore, other than a sampling or monitoring bore, is located more than 20 m from ~~the~~ a site boundary ~~where that site is in different ownership~~, or any surface water body.

5.87 The taking and using of less than 5 L/s and 100 m³ per day of groundwater is a permitted activity provided the following conditions are complied with:

1. The site is more than 20 ha in area; and
2. The bore is located more than 20 m from the site boundary ~~where that site is in different ownership~~, or any surface water body.

5.88 The taking and using of water for a ~~group or~~ community water supply from groundwater or surface water is a restricted discretionary activity provided the following condition is complied with:

1. There is an operative Water Supply Strategy.

The CRC will restrict discretion to the following matters:

1. The reasonable demand for water, taking into account the size of the community or group, the number of properties and stock that are to be supplied, the uses that are to be supplied and the potential growth in

- demand for water;
2. The effectiveness and efficiency of the distribution network;
 3. The adequacy of the Water Supply Strategy;
 4. The effect on other water takes, including reliability of supply;
 5. The effects on the life-supporting capacity of water bodies;
 6. The effects on natural habitats;
 7. The effects on the values of any significant and outstanding water bodies, including values identified in Schedule XX;
 8. Any beneficial effects from the use of the water; and
 9. Compliance with any relevant Water Conservation Order.
 10. The extent to which the proposed activity is inconsistent with, the Strategic Policies of this Plan.

Note 1: If a small or community water take does not comply with the relevant conditions, then it is considered under the rules for other water takes (Rules 5.96 to 5.106). Specific rules in Sections 6-15 can still over-ride these Section 5 rules.

Note 2: Nothing in this Plan affects an individual's right to take water in accordance with section 14(3)(b) of the RMA.

Water for Construction and Maintenance

5.89 The taking and using of water from a river, lake or an artificial watercourse for infrastructure construction, maintenance and repair is a permitted activity, provided the following conditions are met:

1. The take and use does not exceed 15 L/s and 100 m³ per day;
2. The take and use is for no longer than 2 months;
3. The take does not at any time exceed 10% of the flow at the point of take;
4. Where the take is from a water body with a minimum flow set in Sections 6-15, the take or diversion ceases when the flow is at or below the minimum flow, as published on the CRC website;
5. The take is not from a natural wetland;
6. Fish are prevented from entering the water intake as set out in Schedule 2;
7. Where the take is from a **water race**, an irrigation or hydro-electricity canal or storage facility, the abstractor holds a current written agreement with the holder of the resource consents for the taking or diversion of water into the canal or storage facility; ~~and~~
8. The take is not from any river or part of a river that is subject to a Water Conservation Order; or is listed in Schedule 17 or Schedule XX.

5.90 The taking and using of water from any river or part of a river that is subject to a Water Conservation Order, for infrastructure construction, maintenance and repair is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. ~~Whether the take, in combination with all other takes complies with~~ The provisions of the relevant Water Conservation Order; and
2. The location of the take, the effect on the immediate vicinity and the need for any restriction to prevent the flow from reducing to zero in this vicinity.

5.91 The taking and using of water from a river, lake or an artificial watercourse for infrastructure construction, maintenance and repair, other than from any river or part of a river that is subject to a Water Conservation Order, that does not meet one or more of the conditions in Rule 5.89 is a discretionary activity.

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

1. The take continues only for the time required to carry out the work but not exceeding 6 months;
2. ~~The discharge is not from, into or onto contaminated or potentially contaminated land. The abstraction is not from site where an activity or industry listed in Schedule 3 has occurred or is occurring;~~
3. The take does not lower the groundwater level more than 8 m below the ground level of the site;
4. The take does not have a moderate, high or direct stream depletion effect on a surface water body, determined in accordance with Schedule 9, unless the abstracted groundwater is being discharged to the surface water body to which it is hydraulically connected;
5. An assessment of interference effects, undertaken in accordance with Schedule 12, does not show that any community, group or private drinking water supply bore will be prevented from taking water;
6. At the point and time of any discharge to surface water, the rate of flow in the river or artificial watercourse is at least five times the rate of the discharge;
7. The concentration of suspended solids in any discharge to a surface water body does not exceed ~~50~~ 100 g/m³; ~~and~~
8. The discharge is not within a group or community drinking water supply protection area as set out in Schedule 1; and
9. The discharge is not into a waterbody listed in Schedule 17 or Schedule XX.
10. The discharge must meet the water quality standards in Schedule 5.

5.93 The taking of water from groundwater for the purpose of de-watering for carrying out excavation, construction and geotechnical testing and the associated use and discharge of that water that does not meet one or more of the conditions in Rule 5.92 is a restricted discretionary activity.

The CRC will restrict discretion to the following matter:

1. The effect of not meeting the condition or conditions of Rule 5.92.

Water from Canals or Water Storage

- 5.94** ~~The taking or use of water from irrigation or hydroelectric canals or water storage facilities is a permitted activity, provided the following conditions are met:~~
1. ~~For the taking of water from a water storage facility, the storage facility is not within the bed of a river; and~~
 2. ~~The site owner or occupier has a written agreement with the owner or manager of the irrigation or hydroelectric canal or water storage facility to take water from the artificial watercourse or water storage facility.~~
- 5.95** ~~The taking and/or use of water from irrigation or hydroelectric canals or water storage facilities that does not meet one or more of the conditions in Rule 5.94, or the use of the water, is a discretionary activity.~~

Take and Use Surface Water

- 5.96** **The taking and use of surface water from a river or lake is a restricted discretionary activity, provided the following conditions are met:**
1. ~~Unless the proposed take or diversion is the replacement of a lawfully established affected by the provisions of section 124 of the RMA, t~~The take, in addition to all existing resource consented takes, complies with any rate of take and seasonal or annual volume limits set in Sections 6-15 for that surface water body;
 2. Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 - 124C of the RMA, if no limits are set in Sections 6-15 for that surface water body, the take, both singularly and in addition to all existing resource consented takes meets a flow regime ~~with a minimum flow of 50% of the 7-day mean annual low flow (7DMALF) as calculated by the CRC and an allocation limit of 20% of the 7DMALF and so that:~~
 - (a) rivers with mean flows less than or equal to 5m³/s, have a minimum flow of 90% of the 7-day mean annual low flow (7DMALF) as calculated by the Canterbury Regional Council and an allocation limit of 30% of the 7DMALF; and
 - (b) for rivers with mean flows greater than 5m³/s, a minimum flow of 80% of the 7DMALF as calculated by the Canterbury Regional Council and an allocation limit of 50% of the 7DMALF with a minimum flow of 50% of the 7-day mean annual low flow (7DMALF) as calculated by the CRC and an allocation limit of 20% of the 7DMALF; and
 3. The take is not from a natural wetland, hāpua or a high naturalness river that is listed in Sections 6-15 or a waterbody listed in Schedule 17 or Schedule XX.

The CRC will restrict discretion to the following matters:

1. Any effects on water quality, including whether the activity, in combination with all other activities, will alter the water quality allocation status of the relevant catchment;
2. Whether the amount of water to be taken and used is reasonable for the proposed use. In assessing reasonable use for irrigation purposes, the CRC will consider the matters set out in Schedule 10;
3. For water used for irrigation, the management of water allocation and resulting nutrient discharges on individual farms;
4. The potential effects on groundwater recharge where the groundwater allocation zone is fully or over-allocated as set out in Sections 6-15;
5. The availability and practicality of using alternative supplies of water;
6. The effects the take ~~or diversion~~ has on any other authorised takes or diversions;
7. The potential to frustrate or prevent the attainment of the regional network for water harvest, storage and distribution, shown on the Regional Concept diagram in Schedule 16;
8. The reduction in the rate of take in times of low flow and restrictions to prevent the flow from reducing to zero as set out in policies to this Plan;
9. Whether and how fish are prevented from entering the water intake; and
10. ~~Whether the take, in combination with all other takes, complies with~~ The provisions of any relevant Water Conservation Order
11. The effect on values of a waterbody listed in Schedule 17 or Schedule XX.
12. Effects on flow requirements identified in Policy 4.1A

- 5.97 The taking and use of surface water from a river or lake that does not meet condition 2 or 3 in Rule 5.96 is a non-complying activity.
- 5.98 The taking and use of surface water from a river or lake that does not meet condition 1 in Rule 5.96 is a prohibited activity.
- 5.99 The **non-consumptive** taking and use of water from a lake, river or artificial watercourse and discharge of the same water to the same lake, river or artificial watercourse is a restricted discretionary activity, provided the following conditions are met:
1. Limits have been set for that surface water body in Sections 6-15 or the lake or river is subject to a Water Conservation Order;
 2. The taking of water and subsequent discharge will have no effect on the limits set for that water body in Sections 6-15 or the flow and allocation regime set out in the Water Conservation Order;
 3. The maximum distance from the point of take to the point of discharge is not more than 250 m; and
 4. The take is not from a natural wetland, hāpua or a high naturalness lake or river that is listed in Sections 6-15 or Schedule XX.
- The CRC will restrict discretion to the following matters:***
1. Measures that will ensure the limits are not affected;
 2. Whether the amount of water to be taken is reasonable for the intended use;
 3. The effects the take has on any other authorised takes or diversions;
 4. The potential to frustrate or prevent the attainment of the regional network for water harvest, storage and distribution, shown on the Regional Concept diagram in Schedule 16;
 5. The reduction in the rate of take in times of low flow and the need for any additional restrictions to prevent the flow from reducing to zero;
 6. Whether and how fish are prevented from entering the water intake **and/or discharge structure**;
 7. Effects on aquatic ecosystems, in-stream habitat, wetlands, **dryland habitats** sites of significance to Ngāi Tahu, **and Ngai Tahu values**, amenity & recreational values in the area of the river subject to the **diversion take**; and
 8. Effects of both take **or diversion** and **any subsequent** discharge on water quality.
- 5.100 The **non-consumptive** taking and use of water from a lake, river or artificial watercourse and discharge of the same water to the same lake, river or artificial watercourse that does not meet one or more of the conditions in Rule 5.99 is a non-complying activity.

Take and Use Groundwater

- 5.101 The taking and use of groundwater is a restricted discretionary activity, provided the following conditions are met:
1. The take is from within a Groundwater Allocation Zone on the Planning Maps;
 2. ~~Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 – 124C of the RMA, for stream depleting groundwater takes, t~~ The take, in addition to all existing resource consented surface water takes, complies with the limits set in Sections 6-15 for that surface water body in accordance with Schedule 9;
 3. ~~Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 – 124C of the RMA, the~~ The seasonal or annual volume of the groundwater take, in addition to all existing resource consented takes **as determined by the method in Schedule 13**, does not exceed the limits for the relevant Groundwater Allocation Zone in Sections 6-15; and
 4. The bore interference effects are acceptable, as set out in Schedule 12.

The CRC will restrict discretion to the following matters:

1. Whether the amount of water to be taken and used is reasonable for the proposed use. In assessing reasonable use for irrigation purposes, the CRC will consider the matters set out in Schedule 10;
2. The availability and practicality of using alternative supplies of water;

3. The maximum rate of take, including the capacity of the bore or bore field **to achieve that rate and the rate required to service** any irrigation system;
4. The effects on surface water resources if the groundwater take is within a surface water catchment where the surface water allocation limit, as set out in Sections 6-15 is fully or over-allocated;
5. The effects the take has on any other authorised takes, including interference effects as set out in Schedule 12;
6. For stream depleting groundwater takes, any reduction in the rate of take in times of low flow and restrictions to prevent the flow from reducing to zero as set out in policies to this Plan; and
7. Whether salt-water intrusion into the aquifer or landward movement of the salt water/fresh water interface is prevented.
8. **The proximity of water use to any significant indigenous biodiversity; and**
9. **The protection of groundwater sources, including the prevention of backflow of water or contaminants**

5.102 ~~The taking and use of groundwater where the point of abstraction is outside of a Groundwater Allocation Zone on the Planning Maps is a non-complying activity.~~

5.103 The taking and use of groundwater that does not meet one or more of conditions 1 and 4 in Rule 5.101 is a non-complying activity.

5.104 The taking and use of groundwater that does not meet one or more of conditions 2 and 3 in Rule 5.101 is a prohibited activity.

5.105 The non-consumptive taking and using of groundwater, including for heating or cooling purposes, and the associated discharge to groundwater, is a **permitted restricted discretionary** activity provided the following conditions are complied with:

1. The discharge of the groundwater is to the same aquifer or groundwater source as the abstraction, and the discharge is within 50 m of the abstraction point;
2. The use of the water is for **non-commercial domestic** purposes; and
3. No contaminants, other than water of the same or different temperature, enter the groundwater.

5.106 The **non-consumptive** taking and use of groundwater and **associated discharge of the same to groundwater that does not meet one or more of the Conditions in Rule 5.105 to the same aquifer** is a discretionary activity.

Transfer of Water Permits

5.107 The temporary or permanent transfer, in whole or in part, (other than to the new owner of the site to which the take and use of the water relates and where the location of the take and use of water does not change) of a water permit to take or use surface water or groundwater, is a restricted discretionary activity, provided the following conditions are met:

1. The reliability of supply for any other lawfully established water take is not reduced;
2. The seasonal or annual volume of take after the transfer is less than or equal to the volume of take prior to the transfer, or if no seasonal or annual volume has been applied, a seasonal or annual volume is applied in accordance with Schedule 10;
3. In the case of surface water, the point of take remains within the same surface water allocation zone and the take complies with the limits set in Sections 6-15;
4. In the case of groundwater:
 - (a) the point of take is within the same groundwater allocation zone;
 - (b) the bore interference effects as set out in Schedule 12 are acceptable; and
 - (c) in addition for stream depleting groundwater takes:
 - (i) the transfer is within the same surface water allocation zone;
 - (ii) the take complies with the limits set in Sections 6-15; and,

- (iii) the stream depletion effect is no greater in the transferred location than in the original location; and
- 5. In a catchment where the surface water and/or groundwater allocation limits set out in Rule 5.96 or Sections 6-15 are exceeded any transferred water is surrendered in the following proportions:
 - (a) 0% in the case of transferring surface water to an irrigation scheme or principal water supplier which includes a storage component;
 - (b) 25% in the case of transferring surface water from down-plains to up-plains;
 - (c) 25% in the case of transferring groundwater from up-plains to down-plains; and
 - (d) 50% in all other cases.

The CRC will restrict discretion to the following matters:

1. The nature of the transfer, whether short term, long term, partial or full, and the apportioning of the maximum rate and seasonal or annual volume in the case of a partial transfer;
 2. The appropriateness of existing conditions, including conditions on minimum flow, seasonal or annual volume and other restrictions to mitigate effects;
 3. The reasonable need for the quantities of water sought, the intended use of the water and the ability of the applicant to abstract and use those quantities;
 4. The efficiency of the exercise of the resource consent;
 5. The reduction in the rate of take in times of low flow; and
 6. The method of preventing fish from entering any water intake.
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Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

- 5.108** The temporary or permanent transfer, in whole or in part, of a water permit to take or use surface water or groundwater that does not meet one or more of the conditions of Rule 5.107 is a non-complying activity.

Flow Sensitive Catchments

- 5.109** The replanting after harvest of areas of plantation forest within any flow-sensitive catchment listed in Sections 6-15 is a permitted activity, provided the following conditions are met:

1. The total area of replanted forest does not exceed the area of forest and replanting of the forest occurs in the same location, or the area as used for a rotation forestry operation, that existed at 1 November 2010; and
2. Any replanting occurs within five years of the removal of the previous forest cover.

- 5.110** The planting of new areas of plantation forest within any flow-sensitive catchment listed in Sections 6-15 is a ~~permitted~~ controlled activity, provided the forest planting meets the following conditions:

1. Existing areas of exotic tall vegetation, other than plantation forest, that is greater than 2 m tall and occupies more than 80% of the canopy cover and existed at 1 November 2010 may be planted in plantation forest; and
2. The total area of land planted in plantation forest, ~~other than land planted pursuant to condition 1,~~ does not exceed ~~2045%~~ 20% of the flow sensitive catchment or sub-catchment listed in Section 6-15 ~~total site area of a certificate of title that existed at 1 November 2010.~~

The Canterbury Regional Council will retain control over the following matter:

1. The provision of information on the location, density and timing of planting.

- 5.111** The replanting after harvest of areas of plantation forest that does not meet the conditions of Rule 5.109 or the planting of new plantation forest that does not meet one or more of the conditions of Rule 5.110, within any flow-sensitive catchment listed in Sections 6-15 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The impacts of forestry planting on the surface water flows in the catchment, including water allocation status, minimum flow or flow regime, in-stream values and authorised takes and use of the water;
2. The impacts of forestry planting on groundwater recharge;
3. The benefits of the forestry for slope stability, erosion control, noxious plant control, water quality, carbon sequestration and biodiversity protection;
4. The spacing and density, and species of the planting; and
5. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan.

Structures

Note: For all activities in or near waterways, refer also to requirements and restrictions under the Canterbury Flood Protection and Drainage Bylaw 2012.

- 5.112** ~~Unless specified otherwise in Sections 6-15, wetlands, including the margins of rivers, lakes and artificial watercourses, that are contiguous with a river, lake or artificial watercourse and within the bed of the river, lake or artificial watercourse are not considered wetlands for the purposes of Rules 5.139 to 5.142.~~
- 5.113** The placement, use, altering, reconstruction maintenance or removal of pipes, ducts, cables or wires over the bed of a lake or river, whether attached to a structure or not is a permitted activity, provided the following conditions are met:
1. The pipes, ducts, cables or wires ~~run perpendicular to the channel and~~ do not prevent access to or over the bed or to lawfully established structures ~~or defences against water, including flood protection works, or to flood control vegetation;~~
 2. The activity is not undertaken in, on, or over the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15, ~~or listed in Schedule 17 or Schedule XX,~~ unless the pipes, ducts, cables or wires are attached to an existing structure;
 3. ~~If the pipes, ducts, cables or wires are attached to an existing structure, they are attached above the soffit; and~~
 4. The pipes, ducts, cables or wires do not obstruct or alter navigation of the lake or river ~~or reduce the flood carrying capacity of the waterway.~~
- 5.114** The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, maintenance, or removal of pipes, ducts, cables or wires ~~and associated support structures~~ is a permitted activity, provided the following conditions are met:
1. The activity is not undertaken in, on, or under the bed of a lake listed as a high naturalness lake in Sections 6-15 ~~or listed in Schedule 17 or Schedule XX or in an inanga or salmon spawning site listed in Schedule 17;~~
 2. The activity does not involve the deposition of any substance, other than bed material, on the bed of a lake or river;
 3. The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection works ~~or closer where there is evidence that permission has been obtained from the owner of the infrastructure or the works are being carried out by or on behalf of the owner;~~
 4. Within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour;
 5. Marker posts are erected for the lifetime of the pipes, ducts, cables or wires; and
 6. The works do not occur in flowing water.
- Note: The installation of a bore in the bed of a lake or river is controlled in Rule 5.78.*
- 5.115** The installation, extension, use, maintenance or removal of bridges and culverts, ~~including the erection or extension of the structure~~ and the consequential deposition of substances on, in or under the bed of a lake or river, the excavation or other disturbance of the bed of a lake or river, and, in the case of culverts, the associated take, discharge or diversion of water is a permitted activity, provided the following conditions are met:
1. Any ~~substance material~~ deposited in, on, under or over the bed of a lake or river in order to construct or maintain the structure is of inert materials of colour and material type that blends with the surrounding natural environment and does not contain or is not coated with any hazardous substance;
 2. The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection works ~~or closer where there is evidence that permission has been obtained from the owner of the infrastructure or the works are being carried out by or on behalf of the owner;~~
 3. The works do not occur in flowing water

4. No contaminants (including by not limited to oil, petrol, diesel, paint or solvent) shall be released to water from equipment being used during works associated with the installation, extension, use, maintenance or removal of bridges and culverts;
5. Any discharge to water meets the water quality standards in Schedule 5;
6. Other than the maintenance of a structure outside the spawning season and the use of a structure the activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17;
7. Upon completion of the activity:
 - (a) any area of the bed of a lake or river which has been disturbed is returned to as near as practicable to its original state;
 - (b) any excavated areas are left with battered slopes not steeper than 3:1 slope angle (3 horizontal to 1 vertical) and any flow channels disturbed during the activity are reinstated;
8. For any permanent culvert:
 - (a) the maximum length is 25 m;
 - (b) the maximum width of the river bed at the point of the crossing is 5 m;
 - (c) the culvert is installed so that the base of the culvert is below bed level to an extent that a minimum of 25% of the internal width of the culvert is below the level of the bed of the river or lake or is covered with water at the estimated 7DMALF;
 - (d) the culvert provides a 50% AEP flood flow capacity without increasing upstream water levels; and
 - (e) the location is not within any urban area or settlement;
9. For any temporary culvert:
 - (a) the maximum width of the river bed at the point of the crossing is 5 m;
 - (b) the culvert is installed at a level no higher than bed level, and no lower than 100 mm below the level of the bed of the river or lake;
 - (c) the culvert is not placed in a water body managed for flood control or drainage purposes unless written approval is obtained from the authority responsible for the waterbody, unless it is undertaken by or on behalf of the CRC; and
 - (d) the culvert is not in place for more than four weeks; and
10. For any bridge:
 - (a) there are no piers within the bed;
 - (b) the bridge and the approaches are designed so that a 5% AEP flood event does not cause any increase in upstream water levels;
 - (c) the soffit (underside) of any bridge is higher than the top of the river bank, and at least 500 mm above the 5% AEP flood level; and
 - (d) the bridge abutments are constructed parallel to the flow.
11. The works or structures do not impede any existing fish passage

5.116 The installation, maintenance, use and removal of defences against water flood protection works, and including the associated deposition of substances on, in or under the bed of a lake or river and excavation, associated diversions and discharges of sediment or other disturbance of the bed of a lake or river is a permitted activity, provided the following conditions are met:

1. The activity does not prevent access in any way to lawfully established structures, including flood protection works defences against water, or to flood control vegetation;
2. Other than for the use of flood protection work the activity is not in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15 or site listed in Schedule 17 or Schedule XX; and
3. The activity is undertaken by or on behalf of a local authority or a network utility operator in accordance with a flood protection plan that has been certified by CRC as being in accordance with the CRC's River Engineering Section Quality and Environmental Management System Manual (March 2010) by the CRC and;
4. The works or structures do not impede any existing fish passage.
5. Any discharge to water must meet the water quality standards in Schedule 5

5.117 For structures, excluding dams, lawfully established prior to the notification of this Plan, the use and maintenance of the structure is a permitted activity The use, maintenance, upgrading and minor alteration of structures, excluding dams, on, in or under the bed of a lake or river are permitted activities provided the following conditions are met:

1. The structures are lawfully established prior to the notification of this Plan

2. Any **substance material** deposited in, on, under or over the bed in order to maintain the structure is of inert materials of colour and material type that blends with the surrounding natural environment, is not contaminated with any hazardous substance ~~and is not deposited into surface water~~.
3. Any upgrading or minor alteration shall not increase the footprint, height, or external envelope of the structure.

5.118 Notwithstanding any other rule in this Plan, temporary structures and diversions associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.1287 or in relation to artificial watercourses are permitted activities, provided the following conditions are met:

1. **The diversion does not divert more than third of the width of the naturally flowing or standing water body;**
2. The activity is not undertaken in an inanga or ~~salmon~~ **salmonid** spawning site listed in Schedule 17 **or water body of significance in Schedule XX**; and
3. The **temporary structure and** diversion is in place for not more than **42** weeks in any 12 month period.

5.119 Temporary discharges to water or to land in circumstances where a contaminant may enter water associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.1287 or in relation to artificial watercourses are permitted activities, provided the following conditions are met:

1. The discharge is only of sediment, **organic material** and water originating from within the bed of the lake or river;
2. The discharge is not undertaken in ~~a salmon~~, an inanga or ~~salmon~~ **trout** spawning site listed in Schedule 17 **or water body of significance in Schedule XX**;
3. **The works do not occur in flowing water**
4. **No contaminants (including by not limited to oil, petrol, diesel, paint or solvent) shall be released to water from equipment being used during works associated with the installation, extension, use, maintenance or removal of bridges and culverts;**
5. **Any discharge to water does not have any significant adverse effects on aquatic life;**
6. The discharge is not for more than ~~eight~~ **ten** hours in any 24-hour period, and not more than ~~40~~ **50** hours in total in any calendar month.

5.120 The diversion of surface run-off water caused by flooding is a permitted activity, provided the following conditions are met:

1. The activity is undertaken by **or on behalf of** a local authority in accordance with a ~~flood protection~~ plan that has been certified as being in accordance with the CRC's River Engineering Section Quality and Environmental Management System Manual (March 2010) by the CRC.

5.121 Any structure, excluding dams, but including any associated diversions and discharges in the bed of a lake or river that does not comply with Rules 5.113 to 5.120 is a discretionary activity.

5.121A Where not classified by any other rule in this plan, the diversion or discharge of water as a result of the excavation and disturbance of a river or lake bed, or the establishment of a structure or defence against water, is a discretionary activity

Refuelling in Lake and Riverbeds

5.122 The refuelling of vehicles or equipment in the bed of a lake or river is a permitted activity, provided the following conditions are met:

1. The refuelling of machinery does not take place over the wet bed of a river or lake, or in any area where spills may enter surface water;
2. All refuelling and bulk deliveries are directly supervised by the equipment operator;
3. All mobile plant is refuelled in a designated area, on an impermeable base away from drains or watercourses and if not, drip trays are used; and
4. All non-mobile plant has drip trays or other spill-containment installed.

5.123 The refuelling of vehicles or equipment in the bed of a lake or river that does not meet one or more of the conditions of Rule 5.122 is a discretionary activity.

Gravel from Lake and Riverbeds

Note: For all activities in or near waterways, refer also to requirements and restrictions under the Canterbury Flood Protection and Drainage Bylaw 2012.

- 5.124** Sections 124A to 124C of the Resource Management Act 1991 (August 2012 reprint) do not apply to resource consents to extract gravel from rivers in Canterbury.
- 5.125** The extraction of gravel **from the bed of a lake or river** including the deposition of substances on the bed and excavation or other disturbance of the bed of a lake or river is a permitted activity, provided the following conditions are met:
1. The activity is not undertaken in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15;
 2. No part of the activity occurs within flowing water;
 3. The activity does not include the deposition of any substance, other than bed material, on the bed;
 4. The volume excavated by any person or on behalf of any person, organisation or corporation:
 - (a) in the bed of any river or lake does not exceed 5 m³ in any 12 consecutive months; or
 - (b) between 1 February and 31 August, in the beds listed in Schedule 14, does not exceed 5 m³ per month and not more than 10 m³ in any 12 consecutive months period; or
 - (c) between 1 February and 31 August, in the beds listed in Schedule 15, does not exceed 10 m³ per month and not more than 20 m³ in any 12 consecutive months period;
 5. Any excavated material (other than surplus or reject material) is removed from the bed within 10 days of the material being excavated;
 6. The activity is undertaken more than 50 m from any lawfully established dam, weir, culvert crossing, bridge, surface water intake plant or network utility pole or pylon, more than 150 m from any lawfully established water level recorder and more than 5 m of any existing **flood-control works defences against water** unless they are the network utility operator responsible for the structure;
 7. The activity and any associated equipment, materials or debris does not obstruct or alter access to or the navigation of the lake or river;
 8. The activity does not include screening or any other processing of the gravel within the bed of the lake or river; and
 9. The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17 or water body of significance in Schedule XX.
 10. **Excavation shall not occur within 100 metres of birds which are nesting or rearing their young in the bed of the river**
- 5.126** The extraction of gravel, including the ancillary deposition of substances on the bed and excavation or other disturbance of the bed that complies with all the conditions in Rule 5.125, except with respect to the volume limits, is a permitted activity, provided the following condition is met:
1. The extraction of gravel is undertaken by the CRC or persons acting under written authority of the CRC.
- 5.127** Any extraction of gravel from the bed of a lake or river where one or more of the conditions for Rule 5.125 or 5.126 are not met is a discretionary activity.

Dams and Damming

- 5.128** The damming of water in the bed of a river and the constructing, using, altering, maintaining and operating dam structures within the bed of a river, and the use of land to store water, including any associated **impounding damming** of water outside the bed of a river or natural lake is a permitted activity, provided the following conditions are met:
1. For the **impounding damming** of water outside the bed of a river or natural lake:
 - (a) the volume of water stored or impounded is less than 20,000 m³;
 - (b) the maximum depth of water is less than 3 m; ~~and~~
 - (c) if the volume of water impounded is greater than 1,000 m³, the design and construction of the dam is certified by a ~~chartered professional~~ **Recognised Engineer (civil)**; and
 - (d) **the land is not contaminated or potentially contaminated**
 - (e) **the dam structure shall not impede any legal access to waterways;**

- (f) All reasonable steps be taken to minimize the release of sediment to water during construction;
 - (g) No contaminants (including by not limited to oil, petrol, diesel, paint or solvent) shall be released to water from equipment being used during works associated with the installation, extension, use, maintenance or removal of bridges and culverts; and
 - (h) All material used during construction of the dam but not part of the dam shall be removed from the river, or lake bed formed by the dam, and disposed of in an appropriate manner.
2. For the damming of water in the bed of a river and the constructing, altering, using, maintaining and operating of dam structures within the bed of a river:
- (a) The volume of water impounded is less than 5,000 m³;
 - (b) The maximum depth of water is less than 3 m;
 - (c) The dam does not impound the full flow of the river;
 - (d) Any existing passage of fish is not impeded;
 - (e) The damming of water does not cause water flow to fail to meet any environmental flow and allocation limits in Sections 6-15 or fall below the minimum flow for the surface water body if the water body is subject to a minimum flow as set out in Sections 6-15;
 - (f) The dam is not located in a river listed as a high naturalness river in Sections 6-15 or Schedule XX or in the mainstem of any river; and
 - (g) The dam is not located in an area identified in Schedule 17 as an inanga or salmon spawning site
 - (h) The damming does not prevent water being taken by any domestic or stock water supply, or reduce the reliability of supply of any existing legally authorised water take;
 - (i) The dam structure does not impede any legal access to the waterway;
 - (j) Any discharge of contaminants to water arising from the activity must meet the water quality standards in Schedule 5;
 - (k) No contaminants (including by not limited to oil, petrol, diesel, paint or solvent) shall be released to water from equipment being used during works associated with the installation, extension, use, maintenance or removal of bridges and culverts; and
 - (l) All material used during construction of the dam but not part of the dam shall be removed from the river, or lake bed formed by the dam, and disposed of in an appropriate manner.

5.129 The damming of water in the bed of a river and the constructing, using, altering, maintaining and operating structures within the bed of a river, and the use of land to store water, including any associated **impounding damming** of water outside the bed of a river or natural lake that does not meet the conditions of Rule 5.128 is a discretionary activity, provided the following conditions are met:

- 1. The damming of water **complies with the environmental flow and allocation limits** ~~does not cause water flow to fail to meet any limits~~ set out in Sections 6-15;
- 2. ~~The~~ Any new dam is not located in a river listed as a high naturalness lake or river in Sections 6-15 ~~or~~ **Schedule XX** or in the mainstem of any river; and
- 3. The damming does not prevent water being taken by any domestic or stock water supply, or reduce the reliability of supply of any existing legally authorised water take;

5.130 The damming of water in the bed of a river, including the associated constructing, using, maintaining and operating structures within the bed of a river that does not comply with one or more of the conditions in Rule 5.129 is a non-complying activity.

5.131 The constructing of a new dam and the damming of water in the bed of a river or lake that results in the natural operating regime or level of a natural lake being altered is a non-complying activity.

5.132 The use and maintenance of a ~~structure in the bed of a river associated with a~~ lawfully established **dam hydroelectricity power scheme** that existed on 4 November 2013 [the date of notification of the Plan] is a controlled activity.

The CRC reserves control over the following matters:

- 1. The maintenance of, or improvement of, fish passage;
- 2. The risk of dam failure;

3. Whether and how fish are prevented from entering any intake structures;
4. Passage of flood waters.

Stock Exclusion from Waterbodies

- 5.133 The use and disturbance of the bed of a lake or river or a wetland by outdoor intensively farmed livestock for temporary or permanent stocking or temporary access is a prohibited activity.**
- 5.134 The use and disturbance of the bed of a lake or river or a wetland by cattle or farmed deer for temporary or permanent stocking is a prohibited activity in the following areas:**
1. In an inanga or salmon spawning site listed in Schedule 17;
 2. Within 1000 m upstream of a group or community water supply intake as listed in Schedule 1;
 3. Within 1000 m upstream in the bed of a lake or flowing river of a fresh water bathing site listed in Schedule 6; or
 4. In a bed of a Spring-fed plains river.
- 5.135 The use and disturbance of the bed of a lake, river or wetland for temporary or permanent stocking or temporary access and any associated discharges is a permitted activity, provided the following conditions are met:**
1. The use or disturbance is not a prohibited activity under Rules 5.133 or 5.134
 2. The disturbance by livestock shall not, outside the Mixing Zone cause:
 - (a) a conspicuous change in colour or clarity of the water;
 - (b) the concentration of *Exherichia coli* to exceed 550 *E.coli* per 100 millilitres;
 3. The disturbance shall not result in the following effects being clearly visible in or on the bed, including the banks of a river or lake:
 - (a) pugging or trampling of the land; or
 - (b) areas of bare ground; and
 4. The disturbance of a wetland shall not result in:
 - (a) a conspicuous change in colour or clarity of the water;
 - (b) any clearly visible pugging or trampling of land.
- 5.136 The use and disturbance of a bed of a lake, river or wetland for a permanent stock crossing point and any associated discharges is a permitted activity, provided the following conditions are met:**
1. The use or disturbance is not a prohibited activity under Rules 5.133 or 5.134;
 2. The crossing point is not more than 20 m wide;
 3. The crossing point is perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the riverbed or adjoining land;
 4. The crossing point aligns with a constructed track or raceway on either side of the crossing point;
 5. The crossing point does not obstruct the passage of fish;
 6. The approaches to the crossing shall be located, constructed and maintained to ensure that the parts of the crossing approaching the area of the bed covered by water under low flow conditions are underlain by compacted gravel or some other material with an equivalent or better stability against erosion.
- 5.137 The use and disturbance of the bed of a lake or river or a wetland for temporary or permanent stocking and any incidental discharges that does not comply with one or more of conditions 2 to 4 in Rule 5.135, and for a permanent stock crossing point that does not comply with one or more of conditions 2 to 6 in Rule 5.136, is a discretionary activity.**

Wetlands

- 5.138** Unless specified otherwise in Sections 6-15, wetlands, including the margins of rivers, lakes and artificial watercourses, that are contiguous with a river, lake or artificial watercourse and within the bed of the river, lake or artificial watercourse are not considered wetlands for the purposes of Rules 5.139 to 5.142.
- 5.139** The enhancing, restoring or creating of a wetland, including the associated taking, use, **damming** or diversion of water from groundwater or surface water, and discharge of excess or overflow water from the wetland into surface water is a permitted activity if the following conditions are met:
1. The taking, use **damming** or diversion of water is from within the site, and is at a maximum rate of 5 L/s and 100 m³ per day;
 2. ~~Fish passage is not restricted;~~
 3. The taking of water is non-consumptive, is discharged back into the same **river waterbody** and complies with any limits in Sections 6-15 of this Plan or any other Regional Plan for the relevant water body; and
 4. The taking of water does not prevent water being taken by any domestic or stock water supply.
- 5.140** The enhancing, restoring or creating a wetland that does not comply with one or more of the conditions in Rule 5.139 is a discretionary activity.
- 5.141** Reducing the area of a natural wetland associated with the provision of infrastructure for transport, electricity or water distribution or reticulation, including **vegetation clearance and earthworks** and the taking, use, damming or diversion (including draining) of water and the associated discharge of any water onto land or into a river, lake, artificial watercourse or wetland is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The practicality of avoiding the natural wetland, including alternative routes or methods;
 2. The **ecological significance of the wetland and the** potential for adverse effects on the significant values ~~of the wetland~~; and
 3. Any off-setting of effects through the enhancement or creation of additional wetland area; and
 4. **The magnitude of reduction in the area of natural wetland; and**
 5. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan.
- 5.142** Reducing the area of a natural wetland by the taking, use, damming or diversion (including draining) of water or other means, including vegetation clearance, **cultivation**, burning or earthworks, except as provided for in Rule 5.141 is a non-complying activity.

Vegetation in Lake and Riverbeds

Note: For all activities in or near waterways, refer also to requirements and restrictions under the Canterbury Flood Protection and Drainage Bylaw 2012.

- 5.143** The introduction or planting of any plant, ~~or the removal and disturbance of existing vegetation~~ in, on or under bed of a lake or river is a permitted activity, provided the following conditions are met:
1. The activity does not prevent access to lawfully established structures, including flood protection works, or to flood control vegetation;
 2. No vegetation used for flood control or bank stabilisation is disturbed, removed, damaged or destroyed except by or on behalf, **or with the approval**, of ~~the person or~~ agency responsible for maintaining that vegetation for flood control purposes;
 3. ~~No woody vegetation is disposed of in, on, over or under the bed of a lake or river;~~
 4. Introduction or planting of vegetation in, on, or under the bed of any lake or river is not of a species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy;
 5. Introduction or planting of vegetation in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15 or Schedule XX is only of indigenous plant species that naturally occur in the catchment;
 6. ~~The disturbance, removal, damage or destroying of any plant or vegetation in, on, or under the bed~~

~~of any river or lake listed as a high naturalness lake or river in Sections 6-15 is only of species-
non-indigenous species;~~

7. Except for clearance around utilities or existing structures, removal of a species listed in the Biodiversity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy, clearance for the purposes of maintaining existing fence lines, vehicle tracks, firebreaks, drains, ponds, dams or crossings, the activity does not occur in an inanga or salmon spawning site listed in Schedule 17; and
8. In a flood control rating district scheme area ~~identified in Schedule 14~~, the introduction or planting of any plant, is by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes.

5.144 The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on
5.144 or under the bed of a lake, ~~or river or hapua~~ that does not comply with one or more of conditions 1, ~~3~~
5.144 ~~or 7 or 5 to 7~~ of Rule 5.143 is a ~~restricted~~ discretionary activity.

5.144 ~~The CRC will restrict discretion to the following matters:~~

- 5.144 ~~1. The effect of not meeting the condition or conditions of Rule 5.143; and~~
- 5.144 ~~2. The extent to which the proposed activity will prevent or compromise the attainment of the
5.144 environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan.~~

5.144 The introduction or planting of any plant, ~~or the removal and disturbance of existing vegetation~~ in, on
5.144 or under the bed of a lake, ~~or river, or hapua~~ that does not comply with one or more of conditions
5.144 2, 5, 6 or 8 of Rule 5.143 is a non-complying activity.

~~5.144A The removal or disturbance of existing vegetation in, on, over or under the bed of a river, lake or
5.144 hapua that is specified as is a discretionary activity.~~

~~5.144B The removal or disturbance of existing vegetation in, on, over or under the bed of a river, lake, or
5.144 hapua specified as high naturalness in Sections 6-15 or in Schedule XX or a wetland that is specified as
5.144 is a non-complying activity.~~

5.144 The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on
5.144 or under the bed of a lake, ~~or river~~, wetland or hapua that does not comply with condition 4 of Rule
5.144 5.143 is a prohibited activity.

Earthworks and Vegetation Clearance in Riparian Areas

- 5.147 The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a natural wetland boundary but within:**
- a. ~~20~~ 10 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk zoned LH2 on the Planning Maps; or
 - b. ~~40~~ 5 m of the bed of a lake or river or a natural wetland boundary in all other land not shown as High Soil Erosion Risk land ~~zoned LH4~~ on the Planning Maps; or defined as Hill and High Country is a permitted activity provided the following conditions are met:
 1. The area of bare ground resulting from vegetation clearance does not exceed 10% of the area within the relevant setback distance in any site at any time, ~~except as a result of post-plant spraying~~;
 2. The vegetation clearance is not on land above 900 m above sea level;
 3. The felling of trees, or any part of a tree, except where to ensure human safety it is not practicable to do so, is away from any lake, river or wetland and no logs or tree trunks are dragged through or across the bed of a lake or a permanently flowing river, or a wetland;
 4. The vegetation clearance does not occur adjacent to ~~within 1 m of~~ a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;
 5. The vegetation is not flood or erosion control vegetation; and
 6. Vegetation clearance associated with recovery activities ~~or the establishment, maintenance or repair of network utilities and fencing~~ is not required to meet Conditions 1 and 2.

Note: Refer to the CRC's Erosion and Sediment Control Guidelines for additional guidance on undertaking vegetation clearance activities.

- 5.148 The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:**
- a. ~~20~~ 10m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk ~~zoned LH2~~ on the Planning Maps; or
 - b. ~~40~~ 5m of the bed of a lake or river or a natural wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country land ~~zoned LH4~~ on the Planning Maps; is a permitted activity provided the following conditions are met:
 1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:
 - (a) an area of 500 m², or 10% of the area, whichever is the lesser; or
 - (b) a volume of 10 m³ on Hill and High Country land and land zoned LH2 on land shown as High Soil Erosion Risk on the Planning Maps;
 2. Any discharge of sediment associated with the activity into the water in a river, lake, wetland or the Coastal Marine Area does not exceed 8 hours in any 24 hour period, and does not exceed 24 hours in total in any 6 month period;
 3. Any cultivation is across the contour of the land;
 4. Any trenches excavated for infrastructure are back-filled and compacted within 10 days of being excavated;
 5. The activity does not occur adjacent to within a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;
 6. Any earthworks or cultivation is not within 5 m of any flood control structure; and
 7. Earthworks associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet Conditions 1 or 62.

- ~~5.149 Vegetation clearance, earthworks or cultivation outside the bed of a river or lake or adjacent to a wetland boundary but within:~~**
- ~~1. 20-10m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk zoned LH2 on the Planning Maps or defined as Hill and High Country; or~~
 - ~~2. 40 5-m of the bed of a lake or river or a natural wetland boundary in all other land not~~

shown as High Soil Erosion Risk land zoned LH1 on the Planning Maps or defined as Hill and High Country; that does not comply with the conditions in Rules 5.147 or 5.148 is a restricted discretionary activity.

The CRC will restrict its discretion to the following matters:

1. For forest harvesting, the harvesting method, location of haulage and log handling areas, access tracks, and sediment control;
2. The potential for adverse effects on soil quality or slope stability;
3. The potential for adverse effects on the quality of water in rivers, lakes, wetlands or the sea;
4. The potential for adverse effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua;
5. The potential for adverse effects on the banks or bed of a water body or on its flood carrying capacity; and
6. The potential for adverse effects on transport networks, neighbouring properties or structures.

Vegetation Clearance and Earthworks in Erosion-prone Areas

5.150 Within the area shown as High Soil Erosion Risk on Area LH2 of the Planning Maps and outside any riparian margin, the use of land for:

- (a) Cultivation or spraying of slopes less than 45° 25 degrees;
- (b) Cultivation or spraying on slopes greater than 45° 25 degrees provided the total area sprayed or cultivated is less than 200 m²;
- (c) Vegetation clearance of species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy
- (d) Hand clearance and spot spraying of vegetation;
- (e) Silvicultural practices of release cutting, pruning or thinning to waste and harvesting *in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 by suspension systems*;
- (f) Earthworks within a production forest undertaken in accordance with NZ Forest Road Engineering Manual (2012)
- (g) Maintenance of existing firebreaks, roads and tracks and, during a fire emergency, construction of new firebreaks and tracks;
- (h)) Construction of walking tracks no more than 1.5 m wide;
- (i) Maintenance of existing transport networks;
- (j) Earthworks and vegetation clearance associated with the establishment, repair or maintenance of pipelines, electricity lines, telecommunication lines and radio communication structures and fences; and
 - (i) Other earthworks where:
 - (i) the volume is less than 10 m³ per site or per hectare (whichever is the greater); and
 - (ii) the maximum depth of cut or fill is less than 0.5 m; is a permitted activity provided the following conditions are met:
 1. Any cleared areas are stabilised and where it is not put to its final use shall be revegetated within 6 months from the date of the commencement of the vegetation clearance or earthworks;
 2. Any cultivation is across the contour of the land;
 3. When firebreaks, roads, or tracks are constructed or maintained the maximum depth of cut or fill is 0.5m or exotic forest harvesting is carried out, culverts and stormwater controls are installed and maintained to lead water via a channel into an existing watercourse; and
 4. the concentration of total suspended solids in the discharge shall not exceed:
 - (a) 50 g/m³, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or
 - (b) 100 g/m³ where the discharge is to any other river or to an artificial watercourse.

Note: Refer to the CRC's Erosion and Sediment Control Guidelines for additional guidance on undertaking vegetation clearance activities.

5.151 Within Area LH2 the area shown as High Soil Erosion Risk on the Planning Maps and outside any riparian margin, the use of land for vegetation clearance, cultivation and earthworks that does not

comply with the conditions in Rules 5.150 is a restricted discretionary activity.

The CRC will restrict its discretion to the following matters:

1. The potential for adverse effects on soil quality or slope stability;
2. The potential for adverse effects on the quality of water in rivers, lakes, wetlands or the sea;
3. The potential for adverse effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua;
4. The potential for adverse effects on a natural wetland or the banks or bed of a water body or on its flood carrying capacity;
5. The potential for adverse effects on transport networks, neighbouring properties or structures;
6. In addition, for forest harvesting, the harvesting method, location of haulage and log handling areas, access tracks, and sediment control; and
7. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan.

5.152 Within the Hill and High Country, the use of land for the burning of vegetation is a permitted activity provided the following conditions are met:

1. Burning does not occur within ~~20~~ 10 m of the bed of a river where the wetted bed is more than 2m wide or lake or a natural wetland boundary;
2. Within an area to be burnt:
 - (a) the extent of bare ground is less than 20%;
 - (b) the slope is less than 35 degrees ~~o~~; and
 - (c) the land is less than 900 m above mean sea level;
3. The person undertaking the burning has, at least twenty working days prior to commencing the burning, notified the CRC and provided location maps or aerial photographs of the sites to be burnt at a minimum scale of 1:50,000;
4. The same area of land has not had the vegetation burnt within the preceding ten years;
5. The burning is carried out between 1 June and 31 October; and
6. The burnt area is either:
 - (a) Spelled from grazing for a minimum of 6 months following burning;
 - (b) Sown with pasture seed within 6 months of burning; or
 - (c) Planted with trees within one year of burning.

5.153 Within the Hill and High Country, the use of land for the burning of vegetation that is not a permitted activity under Rule 5.152 is a controlled activity provided the following conditions are met:

1. The burning is not carried out between 15 December and 1 March.
2. Burning does not occur within 10 m of the bed of a river where the wetted bed is more than 2m wide, lake or natural wetland boundary; and
3. Within an area to be burnt:
 - (a) the extent of bare ground is less than 20%;
 - (b) the slope is less than 35 degrees ~~o~~; and
 - (c) the land is less than 900 m above mean sea level.

The CRC reserves control over the following matters:

1. The boundaries of the area to be burned so as to avoid or reduce any likely adverse effects on water quantity and water quality and to conserve soil on land vulnerable to erosion; and
2. Post burn management measures, including requirements for spelling from grazing, and the quantity and type of seed and fertiliser to be applied, that will encourage restoration of suitable vegetation cover.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

- 5.154** Within the Hill and High Country, the use of land for the burning of vegetation greater than 1 ha in area that is not provided for as a permitted activity under Rule 5.152 or as a controlled activity under Rule 5.153 is a discretionary activity.

Advice Notes:

The following matters are drawn to the attention of all persons burning vegetation in the Hill and High Country:

1. The burning in open air of any vegetation remains subject to the requirements of the Forest and Rural Fires Act 1977, territorial bylaws and to any regional rules made under the RMA to control the discharge of contaminants to air.
2. A consent granted under the RMA does not discharge a person from liability for damage caused by the fire or liability for costs associated with the suppression of wildfires that may result from the controlled burning of vegetation..
3. Land occupiers wishing to burn vegetation may require further authorisations or agreements, including:
 - (a) from the Department of Conservation;
 - (b) from the Rural Fire Authority;
 - (c) from Commissioner of Crown Lands for burning on Crown pastoral leasehold land;
 - (d) from Territorial Local Authorities as determined by rules in their District Plans; and
 - (e) from iwi or other organisations responsible for any functions impacting on Sections 6, 7 and 8 of RMA

Excavation and Deposition over Aquifers

5.155 The use of land to excavate material is a permitted activity, provided the following conditions are met:

1. Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps:
 - (a) there is more than 1 m of undisturbed material between the deepest part of the excavation and Aquifer 1; and
 - (b) if more than 100 m³ of material is excavated, the excavation does not occur within 50m of any surface waterbody;
2. Over an unconfined or semi-confined aquifer:
 - (a) the volume of material excavated is less than 100 m³; or
 - (b) the volume of material excavated is more than 100 m³ and:
 - (i) there is more than 1 m of undisturbed material between the deepest part of the excavation and the seasonal high water table level; and
 - (ii) the excavation does not occur within 50m of any surface waterbody

5.156 The use of land to excavate material that does not comply with the conditions of Rule 5.155 is a restricted discretionary activity.

The Canterbury Regional Council will restrict its discretion to the following matters:

1. The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands or the sea and mitigation measures;
2. The remediation or long-term treatment of the excavation;
3. The protection of the confining layer and maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation;
4. The need for and benefits from the excavation; and
5. The management of any exposed groundwater.

5.155 —

~~The use of land to excavate greater than 100 m³ of material within any 12 month period over an unconfined or semi-confined aquifer is a permitted activity provided the following conditions are met:~~

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

5.156 — ~~The use of land to excavate greater than 100 m³ of material within any 12 month period over an unconfined or semi-confined aquifer that does not meet one or more conditions of Rule 5.155 is a discretionary activity.~~

- ~~5.157 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System is a permitted activity, provided the following conditions are met:~~
- ~~1. There is not less than 1 m of undisturbed material between the base of the excavation and Aquifer 1; and~~
 - ~~2. The excavation does not occur within 50 m of the bed of a permanently or intermittently flowing river, a lake or a wetland boundary.~~

- ~~5.158 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System that does not comply with condition 2 of Rule 5.157 is a discretionary activity.~~

- ~~5.159 The use of land to excavate material in or above the Coastal Confined Gravel Aquifer System that does not comply with condition 1 of Rule 5.157 is a non-complying activity.~~

- 5.160 The use of land for the deposition of more than 50 m³ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the highest level of groundwater which can reasonably be expected to occur at the site is less than 30 m below the natural land surface is a controlled activity, provided the following conditions are met:**
1. The material is only cleanfill;
 2. The volume of vegetative matter in any cubic metre of material deposited does not exceed 3%;
 3. The material is not be deposited into groundwater;
 4. Any cured asphalt deposited is be placed in the land at least 1 m above the highest groundwater level expected at the site; and
 5. A management plan shall be prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002.
- 5.161 The use of land for the deposition of more than 50 m³ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the highest level of groundwater which can reasonably be expected to occur at the site is less than 30 m below the natural land surface that does not comply with the conditions of Rule 5.160 is a discretionary activity.**

Hazardous Substances

- 5.162 The use of land for the storage in a portable container and use of a hazardous substance listed in Part A of Schedule 4 is a permitted activity provided the following conditions are met:**
1. The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 litres;
 2. The container(s) are located in an area, or a structure, that will contain a leak or spill of the substance and will allow the spilled substance to be collected;
 3. Equipment that is suitable to absorb any leak or spill of the substance (a "spill kit") is located with the container(s) at all times, along with instructions on how to use the spill kit;
 4. The container(s) are not located within
 - (a) 20 m of a surface water body or a bore;
 - (b) a group or community drinking water supply protection area as set out in Schedule 1; and
 5. The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.
- 5.163 The use of land for the storage in a portable container and use of a hazardous substance listed in Part A of Schedule 4 that does not meet one or more of the conditions in Rule 5.162 is a restricted discretionary activity.**

The CRC will restrict discretion to the following matters:

1. Measures to avoid:
 - (a) the entry of the substances or associated contaminants into; groundwater, surface water,

- supplies of drinking water and aquatic ecosystems; and
- (b) any adverse effect on the current or future use of the water resource, as a result of leakage or spillage of the substance, or a release of the substance as a result of a natural event;
- 2. Measures to prevent or contain spills or leaks, including site layout and drainage, waste management, emergency management and leak detection;
- 3. Maintenance and monitoring of the storage or use system including containment measures; and
- 4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to water quality and contaminated land.

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

1. All hazardous substances on a site are stored and used in accordance with requirements under the Hazardous Substances and New Organisms Act 1996. Evidence of compliance with these requirements shall be made available to the CRC upon request;
2. A current inventory of all hazardous substances on the site is maintained, and a copy of the inventory shall be made available to the CRC or emergency services on request;
3. For hazardous substances stored or held on or over land, all areas or installations used to store or hold hazardous substances are inspected at least once per month and repaired or maintained if any defects are found that may compromise the containment of the hazardous substance;
4. For hazardous substances stored or held in a container located in or under land, stock reconciliation is undertaken:
 - (a) for service stations storing or holding fuel:

If the stock reconciliation of product volumes stored in each container located in or under land at a service station shows a discrepancy of greater than 0.5% over three consecutive days or greater than a 1,000 litre loss in a single day, a Product Loss Investigation Procedure shall be implemented immediately. This procedure shall involve the following key steps:

 - (i) Site Level check, including review of data and calculations and reconciliation actions;
 - (ii) Where the cause of concern has not been identified by (i), an Engineering Check of the reconciliation equipment and observation wells;
 - (iii) Where the cause of concern has not been identified by (ii), a Container Test;
 - (iv) A copy of the procedure shall be kept on site at all times;
 - (v) If there has been any physical loss of product identified by the above procedure, CRC shall be notified within 2 working days unless the loss occurred from a container in any area listed in condition (5), in which case notification shall occur within 24 hours of confirmation of the loss;
 - (b) for all other sites storing any hazardous substances:

Stock reconciliation is undertaken within 24 hours of a substance being delivered and thereafter on a fortnightly basis. If the stock reconciliation shows a discrepancy for the measurement period of more than 100 litres or 0.5%, whichever is the smaller, the CRC shall be notified within 2 working days unless the loss occurred from a container in any area listed in condition (5), in which case notification shall occur within 24 hours; and
 - (c) records of stock reconciliations over the past three months shall be made available to the CRC upon request. If requested, a copy of the stock reconciliation and the most recent certification of the container shall be provided to The CRC within five working days;
5. For substances stored within a group or community drinking water supply protection area as set out in Schedule 1:
 - (a) all hazardous substances on a site are stored under cover in a facility which is designed, constructed and managed to contain a leak or spill and allow the leaked or spilled substance to either be collected or lawfully disposed of;
 - (b) spill kits to contain or absorb a spilled substance are located with storage facility and use areas at all times and train staff to manage spilled substances; and
6. Except where the storage was lawfully established before 4 July 2004 and the maximum quantity stored has not increased since that date, the substances shall not be stored within:
 - (a) 20 m of a surface water body or a bore used for water abstraction;
 - (b) 250 m of a known active fault that has a recurrence period of less than 10,000 years, and the land is:
 - (i) over an unconfined or semi-confined aquifer; or
 - (ii) within 50 m of a permanently or intermittently flowing river or a lake.

- 5.165 The use of land for the storage, other than in a portable container, and use of a hazardous substance listed in Part A of Schedule 4 that does not meet one or more of the conditions in Rule 5.164 is a discretionary activity.**
- 5.166 The use of land for the decommissioning of a container located in or under land that is or has been used to store a hazardous substance is a permitted activity provided the following condition is met:**
1. The information listed in Part B of Schedule 4 is provided to the CRC at least one week before the decommissioning is undertaken, except for item 12, which is to be provided within one month of completion of the report or plan for each phase of the investigation or remediation.
- 5.167 The use of land for the decommissioning of a container located in or under land that is or has been used to store a hazardous substance that does not meet the condition in Rule 5.166 is a discretionary activity.**
- 5.168 The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:**
1. The site investigation is be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, February 2004) and reported on in accordance with Section 4 of the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, November 2003); and
 2. The person or organisation initiating the site investigation provides a copy of report of the site investigation to the CRC within two months of the completion of the investigation.
- 5.169 The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil that does not meet one or more of the conditions in Rule 5.169 is a restricted discretionary activity.**

The CRC will restrict discretion to the following matters:

1. Measures to avoid the dispersal of the substances or associated contaminants into groundwater, surface water, supplies of drinking water and aquatic ecosystems;
2. Any adverse effect on the current or future use of the land;
3. The methodology of the investigation and the associated reporting; and
4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan.

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