Appendix 2

Section 3 - Objectives

The Objectives of this Plan must be read in their entirety and considered together. No single Objective has more importance than any other.

Note: Section 3 Objectives below includes tracked changes as recommended in Fish and Game’s Hearing Group 1 evidence

3.1 Water is recognised as essential to all life and is respected for its life-supporting capacity, intrinsic values, ecosystem processes and ecosystem services of water bodies and their margins are safeguarded, and enhanced where they have degraded.

3.2 Water and land are recognised as an integrated resource embracing the In keeping with the philosophy and practice of ki uta ki tai the interconnectivity of thus recognising the connections between land, groundwater, surface water and coastal waters. the coast is reflected in the management of those resources.

3.3 The relationship of Ngāi Tahu and their culture and traditions with the water and land of Canterbury is protected.

3.4 In keeping with the philosophy and practice of ki uta ki tai the interconnectivity of land, water and the coast is reflected in its management. Deleted and integrated with Objective 3.2

3.5 Outstanding fresh water bodies, and hāpua and their margins are protected to maintained in their existing state or restored where values or if degraded, are enhanced so that the attributes that make those water bodies outstanding are restored.

3.5A (a) Specific freshwater objectives and environmental outcomes for water bodies and their beds and margins:
   a. Ensure diverse and abundant aquatic ecosystems of indigenous flora and fauna
   b. Protect habitat of salmonids (trout and salmon)
   c. Maintain amenity values
   d. Ensure water quality is safe for contact recreation
   e. Ensure water is suitable for secondary contact recreation
   f. Safe guard ngāi tahu cultural values including mauri, mahianga kai, wahi tapu and wahi taonga
   g. Ensure water is suitable for stock drinking water supply
   h. Support the functioning and health of estuaries and coastal lagoons

(b) In water bodies where the freshwater objectives and environmental outcomes in (a) are being achieved, the quality and quantity (including environmental flows) of the water, and the bed, are managed to at least maintain those values; and

(c) In water bodies where one or more of the freshwater objectives and environmental outcomes in (a) are not being achieved, further degradation of the water bodies is prevented and the quality and quantity (including environmental flows) of the water, and the bed, are progressively enhanced so that the freshwater
objectives and environmental outcomes are restored and safeguarded within a defined timeframe.

3.6 The significant indigenous biodiversity values of rivers, lakes, natural wetlands, and hāpua and their margins are protected and, where they are degraded, are enhanced. wetlands in Canterbury that contribute to cultural and community values, biodiversity, water quality, mahinga kai or ecosystem services are enhanced.

3.6A Areas of significant indigenous vegetation and significant habitats of indigenous fauna in water bodies, including wetlands, are identified and their values and ecosystem functions protected and there shall be no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.

3.7 The mauri of lakes, rivers, hāpua and natural wetlands is maintained or restored and they are suitable for use by Ngāi Tahu and the community.

3.8 The health of ecosystems is maintained or enhanced in lakes, rivers, hāpua and wetlands. This objective has been deleted and combined with Objective 3.1

3.9 The existing natural character values and natural processes (including hydrological and geomorphic processes such as flushing and opening hāpua and river mouths, flushing algal and weed growth, and transporting sediment) of wetlands, lakes, of alpine rivers, hāpua, and their margins, are: are protected.
   (i) preserved where there is a state of high natural character,
   (ii) maintained where there is a modified state of natural character that is valued in its current state, and
   (iii) enhanced where it has been unacceptably degraded

3.10 The significant indigenous biodiversity values, mahinga kai values, and natural processes of rivers, lakes and wetlands are protected.

3.11 Within limits to protect the environmental outcomes for water bodies (including aquifers), water is available for sustainable abstraction or use to support a variety of economic and social activities and maximum for social and economic benefits are obtained from the efficient storage, distribution and use of the water which is available for abstraction.

3.12 The role that groundwater continues to provides as a sustainable source of high quality water for flows and ecosystem health in surface water bodies is maintained and, where it has been degraded, enhanced so that it provides for the freshwater objectives and environmental outcomes of surface water bodies, and for abstraction.

3.13 Those parts of lakes and rivers that are valued by the community for recreation are suitable for contact recreation. This objective has been deleted and integrated into Objective 3.5A

3.14 High quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.

3.15 A regional network of water storage and distribution facilities provides for sustainable, wise, efficient and multiple use of water. Deleted – covered by 3.11
3.16 Infrastructure of national or regional significance is resilient and is able to positively contribute to economic, cultural and social wellbeing through its efficient and effective operation, ongoing maintenance, repair, development and upgrading.

3.17 The mauri and the productive quality and quantity of soil are not degraded.

3.18 The risk of flooding or erosion of land or damage to structures is not exacerbated by the diversion of water, erection, placement or failure of structures, the removal of gravel or other alteration of the bed of a lake or river, removal of vegetation, or the recontouring of adjacent land. **Deleted and moved to the activity policies section.**

3.19 The risk and effects of natural hazards, including those arising from seismic activity, flooding, erosion of land and climate change, are reduced through protecting the effectiveness of natural hazard protection infrastructure, wetlands and hāpua— avoided or mitigated.

3.20 Extraction of gravel from riverbeds maintains flood carrying capacity, protects infrastructure and provides a resource to enable development while avoiding, remedying or mitigating adverse effects on natural character, significant biodiversity values, life-supporting capacity and the freshwater objectives and environmental outcomes of water bodies.

3.21 Land uses continue to develop and change in response to socio-economic and community demand while remaining consistent with the CWMS targets. **Delete – the objective is not a resource management objective.**

3.22 Community outcomes for water quality and quantity are met through managing limits. **Deleted**

3.23 All activities operate in a manner that at “good practice” or better to protect the region’s fresh water resources from quality and quantity degradation and that enhances fresh water resources where they have been degraded.
Section 4 - Policies

The Policies of this Plan implement the Objectives in Section 3 and must be read in their entirety and considered together.

Note: Section 4 Strategic Policies below includes tracked changes as recommended in Fish and Game’s Hearing Group 1 evidence.

Strategic Policies

4.1 (a) To provide for the freshwater objectives and environmental outcomes set out in Objective 3.5A for lakes, rivers, wetlands, hapua and aquifers, those water bodies must be managed to will meet the fresh water quality limits outcomes set in Sections 6-15. If outcomes have not been established for a catchment, then each type of lake, river or aquifer will meet the outcomes set out in Table 1 and any catchment based quality limits in Sections 6-15.

(b) Lakes, rivers, wetlands and aquifers must be grouped into management units and the environmental outcomes listed in Objective 3.5A associated with each management unit must be identified in Table 1 as “Freshwater Objectives”. Where freshwater objectives are able to be attributed to water bodies more accurately than management units, they must be identified in Schedule XX.

(c) Freshwater quality limits must be set at a level to:
   i. provide for the freshwater objectives and environmental outcomes as specified in Objective 5A, Table 1 and Schedule XX
   ii. Safe-guard the life-supporting capacity of water bodies
   iii. Protect the natural character of water bodies

(d) Where fresh water limits are set in Sections 6-15 as well as in Table 1 for a water body, the water body shall be managed to meet the more stringent of the two limits.

4.1A (a) To provide for the freshwater objectives and environmental outcomes set out in Objective 5A, Table 1 and Schedule XX for lakes, rivers, wetlands and aquifers, waterbodies must be managed to meet fresh water environmental flow and water level limits set out in this policy and any catchment based envornmental flow and water level limits in Sections 6-15.

(b) Environmental flow and water level limis must be set to:
   i. provide for the freshwater objectives and environmental outcomes as specified in Objective 5A, Table 1 and Schedule XX
   ii. Safe-guard the life-supporting capacity of water bodies
   iii. Protect the natural character of water bodies

(c) All rivers are to be managed so that:
   a. Natural frequency of Hapua, coastal lake, lagoon and river openings is not altered;
b. Passage for migratory fish species is maintained unless restrictions are required to protect populations of native fish;

c. Flow variability is maintained and that flows of 3 times the median flow required to flush periphyton and mobilise gravel and reset the bed of the mainstem of the rivers are not adversely effected.

d. The frequency of flow events required to flush periphyton is not reduced;

e. Flood flows important for sediment transport and river morphology and natural character are retained.

f. Continuity of surface river flow is maintained from source to sea.

g. Retain in-stream habitat sufficient to protect in-stream values; and

h. Retains the frequency of flows in the ranges that support the recreation and amenity values identified in Schedule XX, including the pattern and timing of flow variability desired by recreational users.

(d) Any abstraction of surface water or stream depleting ground water both singularly and in combination with all other abstractions, must comply with any environmental flow or water level limit and allocation regime for that fresh water body in Sections 6-15 of the Plan.

(e) In circumstances where environmental flow and water level limits and allocations have not been established for a river in Sections 6-15 of the Plan, the following minimum flow and allocation regime must apply:

a. For rivers with mean flows less than or equal to 5m3/s 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:

4.1B Water quality in rivers, lakes, wetlands, hapua and aquifers, must be managed by:

1. Defining as:

   a. ‘Over Allocated’ the catchments in which the water quality limits defined in Table 1 or in a sub-regional section of the Plan are not met.

   b. ‘At Risk’ the catchments in which the water quality of those catchments is at or approaching the water quality limits defined in Table 1 or in a sub-regional section of the Plan.

   c. ‘Under Allocated’ the catchments in which the water quality meets the water quality limits defined in Table 1 or in a sub-regional section of the Plan.

2. Controlling activities and discharges, including from point and non-point sources, by:

   a. In Over Allocated catchments, setting and applying catchment targets that are designed to ensure that the catchment ceases to be Over Allocated as soon as reasonably practicable but before 2030

   b. Preventing new or increased discharges of contaminants in Over Allocated catchments unless (2) (f) applies;
c. In Over Allocated catchments, requiring existing activities that discharge contaminants to progressively reduce those discharges to meet water quality targets.

d. In At Risk and Under Allocated catchments, requiring existing activities that discharge contaminants to progressively reduce those discharges to sustainable levels.

e. Preventing new or increased discharges of contaminants in At Risk and Under Allocated catchments where the discharge will result in the catchment becoming Over Allocated.

f. Only allowing new or increased discharges of contaminants:
   i. If the new activity meets specified sustainable contaminant discharge standards or, where such standards have not been defined in this Plan, is using best practice to minimise discharges.
   ii. in Over Allocated catchments where the total catchment contaminant reduction targets will continue to be met, and
   iii. In Over Allocated and At Risk catchments, the increase in contaminant load will be offset by a net reduction, equivalent to the amount of contaminant to be discharged, in the catchment contaminant load.

4.1C Water quantity in rivers, lakes, wetlands, hapua and aquifers, must be managed by:

1. Defining as:
   a. ‘Over Allocated’ the catchments or water bodies in which the environmental flow and water level limits defined in Policy 4.1AA or in a sub-regional section of the Plan are not met.
   b. ‘At Risk’ the catchments or water bodies in which the water quantity in those catchments is at or approaching the environmental flow and water level limits defined in Policy 4.1A or in a sub-regional section of the Plan.
   c. ‘Under Allocated’ the catchments or water bodies in which the water quantity meets the environmental flow and water level limits defined in Policy 4.1AA or in a sub-regional section of the Plan.

2. Controlling the taking and use of water from catchments or water bodies, by:
   a. In Over Allocated catchments, setting and applying catchment targets that are designed to ensure that the catchment ceases to be Over Allocated as soon as reasonably practicable but before 2030.
   b. Preventing new or increased water takes in Over Allocated catchments unless (2) (f) applies;
   c. In Over Allocated catchments, requiring existing activities that take water to progressively reduce those takes to meet the water quantity limits by 2030 and to maximise the efficient use of that water.
   d. In At Risk and Under Allocated catchments, requiring existing activities that take water to progressively reduce those takes to sustainable levels and to maximise the efficient use of that water.
e. Preventing new or increased water takes in At Risk and Under Allocated catchments where the takes will result in the catchment becoming Over Allocated.

f. Only allowing new or increased takes:
   i. If the new activity meets specified sustainable water take and use standards or, where such standards have not been defined, is using best practice to minimise the amount of water taken and to maximise the effluent use of the that water.
   ii. In Over Allocated catchments where water catchment level take reduction targets will continue to be achieved
   iii. In Over Allocated and At Risk catchments, if the increase in water take will be off-set by a net reduction, equivalent to the amount of water to be taken, in the amount of water taken from the catchment.

4.2 The management of lakes, rivers, wetlands and aquifers will address take account of the cumulative effects of land uses, discharges and abstractions in order to meet the fresh water limits outcomes in accordance with Policy 4.1 and Policy 4.1A.

4.3 The discharge of contaminants to water or the damming, diversion or abstraction of any water or disturbance to the bed of a fresh water body shall not diminish any values of cultural significance to Ngāi Tahu.

Note: See Statutory Acknowledgements and other relevant information in Schedules 18 to 23 of this Plan, the Ngāi Tahu Freshwater Policy and Iwi Management Plans.

4.3A The discharge of contaminants to water or the damming, diversion or abstraction of any water or disturbance to the bed of a fresh water body shall not be allowed except where the freshwater objectives and environmental outcomes set out in Table 1 or Schedule XX, as applicable to the water body, are maintained or enhanced.

4.4 Water is managed through the setting of limits to maintain the life-supporting capacity of ecosystems, support customary uses, and provide for community and stock drinking water supplies, as a first priority and to meet the needs of people and communities for water for irrigation, hydro-electricity generation and other economic activities and to maintain river flows and lake levels needed for recreational activities, as a second priority.

4.5 In high naturalness waterbodies listed in Schedule XX [or identified in Sections 6-15], the damming, diverting or taking of water is limited to that for individual or community stock or drinking water and water for the operation and maintenance of existing infrastructure.

4.6 Where a water quality, environmental flow or water level, or quantity limit is set in Table 1, Policy 4.1AA or Sections 6-15, resource consents will generally not be granted, and rules in
this Plan will not permit activities, if the granting/permitting would cause the limit to be breached or further over-allocation to occur.

4.7 Where over-allocation of water for abstraction from surface water catchments and groundwater zones or nutrient discharges has been determined, a regime will be established in Sections 6-15 that provides methods and a timeframe to eliminate the over-allocation.

F&G submission proposed new policy to deal with reasonable and necessary use and water use efficiency on the basis that there is a policy vacuum in the Plan. Those matters are largely addressed in Policies 4.66 to 4.70 and those policies can be amended to provide for the requested relief.

4.8 The harvest and storage of water for irrigation or hydro-electricity generation schemes contribute to or do not frustrate the attainment of the regional concept for water harvest, storage and distribution set out in Schedule 16 or the priority outcomes expressed in the relevant ZIP.
Table 1a Outcomes for Canterbury Rivers

<table>
<thead>
<tr>
<th>Management unit</th>
<th>Sub-unit</th>
<th>Ecological health indicators</th>
<th>Macrophyte indicators</th>
<th>Periphyton indicators</th>
<th>Siltation indicator</th>
<th>Microbiological indicator</th>
<th>SFRG*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>QMCI* [min score]</td>
<td>DO [min saturation %]</td>
<td>Temp [max °C]</td>
<td>Emergent macrophytes [max cover of bed %]</td>
<td>Total macrophytes [max cover of bed %]</td>
<td>Chlorophyll a [max biomass mg/m²]</td>
</tr>
<tr>
<td>Natural state</td>
<td></td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Alpine riparian</td>
<td></td>
<td>No value set</td>
<td>No value set</td>
<td>No value set</td>
<td>No value set</td>
<td>No value set</td>
<td>No value set</td>
</tr>
<tr>
<td>Alpine upland</td>
<td></td>
<td>50</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Alpine lower</td>
<td></td>
<td>120</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Hill upland</td>
<td></td>
<td>50</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Hill lower</td>
<td></td>
<td>200</td>
<td>30</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Lake upland</td>
<td></td>
<td>6</td>
<td>20</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Banks Peninsula</td>
<td></td>
<td>4</td>
<td>5</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Spring upland</td>
<td></td>
<td>6</td>
<td>20</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Spring lower</td>
<td></td>
<td>5</td>
<td>30</td>
<td>30</td>
<td>200</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Spring plains</td>
<td></td>
<td>4.5</td>
<td>5</td>
<td>70</td>
<td>50</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Spring lower</td>
<td></td>
<td>5</td>
<td>30</td>
<td>30</td>
<td>200</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

Key:
- QMCI = quantitative macroinvertebrate community index
- SFRG = Suitability for Recreation Grade from Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas 2003

*Toxin producing cyanobacteria shall not render the river unsuitable for recreation or animal drinking water.

Fish shall not be rendered unsuitable for human consumption by contaminants in a river.

The natural colour of the water in a river shall not be altered.

Natural frequency of hāpua, coastal lake, lagoon and river openings is not altered.

Passage for migratory fish species is maintained unless restrictions are required to protect populations of native fish.

Natural continuity of river flow is maintained from source to sea, without reaches being induced to run dry.

Variability of flow, including floods and freshes, avoids "flat-lining", enables fish passage and mobilises bed material.
### Table 1b: Outcomes for Canterbury lakes

<table>
<thead>
<tr>
<th>Management unit</th>
<th>Ecological health indicators</th>
<th>Eutrophication indicator</th>
<th>Visual quality indicator</th>
<th>Microbiologic indicator</th>
<th>Dissolved Oxygen [min] (%</th>
<th>Temp [max] (ºC</th>
<th>Lake SPI*</th>
<th>Trophic Level Index (TLI)*</th>
<th>Colour</th>
<th>Suitability for contact recreation</th>
<th>SFRG*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural state</td>
<td>Lakes are maintained in a natural state</td>
<td>Large high country lakes</td>
<td>70</td>
<td>90</td>
<td>19</td>
<td>Excellent</td>
<td>2</td>
<td>The natural colour of the lake is not altered by more than five Munsell Units</td>
<td>Good</td>
<td>All other small to medium sized high country lakes</td>
<td>3</td>
</tr>
<tr>
<td>Coastal lakes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hypolimnion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Epilimnion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artificial lakes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>on river</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artificial lakes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suitable for the purpose of the lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All lake management units</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Key:
TLI = Trophic Level Index from: Protocol for Monitoring Trophic Levels of New Zealand Lakes and Reservoirs (Report by Lakes Consulting, March 2000)
SFRG = Suitability for Recreation Grade from: Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas, Ministry for the Environment, June 2003
Table 1c Outcomes for Canterbury aquifers

<table>
<thead>
<tr>
<th>Management unit</th>
<th>Subunit</th>
<th>Appearance &amp; Palatability</th>
<th>Health indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal</td>
<td>Confined Gravel Aquifer</td>
<td>Water quality in each aquifer is maintained at least in the state recorded or reasonably deduced in the three years prior to 1 November 2010</td>
<td>The upwards hydraulic pressure gradient is maintained in all aquifers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>There is no landward movement of the salt–fresh water interface and saltwater contamination of fresh water is avoided</td>
</tr>
<tr>
<td></td>
<td>Unconfined Gravel Aquifers</td>
<td>Shallow groundwater predominantly recharged by soil drainage</td>
<td>Within the Guideline value: ≤ 5.6 ≤ 50% MAV</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Deep groundwater predominantly recharged by rivers</td>
<td>Water quality is maintained at least in the state recorded or reasonably deduced in the three years prior to 1 November 2010</td>
</tr>
</tbody>
</table>

*Key
DWSNZ = Drinking Water Standards for New Zealand 2005
Activity and Resource Policies

*Note: The Activity Policies in light grey text below are as notified and do not include the changes as recommended in Fish and Game’s Hearing Group 1 evidence*

*Changes in blue underline are changes recommended by the s42A officers that I agree with. Changes in red underline are changes I recommend*

**Discharge of Contaminants to Land or to Water**

4.9 There are no direct discharges to surface waterbodies or groundwater of:

(a) untreated sewage, wastewater or bio-solids;
(b) solid or hazardous waste or solid animal waste;
(c) animal effluent from an effluent storage facility or a stock holding area;
(d) organic waste or leachate from storage of organic material; and
(e) untreated industrial or trade waste.

4.10 For other discharges of contaminants to surface waterbodies or groundwater, the effects of any discharge are minimised by the use of measures that:

(a) first, avoids the production of the contaminant;
(b) secondly, reuses, recovers or recycles the contaminant;
(c) thirdly, reduce the volume or amount of the discharge; or
(d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and
(e) meets the receiving water standards in Schedule 5.

4.11 Any discharge of a contaminant into or onto land where it may enter groundwater shall:

(a) not exceed the natural capacity of the soil to treat or remove the contaminant; and
(b) not exceed available water storage capacity of the soil; and
(c) where this is not practicable:

(i) meet any nutrient allowance in Sections 6-15 of this Plan;
(ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable, and there is sufficient distance between the point of discharge, any other discharge and drinking water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume;
(iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic or recreational use or water unsuitable as a source of potable water or for agriculture;
(iv) not raise groundwater levels so that land drainage is impeded; and
(v) not have any adverse effects on the drinking water quality of the groundwater, including any risk to public health.
Proposed Canterbury Land & Water Regional Plan

Stormwater and Community Wastewater Systems

4.12 In urban areas, the adverse effects on water quality, aquatic ecosystems, existing uses and values of water and public health from the cumulative effects of sewage, wastewater, industrial or trade waste or stormwater discharges are avoided by:

(a) all sewage, industrial or trade waste being discharged into a reticulated system, where available;

(b) the implementation of contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and

(c) any reticulated stormwater or wastewater reticulation system installed after 11 August 2012 is designed and managed to avoid sewage discharge into surface water.

4.13 Any public reticulated stormwater system for any urban area shall be managed in accordance with a stormwater management plan that addresses the following matters:

(a) the management of all discharges of stormwater into the stormwater system;

(b) for any public reticulated stormwater system established after 11 August 2012, including any extension to any existing public reticulated stormwater system, the discharge of stormwater being subject to a land-based treatment system or wetland treatment prior to any discharge to a lake or river;

(c) how any discharge of stormwater, treated or untreated, into water or onto land where it may enter water meets the water quality outcomes for that waterbody set out in Sections 6-15 or Table 1 (whichever applies); and

(d) The management of the discharge of stormwater from sites involving the use, storage or disposal of hazardous substances.

4.14 Stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream.

Earthworks, Land Excavation and Deposition of Material into Land over Aquifers

4.15 The discharge of sediment and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction, is avoided, and if this is not achievable, the best practicable option is used to minimise the discharge to water.

4.16 The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated sites is avoided or minimised by ensuring that:

(a) activities are sited, designed and managed to avoid the contamination of groundwater;

(b) existing or closed landfills and contaminated sites are managed and monitored to minimise any contamination of groundwater; and
(c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of contaminants into the aquifer.

**Soil Stability**

4.17 On erosion-prone land, any medium and large-scale earthworks, harvesting of forestry or other clearance of vegetation is undertaken in a manner which minimises the exposure of soil to erosion, controls sediment run-off and re-establishes vegetation cover as quickly as possible.

4.18 In the Hill and High Country, the use of vegetation burning as a land management tool avoids:

(a) induced soil erosion;
(b) the destruction of natural wetlands or other sites or areas of significant indigenous biodiversity value or cultural significance to Ngāi Tahu; or
(c) the removal of resilient and intact vegetation cover, resulting in land becoming susceptible to the establishment of plant pest species.

4.19 Sedimentation of waterbodies as a result of land clearance, earthworks and cultivation is prevented by maintaining continuous vegetation cover adjacent to waterbodies, or capturing surface run-off to remove sediment and other contaminants.

**Protect Sources of Human Drinking Water**

4.20 Any water source used for drinking water supply is protected from any discharge of contaminants that may have any actual or potential effect on the quality of the drinking water supply including its taste, clarity and smell and group and community water supplies are protected so that they align with the CWMS drinking water targets and meet the Drinking-water Standards for New Zealand.

**Hazardous Substances & Hazardous Activities**

4.21 The discharge of a hazardous substance to water, or onto or into land where it may enter water, to control a plant or animal pest or other unwanted organism only occurs:

(a) if the substance is registered under the Hazardous Substances and New Organisms Act 1996 for use against the target organism;
(b) if adverse effects on non-target organisms, Ngāi Tahu cultural values, or the use and consumption of water by humans or livestock are avoided as far as practicable; and
(c) where good management practices are used to minimise the risk of accidental discharge to water.
4.22 Activities involving the use, storage or discharge of hazardous substances will be undertaken using best practicable measures to:
(a) as a first priority, avoid the discharge (including accidental spillage) of hazardous substances onto land or into water, including reticulated stormwater systems; and
(b) as a second priority, to ensure, where there is a residual risk of a discharge of hazardous substances including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.

4.23 Any discharges of hazardous substances from contaminated land, including existing and closed landfills, shall be managed to ensure there are no adverse effects on people’s health or safety, on human or stock drinking water supplies, or on surface water.

4.24 Landfills and other waste collection or disposal sites are designed and sited to avoid the contamination of groundwater or surface water either through the direct discharge of hazardous substances to water or the leaching of contaminants into or onto land where they may enter water.

4.25 New cemeteries are not located in areas where they may be subject to inundation from surface water bodies or in areas with groundwater less than 3 m below the ground surface.

Livestock Exclusion from Water Bodies

4.26 To avoid damage to the beds and banks of waterbodies, sedimentation and disturbance of the waterbodies body, direct discharge of contaminants to waterbodies, and degradation of aquatic ecosystems is avoided by:
(a) Excluding intensive stock intensively farmed stock is excluded from lakes, rivers, waterbodies and wetlands; and
(b) Excluding stock is excluded from sensitive sites identified in Schedule 17, or identified in Schedule XX or Section 6-15 as Outstanding Salmonid Fishery, High Naturalness or Primary Salmonid Spawning; and
(c) access to banks and beds by other stock is limited to stock species that prefer to avoid water and at stocking rates that avoid evident damage. All places where intensive stock cross a river that is permanently flowing or has an active bed width greater than 1 metre must be culverted or bridged and those culverts or bridges must be used by intensive stock whenever they cross the river except where the width of the bed of the river is greater than 50 metres and the geomorphology or flow characteristics of the river make it impractical to culvert or bridge
(d) Contaminants and other run-off from the decks of bridges and culverts used by intensive stock to cross rivers, and from stock underpasses, farm raceways, and other facilities used by stock must be discharged into or onto land or into a system specifically designed for the treatment and discharge of animal effluent.
**Discharges of Animal Effluent**

4.27 Any system to store, treat and dispose of animal effluent onto land has sufficient storage capacity to avoid the need to dispose of effluent when soil moisture or weather conditions may result in effluent run-off into surface water or leaching into groundwater; and to avoid fugitive discharges in the case of equipment or system failure.

**Nutrient Discharges – General**

4.28 The loss of nitrogen to water is minimised through first, raising awareness of the nitrogen losses from farming by requiring record-keeping on existing farms, secondly, supporting the use of industry articulated good practice and finally, specifying introducing, through plan changes to Sections 6-15 of this Plan, nutrient discharge allowances to achieve collaboratively agreed catchment-based water quality outcomes.

4.29 Priority will be given to collaborative catchment management processes to introduce plan changes to set nutrient discharge allowances where regional water quality outcomes are not being met, as shown on the Planning Maps, and in the interim risks to the environment from the loss of nitrogen to water will be managed through compliance with industry articulated good practice or, in the absence of any such articulation, granting, subject to conditions, or refusing applications for resource consents to give effect to the farming policies set out below.

**Nutrient Discharges – Region-wide Policies**

4.29A Farming activities shall be managed so that discharges of nutrients, including Nitrogen and Phosphorus, achieve the limits in Table 1 and the Strategic Policies.

4.29B For the purposes of maintaining or achieving the limits in Table 1, farming shall be managed in the following way:

a. A per hectare per year Nitrogen leaching limit shall be set in the Plan (in Table 1.1) which shall be derived from the modelled receiving water Nitrogen concentrations specified in Table 1, and farming activities shall be managed to achieve the nitrogen leaching limit. To achieve this, existing farming activities shall be regulated from the dates specified in Table 1.2 and new and changed farming activities shall be regulated from 11 August 2012.

b. Phosphorus, sediment and faecal discharges shall be managed by requiring measures that minimise discharges of sediment, avoid direct discharges of fertiliser and animal effluent to water bodies, exclude most stock from water bodies, and ensure areas and facilities used for the storage and treatment of animal effluent and animal feed (including silage) are sealed to prevent leakage of contaminants from those facilities.

4.29C In Green and Blue catchments, where the limits in Table 1 are met, farming activities shall be managed to ensure that the limits in Table 1 are not exceeded by:

a. Allowing changed farming activities that meet the Nitrogen leaching limit in Table 1.1.
b. Allowing existing farming as a land use.

c. Only allowing new and changed farming activities that do not meet the Nitrogen leaching limit in Table 1.1 if best management practices are implemented that minimise discharges of contaminants that a likely to affect water quality.

4.29D In Orange catchments, where the limits in Table 1 are at risk of being exceeded, farming activities shall be managed to ensure that the limits are not exceeded by:

a. Allowing all farming activities that meet the Nitrogen leaching limit in Table 1.1

b. Allowing existing farming activities that do not currently meet the Nitrogen leaching limit in Table 1.1 but require any Nitrogen leaching that exceeds the limit in Table 1.1 to be reduced by 20% in every 5 year period from the date the rules for the particular catchment come into effect.

c. Generally not allowing new or changed farming activities that will not meet the Nitrogen leaching limit in Table 1.1 unless it can be demonstrated that any Nitrogen leaching that exceeds the Table 1.1 limit will be avoided by another farm(s) in the same catchment reducing their leaching by that amount in addition to any other Nitrogen leaching reductions the other farm(s) is/are required to achieve in accordance with Policy 4.29F

4.29E In Red catchments, where the limits in Table 1 are exceeded, farming activities shall be managed to ensure that the limits will be met over time:

a. Allowing existing farming activities that meet the Nitrogen leaching limit in Table 1.1

b. Allowing existing farming activities that do not currently meet the Nitrogen leaching limit in Table 1.1 but require any Nitrogen leaching that exceeds the limit in Table 1.1 to be reduced by 20% in every 5 year period from the date the rules for the particular catchment come into effect.

c. Not allowing new or changed farming activities except in the following circumstances:
   i. All necessary resource consents that were required on or before 11 August 2012 for the activity to lawfully establish were in place on or before that date and the activity will be established before those resource consents expire. Where the Nitrogen leaching from the activity will exceed the Nitrogen leaching limit in Table 1, Nitrogen leaching from the activity shall be reduced by 20% in every 5 year period from the date the rules for the particular catchment come into effect.
   ii. Transfer (trading) of nitrogen leaching reduction requirements results in a net reduction in actual nitrogen leaching.

4.29F When managing Nitrogen leaching from farming activities, transferring (trading) of nitrogen leaching reduction requirements between farming activities shall generally be allowed provided the following matters are addressed:

a. All farming activities involved in the transfer (trading) of nitrogen leaching reduction requirements must have conditions included on resource consents that specify the amount of the transfer (trade), the maximum actual nitrogen leaching for the farm (which accounts for the transfer) and the period of time that the transfer is in place for.

b. Farming activities that are undertaking nitrogen leaching reductions on behalf of other farming activities (sellers) must:
   i. reduce their actual leaching by the total amount of nitrogen leaching being traded; and
ii. **Reduce their actual leaching by any further amount that is required to meet the conditions of rules in this Plan**

c. **Farming activities that are transferring their nitrogen leaching reduction requirements to other farming activities (purchasers) must:**

   i. **Within Red catchments, not use it as a means to increase actual nitrogen leaching**

   iii. **Within all other catchments, not use it as a means to increase actual nitrogen leaching unless the farming activity has a high nitrogen use efficiency.**

d. **Any transfers of nitrogen leaching reduction requirements must occur within the same catchment.**

4.30 **Until 1 July 2017**

The loss of nitrogen to water from existing farming activities will be minimised by raising awareness of the actions and activities that give rise to these discharges and the effects of these discharges on the environment and as a result of nitrogen discharges being recorded by each farming enterprise.

4.31 **Minimise the loss of nitrogen to water from any change in farming activities in an area coloured red on the Planning Maps, by demonstrating the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved or the nitrogen discharges from the property are a significant and enduring reduction from existing levels.**

4.32 **To minimise the risk of the outcomes in Policy 4.1 not being achieved, where there is no industry articulated good industry practice nitrogen discharge limit for a particular industry sector included in this Plan prior to 1 July 2017 then all farming activities in that industry sector will be required to obtain a resource consent to continue the farming activity and any proposal will be required to demonstrate the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved or the nitrogen discharges from the property are a significant and enduring reduction from existing levels.**

4.33 **Prior to 1 July 2017**

To minimise the risk of the **limits outcomes** in Policy 4.1 not being achieved, the loss of nitrogen to water from any change in farming activities in all catchments an area, and any existing farming activities in orange and red catchments will be managed through resource consent conditions requiring, as a minimum, the preparation and implementation of a farm environment plan and the regular audit of that plan.

Map deleted and needs to be replaced with map identifying catchments

**Nutrient Zones**
**Nutrient Zones**

4.34 Prior to 1 July 2017, to minimise the loss of nitrogen to water from any change in farming activities in an area coloured red or within a Lake Zone as shown on the Planning Maps, an applicant for resource consent must demonstrate that the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved and show that the nitrogen discharges from the property are a significant and enduring reduction from existing levels.

4.35 To minimise the loss of nitrogen to water prior to 1 July 2017, where the land owner holds an existing water permit to take and use water, or is a shareholder in an irrigation scheme, and there are conditions on the water permit that address nutrient management, any change in farming activities will be enabled subject to requirements to prepare and implement a farm environment plan, the regular audit of that plan and to record, on a per enterprise basis, nitrogen discharges.

4.36 Irrespective of the nutrient allocation status of a catchment as shown on the Planning Maps, to generally allow the following discharges, subject to resource consent:
   (a) wastewater discharge from a marae;
   (b) community wastewater treatment schemes; or
   (c) wastewater discharge from a hospital, a school or other education institution.

**Nutrient Discharges – Sub regional Chapters**

4.37 All activities shall achieve the nutrient load limit and nutrient discharge allowance for the catchment where a load limit or nutrient discharge allowance is set in Sections 6-15 of this Plan.

4.38 If the measured or predicted nutrient load from land uses and discharges exceeds the nutrient load limit for the catchment where a load limit or nutrient discharge allowance is set in Sections 6-15 of this Plan, the loss to water of nutrients from land uses in the catchment will be reduced to achieve the nutrient load limit for the catchment.

**Damming and Diversion of Water Bodies**

4.39 Wetlands in the beds and margins of lakes and rivers are managed as an integral part of lakes and rivers.

*Note: Abstraction, earthworks or structures, are not subject to any additional rules that manage wetlands.*

4.40 In hāpua, coastal lakes, lagoons and natural wetlands the damming, diversion or taking of water is limited to the temporary diversion of water as part of maintaining infrastructure, pest management, or habitat restoration or enhancement work, or the artificial opening of
hāpua to assist in fish migration, achieving other conservation outcomes, customary uses, or to avoid land inundation.

4.41 The damming or diversion of any alpine or hill-fed river does not adversely affect:

(a) values of significance to Ngāi Tahu associated with the mainstem;
(b) the passage of floods and freshes needed to maintain river processes, ecosystem health and the removal of vegetation encroaching onto the bed of the mainstem;
(c) sediment transport within the river and to the coast;
(d) fish passage; and
(e) downstream water quality.

4.42 Any alteration to the level of any natural lake that is unmodified as at 11 August 2012 is within its natural range (averaged over not less than 5 years).

4.43 The adverse effects of in-stream damming:

(a) on high naturalness waterbodies identified in Sections 6-15 shall be avoided; and
(b) on any other river complies with the environmental flow and allocation regime for that catchment and any adverse effects from the damming on flow variability in the river, sediment flows and nourishment of the coast, aquatic ecosystems, fish passage, indigenous flora and fauna, the habitat of nesting birds in braided rivers, any sites or values of significance to Ngāi Tahu, and any recreational or amenity values are, as a first priority, avoided or, where unable to be avoided, are remedied or mitigated.

4.44 Small-scale diversions of water within the beds of lakes, rivers or adjoining wetlands are provided for as part of:

(a) establishing, maintaining or repairing infrastructure;
(b) removing gravel or other earthworks; or
(c) undertaking minor flood or erosion control or repair works and the diversion is occurring within the boundaries of an individual’s property and there are no potential adverse effects on any other person, their property, or any ecological, cultural, recreational or amenity values of the fresh water body.

4.45 Any dam or infrastructure for the storage of water is sited, designed, constructed and operated to minimise any risk of overspill, leakage, slips or other dam failure, provides for the diversion of floodwaters, and any associated risk of inundation or other adverse effects on people, communities or their property.

**Abstraction of Water**

4.46 Enable the taking of water for group or community drinking water supplies by not requiring compliance with any minimum or residual flow or partial restriction conditions and the environmental flow and allocation regime or groundwater allocation block, provided the water supply is managed to restrict the use of water from those supplies during periods of low flow or water levels.
4.47 Where the rate of take or volume of water consented for abstraction from a catchment exceeds the environmental flow and water allocation regime for surface water or stream depleting groundwater, or the groundwater allocation limit for that catchment, any further allocation of water is limited to:

(a) any abstraction necessary to meet community drinking and stockwater requirements; and

(b) the replacement of existing resource consents at the same or a lesser rate of take and the same or a lesser annual or seasonal volume, provided there are significant and enduring improvements in the efficiency of water use and reductions in any adverse effects.

4.48 Existing hydro-generation and irrigation schemes are recognised as a part of the existing environment. In re-consenting the schemes, it is expected that there will be improvements in the efficiency of water use and conveyance assessed over the life of the consent and reductions in any adverse effects on flows and levels in water bodies in order to maximise the term of the consent.

4.49 The abstraction of groundwater outside of any groundwater allocation zone in Sections 6-15, may occur only if the applicant can demonstrate that:

(a) the groundwater is not stream depleting groundwater, or does not have a long-term low-level hydraulic connection to any surface water body which is fully or over-allocated for abstraction;

(b) the groundwater is not hydraulically connected to any groundwater allocation zone in Sections 6-15 of this Plan which is fully or over-allocated for abstraction;

(c) the groundwater abstraction will not alter the hydraulic pressure or gradient of any other aquifer; and

(d) the cumulative average rate of abstraction does not exceed the estimated rate of recharge of the aquifer.

4.50 Any change to a resource consent to abstract surface water for irrigation as a “run-of-river” take to a “take to storage”, is subject to the following conditions to mitigate any adverse effects:

(a) a seasonal or annual allocation limit;

(b) a maximum instantaneous rate of take;

(c) a higher minimum flow, if this is required to sustain ecosystem or recreation values; and

(d) any required cessation required to maintain flow variability and freshes in the river.

4.51 In addition to the requirements in the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, for any new water permit, replacement of an expiring water permit, transfer or review of an existing permit to take water at a rate of more than 30 L/s shall include a condition requiring water use records to be telemetered to the CRC or its nominated agent.

4.52 The discharge of water resulting from moving water from one catchment or water body to another does not:
Proposed Canterbury Land & Water Regional Plan

(a) facilitate the transfer of fish species, plant pests or unwanted organisms into catchments where they are not already present;

(b) adversely affect Ngāi Tahu values;

(c) adversely affect the natural character of the receiving water;

(d) adversely affect existing drinking water treatment systems to the extent that they are no longer able to effectively treat the water to achieve the standards set out in the Drinking-water Standards for New Zealand; and

(e) adversely affect fish migration.

4.53 Where water is introduced from outside the catchment, the additional surface water flows are not available for abstraction unless a new or revised environmental flow and allocation regime is introduced through a plan change.

4.54 Any abstraction of groundwater does not result in cross-contamination between aquifers or water-bearing layers that results in, or may result in, adverse effects on water quality.

4.55 Non-consumptive groundwater takes, including the taking of heat from or adding heat to groundwater, will not be subject to any groundwater allocation zone limits, and will generally be supported, provided the water either remains in the aquifer, or is returned to the same aquifer within 24hrs and is protected from contamination.

4.56 The use of bores or galleries, including decommissioned bores, does not result in the contamination of surface water or groundwater through backflow of water, or surface water and contaminants entering bores or galleries.

4.57 There is no backflow of contaminants from any equipment or infrastructure which is used to both irrigate land and apply effluent, agri-chemicals or nutrients.

4.58 The direct cumulative interference effect from new groundwater takes on existing groundwater takes is minimised by limiting the drawdown of any existing bore within a 2 km radius to no more than 20% of the available drawdown.

4.59 Surface water intakes or galleries are sited so that they do not interfere with nor divert surface flow away from other existing lawfully established surface water intakes or galleries or flow recorder sites.

4.60 Any abstraction of surface water or stream depleting groundwater is subject to conditions specifying:

(a) the maximum instantaneous rate of take;

(b) a maximum volume based on reasonable use over the period the water is required;

(c) a minimum flow at which abstraction ceases in accordance with the relevant flow and allocation limits;

(d) the area or property within which the water is to be used;

(e) the location of the take;

(f) the prevention of fish entering any intake; and
when partial restrictions (when rivers are flowing above the minimum or residual flow limit but below the full allocation block) come into force.

4.61 To prevent the flow falling below a minimum flow for the catchment, due to abstraction, partial restriction regimes for surface water shall:

(a) have a single flow monitoring point for the whole catchment that all abstractors are referenced to, with additional flow monitoring points that some or all abstractors are subject to, should the hydrology of the surface water body justify it;

(b) provide for groups of water permit holders in the same sub-catchment to share water when takes are operating under partial restrictions; and

(c) unless specified in a relevant sub-regional section, be based on a stepped or pro rata restriction regime that applies equally to all takes within an allocation block and does not induce the flow to fall below the minimum flow due to abstraction.

4.62 Any abstraction of groundwater is subject to conditions specifying:

(a) the maximum instantaneous rate of take;

(b) a maximum seasonal volume based on reasonable use over the period the water is required;

(c) the area or property within which the water is to be used;

(d) the location of the abstraction;

(e) any minimum groundwater levels at which abstraction ceases if specified in Sections 6-15; and

(f) any other conditions to regulate the rate or volume of water that may be abstracted relative to the estimated volume of groundwater stored in a groundwater zone, if specified in Sections 6-15.

4.63 Where existing abstractors do not have a maximum seasonal or annual allocation, to impose these conditions when any of the following occur:

(a) resource consent conditions are changed;

(b) water permits are transferred;

(c) existing resource consents to abstract water expire and are renewed; or

(d) the consent authority determines a review of consent conditions is required to impose seasonal or annual volumes in a catchment.

Flow Sensitive Catchments

4.64 Reduced effects arising from the interception of rainfall run-off on surface water flows in the flow sensitive catchments listed in Sections 6-15 is achieved by controlling the area, density and species of trees planted, except where tree-planting is required to control deep-seated soil erosion, provided that any subsequent increase in surface water flows shall not then be available for allocation or abstractive use.
Site Dewatering

4.65 Localised land subsidence or other significant effects on the flows or levels of surface water or groundwater from the dewatering of construction sites or other sites, is avoided by limiting the rate or duration of pumping or other appropriate mitigation measures.

Efficient Use of Water

4.66 The rate, volume and seasonal duration for which water may be taken will be reasonable for the intended use.

4.67 Water abstraction for irrigation is managed so that:
   (a) winter flows are available for abstraction to storage, while ensuring ecosystem recovery; and
   (b) abstraction is for the summer (Oct-Apr) irrigation season, unless specified otherwise.

4.68 Water allocated to a consent holder for abstraction, but which is not used over the time period specified in the water permit, is not further allocated through the granting of an additional or back-up water permit.

4.69 Water used for irrigation is applied using good-practice that achieves an irrigation application efficiency of not less than 80%.

4.70 Systems to convey or apply water are designed to maximise efficient use of water, including the improvement over time of existing systems, except where there will be an adverse effect on ecosystems or existing abstractors from a loss of recharge.

Transfer of Water Permits

4.71 Reduction in water use in over-allocated catchments, improvement in the efficiency of water use, and encouragement of more effective storage and distribution of water in order to meet economic and social outcomes will be achieved through managed transfers of water take and use permits.

4.72 Enable the transfer of water permits to take or use water, provided:
   (a) the transfer of water is occurring within the same surface water catchment or sub-catchment, or the same groundwater zone, as defined in this plan;
   (b) the same or a lesser amount of water is being taken or used; and
   (c) the effects of the take and use of water are the same or less.

4.73 In an over-allocated surface water catchment or groundwater zone, enable the transfer of water permits to take or use water where water is moving to an irrigation scheme, and in all other instances, enable the transfer of water provided there is a surrender of a proportion of the allocated water to the water body and it is not re-allocated.
Sharing water in times of restriction

4.74 Enable water permit holders who choose to enter written agreements with other water permit holders in the same catchment or sub-catchment to temporarily share all or part of the water take authorised by their water permits during times of restrictions, provided:

(a) all water permits are subject to conditions that specify a maximum rate of take and a daily, seasonal or annual volume;

(b) metering and telemetry of data in accordance with Policy 4.51 is undertaken for all takes;

(c) all water permits are subject to common restriction conditions, or any discrepancies in restriction conditions are addressed in the written agreement.

Consent Duration, Lapse Periods and Giving Effect to Water Permits

4.75 Resource consents to abstract water shall be given effect to within two years unless a longer lapse period is justified to give effect to the consent due to the scale or complexity of the activity. For the purpose of this policy, “given effect to” requires the installation of infrastructure, water meter and use of the water as proposed.

4.76 Resource consents for the use of land for farming activities and the associated discharge of nutrients in catchments that are coloured red on the Planning Maps and resource consents for water take and use in catchments or groundwater allocation zones that are over-allocated will generally be subject to a 5 year duration if the land use and associated nutrient discharges or water take and use may impede the ability of the community to find an integrated solution to manage water quality and the over-allocation of water.

Hydrocarbon Exploration or Production, Including “Fracking”

4.77 Groundwater or surface water contamination resulting from the use of chemicals, materials or additives or the escape of hydrocarbons during the exploration for, or extraction of, hydrocarbons in solid, liquid or gaseous forms is avoided.

4.78 Any bore penetrating bedrock is cased to prevent any potential contaminants leaking into the overlying aquifers and, when decommissioned, the release of contaminants from the bedrock into the overlying aquifers; and any entry of contaminants from the land surface into the well or bore is prevented.

Wetlands and riparian margins

4.79 Any take, use, damming or diversion of water, any discharge of contaminants onto land or into water, or any earthworks, structures, planting, vegetation removal or other land uses
within a natural wetland boundary, do not adversely affect the significant indigenous biodiversity values of natural wetlands, hāpua, coastal lakes and lagoons, except for:

(a) a temporary and minor adverse effect where that activity is part of installing or maintaining infrastructure, pest management, or habitat restoration or enhancement work; or

(b) the artificial opening of hāpua, coastal lakes or lagoons to assist in fish migration or achieving other conservation outcomes, customary uses, or to avoid land inundation.

4.80 Modification of natural wetlands, hāpua, coastal lakes and lagoons may occur if the activity is necessary to provide for the installation of infrastructure and any significant effects are offset by other improvement or expansion of the same wetland, hāpua, coastal lake or lagoon.

4.81 Restoration or enhancement of wetlands is encouraged provided it does not give rise to any adverse effects on other lawfully established activities, including any adverse effects on the reliability of supply of water for existing abstractors, or any inundation or erosion of other people’s property.

4.82 Wetlands and riparian planting are developed as integral parts of land drainage, discharges to land and water and stormwater networks in both rural and urban areas, to reduce the effects of those activities on water quality and to enhance indigenous biodiversity and amenity values.

4.83 Water quality, indigenous biodiversity and ecosystem health in lakes, rivers, natural wetlands, hāpua, coastal lakes and lagoons are enhanced through establishing or restoring riparian planting.

Activities in Beds of Lakes and Rivers

4.84 Earthworks and structures in the beds or margins of lakes, rivers, natural wetlands, hāpua, coastal lakes and, lagoons:

(a) maintain the character and variable channel characteristics of braided rivers;

(b) protect sites and areas of significant indigenous biodiversity values or of cultural significance to Ngāi Tahu; and

(c) do not preclude any existing lawful access to the bed of the lake, river, natural wetland hāpua, coastal lake, or lagoon for recreational, customary use, or flood control purposes.

4.85 Plant species listed in the Biosecurity NZ Unwanted Organisms Register or the Regional Pest Management Strategy are not introduced or planted in the beds or margins of lakes, rivers, hāpua, coastal lakes and lagoons, or in wetlands.

4.86 Earthworks, structures, or the planting or removal of vegetation (other than by spraying) in the beds of lakes, rivers, hāpua, coastal lakes and lagoons, or within a wetland boundary do not occur in flowing or standing water unless any effects on water quality, ecosystems, or
the amenity, recreational or cultural values will be minor or the effects of diverting water are more significant than the effects of the activity occurring in flowing or standing water.

4.87 Earthworks, structures (including flood control structures), vegetation planting or removal, or other activities in the beds of lakes or rivers, do not restrict flood flows in any river, or create or exacerbate erosion of the bed or banks of any river or the bed or margins of any lake.

4.88 Any modification of the levels of lakes which are artificially managed does not create or exacerbate significant shoreline erosion. This policy does not apply to the artificial opening of hāpua, coastal lakes or lagoons to the sea.

4.89 Land uses, and other activities in the beds or margins of lakes and rivers, do not adversely affect the stability or functioning of lawfully established erosion control or flood protection works or infrastructure.

**Gravel Extraction**

4.90 Recognise the value of gravel extraction for regionally significant infrastructure, for economic activity and for the re-build of Christchurch and enable the maximum extraction from land without affecting groundwater quality and require remediation to avoid the risk of contamination.

4.91 For all gravel removal from the beds of rivers:
   (a) the rate of gravel extraction does not exceed the rate of gravel recharge, except where stored gravel is available for extraction and in that case short-term extraction of stored gravel may occur at a rate that exceeds gravel recharge rates only to the point that gravel levels reach gravel recharge rates; and
   (b) the activity is undertaken in ways which do not induce erosion, adversely affect water quality, significant indigenous biodiversity, disturb wildlife habitat or sites of cultural significance to Ngāi Tahu, or affect access and recreational values.

**Natural Hazards**

4.92 The consequential effects of seismic activity are recognised and timely and appropriate responses to such activity are facilitated.

4.93 Temporary adverse effects from activities required for recovery from a natural hazard event are managed to minimise the duration and scale of any adverse effects and maximise the overall benefits of the activity to the recovery.

4.94 In urban areas, where groundwater hydrology has changed as a result of seismic activity, including new springs and altered groundwater levels, allow site-specific remediation to occur. (This page is intentionally blank)
Section 5 - Region-wide Rules

Note: The Rules in light grey text below are as notified and do not include the changes as recommended in Fish and Game’s Hearing Group 1 evidence

Changes in blue underline are changes recommended by the s42A officers that I agree with.

Changes in red underline are changes I recommend

Index to Rules

<table>
<thead>
<tr>
<th>Topic</th>
<th>Rule Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Rules</td>
<td>5.1 – 5.6</td>
</tr>
<tr>
<td>On-site Wastewater</td>
<td>5.7 – 5.10</td>
</tr>
<tr>
<td>Swimming Pool or Spa Water</td>
<td>5.11 – 5.12</td>
</tr>
<tr>
<td>Grey-Water</td>
<td>5.13 – 5.14</td>
</tr>
<tr>
<td>Pit and Composting Toilets</td>
<td>5.15 – 5.18</td>
</tr>
<tr>
<td>Dust Suppressants</td>
<td>5.19 – 5.20</td>
</tr>
<tr>
<td>Pest Control</td>
<td>5.21 – 5.28</td>
</tr>
<tr>
<td>Offal and Farm Rubbish Pits</td>
<td>5.29 – 5.32</td>
</tr>
<tr>
<td>Animal and Vegetative Waste</td>
<td>5.33 – 5.34</td>
</tr>
<tr>
<td>Stock Holding Areas and Animal Effluent</td>
<td>5.35 – 5.36</td>
</tr>
<tr>
<td>Silage Pits and Compost</td>
<td>5.37 – 5.38</td>
</tr>
<tr>
<td>Farming</td>
<td>5.39 – 5.51</td>
</tr>
<tr>
<td>Fertiliser Use</td>
<td>5.52 – 5.54</td>
</tr>
<tr>
<td>Land Drainage Water</td>
<td>5.55 – 5.58</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>5.59 – 5.61</td>
</tr>
<tr>
<td>Sewerage Systems</td>
<td>5.62 – 5.66</td>
</tr>
<tr>
<td>Municipal Solid Waste</td>
<td>5.67 – 5.68</td>
</tr>
<tr>
<td>Industrial and Trade Wastes</td>
<td>5.69 – 5.70</td>
</tr>
<tr>
<td>Stormwater</td>
<td>5.71 – 5.73</td>
</tr>
<tr>
<td>Water tracers</td>
<td>5.74 – 5.75</td>
</tr>
<tr>
<td>Other minor Contaminant Discharges</td>
<td>5.76 – 5.77</td>
</tr>
<tr>
<td>Bores</td>
<td>5.78 – 5.83</td>
</tr>
<tr>
<td>Small and Community Water Takes</td>
<td>5.84 – 5.88</td>
</tr>
<tr>
<td>Water for Construction and Maintenance</td>
<td>5.89 – 5.93</td>
</tr>
<tr>
<td>Water from Canals or Water Storage</td>
<td>5.94 – 5.95</td>
</tr>
<tr>
<td>Take and Use Surface Water</td>
<td>5.96 – 5.100</td>
</tr>
<tr>
<td>Take and use Groundwater</td>
<td>5.101 – 5.106</td>
</tr>
<tr>
<td>Transfer of Water Permits</td>
<td>5.107 – 5.108</td>
</tr>
<tr>
<td>Flow Sensitive Catchments</td>
<td>5.109 – 5.111</td>
</tr>
<tr>
<td>Structures</td>
<td>5.112 – 5.121</td>
</tr>
<tr>
<td>Refuelling in Lake and Riverbeds</td>
<td>5.122 – 5.123</td>
</tr>
<tr>
<td>Gravel from Lake and Riverbeds</td>
<td>5.124 – 5.127</td>
</tr>
<tr>
<td>Dams and Damming</td>
<td>5.128 – 5.132</td>
</tr>
<tr>
<td>Stock Exclusion from Waterbodies</td>
<td>5.133 – 5.137</td>
</tr>
<tr>
<td>Wetlands</td>
<td>5.138 – 5.142</td>
</tr>
<tr>
<td>Vegetation in Lake and Riverbeds</td>
<td>5.143 – 5.146</td>
</tr>
<tr>
<td>Section</td>
<td>Pages</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Earthworks and Vegetation Clearance in Riparian Areas</td>
<td>5.147 – 5.149</td>
</tr>
<tr>
<td>Vegetation Clearance and Earthworks in Erosion-prone Areas</td>
<td>5.150 – 5.154</td>
</tr>
<tr>
<td>Excavation and Deposition over Aquifers</td>
<td>5.155 – 5.161</td>
</tr>
<tr>
<td>Hazardous Substances</td>
<td>5.162 – 5.169</td>
</tr>
</tbody>
</table>
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 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 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;
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 potentially contaminated;
   (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; or
   (g) within a group or community drinking water supply protection area as set out in Schedule 1 of this Plan.

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 matter:
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 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 14 m³ per week;
2. The discharge is within the area marked “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 potentially contaminated;
   (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.
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.

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 matter:

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.
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/m$^3$;
       (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$^\text{TM}$; 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 matter:
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 be carried out by a person who holds a GROWSAFE® Pilots’ Agrichemical Rating Certificate or an AIRCARE™ Accreditation;
Proposed Canterbury Land & Water Regional Plan

(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 Except where it is regulated under Rules 5.39A to 5.39J, 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 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 agrichemical 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
   (d) within a group or community drinking water supply protection area as set out in Schedule 1.

5.34 Except where it is regulated under Rules 5.39A to 5.39J, the discharge of solid animal waste, or solid vegetative waste material containing animal excrement or solid vegetative waste 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.

5.34A The discharge of solid animal waste, or solid vegetative waste containing animal excrement or solid vegetative waste, including from an intensive farming process or industrial or trade process, to water is a prohibited activity.

Stock Holding Areas and Animal Effluent

5.35 Except where it is regulated under Rules 5.39A to 5.39J, the use of land for a stock holding area is a permitted activity, provided the following conditions are met:
1. The stock holding area 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. All liquid animal effluent, washdown water or stormwater containing animal effluent is collected and disposed of to an animal effluent collection and storage system authorised under Rules 5.35B to 5.36B;

3. The base of any stock holding area located on land over an unconfined or semiconfined aquifer shall be sealed such that seepage into land does not exceed one millimetre per day.

5.35A The use of land for a stock holding area that does not meet one or more of the conditions of Rule 5.35 is a discretionary activity.

5.35B Except where it is regulated under Rules 5.39A to 5.39J, the use of land for the collection, storage and treatment of animal effluent is a permitted activity, provided the following conditions are met:

1. The land used for the collection, storage and treatment of animal effluent is not:
   
   (a) 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) within 50m of the boundary of the property;

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

2. The collection, storage and treatment system is sealed, such that seepage into land does not exceed one millimetre per day; and

3. The total volume of animal effluent stored on a property is no greater than 1,500 m3

5.35C The use of land for the collection, storage and treatment of animal effluent that does not meet one or more of the conditions of Rule 5.35 is a discretionary activity.

5.36 Except where it is regulated under Rules 5.39A to 5.39J, the 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 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) is not within 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

(e) is not to contaminated land; and

2. A Farm Environment Plan is prepared, implemented and audited in accordance with Schedule 7 Parts A and C.

The CRC will restrict discretion to the following matters:

1. The preparation, compliance with and auditing of the Nutrient Management Plan Farm Environment Plan;

2. Measures to avoid, mitigate or remedy adverse effects on aquatic ecosystems and human or animal drinking water;

3. Application rates and total nitrogen load;

4. Methods to store effluent and application rates in times of adverse weather conditions, including frozen ground, or in cases of equipment failure;

5. The proximity of any discharge site to any identified site of significant indigenous biodiversity, site listed in Schedule 17 or in Schedule XX;

6. The adequacy of design, construction, systems and management processes to minimise fugitive discharges from the system, including, but not limited to, mitigation in case of equipment failure or breakage;

7. The adverse effects of the activity on Ngai Tahu values;

8. 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.

5.36A The 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 Rule 5.36 is a non-complying activity.

5.26B The discharge of animal effluent or water containing animal effluent and other contaminants to water is a prohibited activity.
5.35 The use of land for a stockholding 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 stockholding 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
   (e) 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 site to 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;

6. 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 stockholding 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 Rule 5.35 is a non-complying activity.
Silage Pits and Compost

5.37 **Except where it is regulated under Rules 5.39A to 5.39J, the use of land for the stockpiling of decaying organic matter (compost) 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. **Any liquid that drains from the stockpile does not enter a surface water body, other than a wetland constructed primarily to treat animal effluent; and**

3. **Any decaying organic matter does not originate from an industrial or trade process.** 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 50 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.**

5.37A **Except where it is regulated under Rules [farming rules], the use of land for a silage pit or the stockpiling of other fermenting or decaying organic matter not permitted by Rule 5.37 and any associated discharge into or onto land where a contaminant may enter water is a permitted activity provided the following conditions are met:**

5. **The volume of any silage pit or stockpile is less than 20 m³; or**

6. **The volume of any silage pit or stockpile is greater than 20 m³ and is not sited:**
   (d) within 50 m of a surface water body, the boundary of the property site, a bore or the Coastal Marine Area;
   (e) within a group or community drinking water supply protection area as set out in Schedule 1; or
   (f) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;

7. **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**
8. 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 or 5.37A 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 or 5.37A.
2. The adverse effects of the activity on Ngai Tahu values
3. The preparation, compliance with and auditing of the Farm Environment Plan; 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.

Note: Rules 5.37 to 5.38 do not apply to the storage of baled and wrapped silage, whether stored in individual bales or a continuous tube.

Farming

Note: 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.

Table 1.1 – Sustainable Nitrogen Loss Maximum for farming activities

<table>
<thead>
<tr>
<th>Catchment</th>
<th>Sustainable N loss maximum (kg/ha/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>20</td>
</tr>
</tbody>
</table>

Note: Table 1.1 has been structured in this way so that if individual catchments need to be given different N loss maximums in the future they can be listed here.

Table 1.2 – Dates that farming rules for existing farming come into effect

The dates specified in this table are the years in which the farming rules for existing farming in this plan will come into effect.

<table>
<thead>
<tr>
<th>Catchment (allocation status)</th>
<th>Year farming rules for existing farming come into effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red catchments</td>
<td>2014</td>
</tr>
<tr>
<td>Orange catchments</td>
<td>2016</td>
</tr>
</tbody>
</table>

Where the allocation status of a catchment changes, the date the rules will come into effect is the date specified for the new allocation status.
5.39A Standard conditions for farming activities

The following standard conditions are referred to in the farming rules below:

1. A Farm Environment Plan must be prepared for the farm annually and provided to the Regional Council prior to the beginning of the year to which it relates. The Farm Environment Plan must describe measures that will be implemented to ensure the applicable conditions of rules will be met.

2. The activity must be undertaken in accordance with the Farm Environment Plan prepared under Condition 1.

3. Stock must be excluded from the active beds of rivers, lakes and wetlands except where stock access is a permitted activity in accordance with Rule 5.135 or 5.136 or resource consent has been granted in accordance with Rules 5.134A or 5.137.

4. The use of land for an offal pit and the associated discharges of contaminants to land must comply with the conditions of rule 5.29.

5. Run-off originating from any bridge or culvert that is used for stock crossings must be discharged onto or into land or into an animal effluent collection and storage system authorised under Rules 5.35B to 5.36B if one is available.

6. The discharge of fertiliser onto or into land must comply with the conditions of Rules 5.52 and 5.53.

7. The use of land for silage pit or the stockpiling of other fermenting or decaying organic matter and any associated discharge of contaminants to land must comply with the conditions of Rules 5.37 and 5.37A.

8. The use of land for a stock holding area, the collection, storage and treatment of animal effluent must comply with the conditions of Rules 5.35 and 5.35B.

9. The discharge of animal effluent onto or into land including:
   a. Effluent from dairy sheds and feedpads
   b. Effluent from piggeries
   c. Sludge from farm effluent ponds
   d. Poultry farm effluent
   e. Effluent and other contaminants originating from stock holding areas or land used for the storage, collection and treatment of animal effluent must comply with the conditions of Rule 5.36 [and the Dairy NZ Effluent Guidelines]

5.39B Existing farming in Blue and Green catchments

The use of land pursuant to s9(2) RMA for Existing Farming in a Blue catchment or Green catchment, and for Existing Farming in a Red catchment or Orange catchment prior to the date specified in Table 1.2, is a permitted activity if the following condition is met:

1. A record of the farming information set out in Part C of Schedule 7, for the period from 1 July in one year to 30 June in the following year, is kept and is provided to the CRC upon request.
Note this rule relates to use of land only and not discharges.

5.39c **Existing Farming in ORANGE and RED catchments**

From the date specified in Table 1.2 for the applicable catchment, the use of land pursuant to s9(2) RMA for **Existing Farming** in a, Orange Catchment or Red Catchment and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. **Fertiliser**

ii. **Contaminants into or onto land from:**
   1. The preparation, storage, use or transportation of stock feed, including silage
   2. A feedpad or other hard surfaced area used for feeding stock

iii. **Solid animal waste or vegetative material containing animal excrement or vegetative material**

iv. **Animal effluent including:**
   1. Effluent from dairy sheds and feedpads
   2. Effluent from piggeries
   3. Sludge from farm effluent ponds
   4. Poultry farm effluent

_is a controlled activity_ provided the following conditions are met:

i. Nitrogen leaching from the farm* does not exceed the sustainable nitrogen leaching maximum* specified in Table 1.1

ii. The standard conditions for farming activities are complied with.

Note: Where the discharge of contaminants from an existing activity is expressly allowed by way of an existing resource consent, including a resource consent for an irrigation scheme, the existing resource consent remains in force. This rule comes into effect on the expiry or surrender of the current resource consent. An existing resource consent is not considered to ‘expressly allow’ a discharge if that resource consent does not specifically state that the discharge is allowed.

Control is reserved over:

1. The maximum amount of nutrient loss from the farm.
2. Any nitrogen leaching reduction to be undertaken by or on behalf of another farm (trading) and measures to legally define the nature, term and conditions of that agreement.
3. Management practices and measures, including capacity and design specifications of facilities, necessary to manage nitrogen, phosphorus, sediment and faecal losses from the property.
4. The contents and implementation of Farm Environment Plans
5. For any discharge of animal effluent or water containing animal effluent, the matters of discretion listed in Rule 5.36
6. Duration of consent
7. Financial contributions and costs
8. **Provision of information, including input data used to calculate nutrient losses from the farm**

9. **Compliance monitoring**

10. **Review of consent conditions**

### 5.39D Existing Farming in Orange or Red catchments that does not comply with Rule 5.39C

From the date specified in Table 1.2 for the applicable catchment, the use of land pursuant to s9(2) RMA for **Existing Farming*** in a Orange, Red or Lake catchment and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. **Fertiliser**

ii. **Contaminants into or onto land from:**
   a. The preparation, storage, use or transportation of stock feed, including silage
   b. A feedpad or other hard surfaced area used for feeding stock

iii. **Solid animal waste or solid vegetative waste containing animal excrement or solid vegetative waste**

iv. **Animal effluent including:**
   a. Effluent from dairy sheds and feedpads
   b. Effluent from piggeries
   c. Sludge from farm effluent ponds
   d. Poultry farm effluent

that does not comply with the conditions of Rule 5.39C is a **restricted discretionary activity** provided the following conditions are met:

i. **A Farm Environment Plan must be prepared for the farm annually and provided to the Regional Council prior to the beginning of the year to which it relates. The Farm Environment Plan must describe measures that will be implemented to ensure the applicable conditions of rules will be met.**

ii. **The activity must be undertaken in accordance with the Farm Environment Plan prepared under Condition 1.**

iii. **Where N leaching is greater than that specified in Table 1.1:**
   a. **The amount of N leaching must be no greater than the N leaching rate from the farm for the period 1 July 2011 to 30 June 2012; AND**
   b. **The amount of N leaching above the amount specified in Table 1.1 will be reduced by at least 20% by each 5 year interval after the applicable catchment date in Table 1.2, by either:**
      i. **Measures undertaken on the farm; or**
      ii. **The N leaching reduction being achieved by one or more other farms in the same catchment undertaking that leaching reduction in addition to any leaching reduction the other farm/s must otherwise achieve (trading); or**
iii. A combination of (i) and (ii).

Note: where greater than 20% reduction is made in any 5 year interval, the reductions required (if any) at the following anniversaries will be the difference between the reduction that would otherwise have been required and the previously undertaken additional reductions.

The Council’s discretion is limited to:

1. The maximum amount of nutrient loss from the farm,
2. Any nitrogen leaching reduction to be undertaken by or on behalf of another farm (trading) and measures to legally define the nature, term and conditions of that agreement,
3. Management practices and measures, including capacity and design specifications of facilities, necessary to manage nitrogen, phosphorus, sediment and faecal losses from the property.
4. Setbacks from water bodies
5. Application rates, nature, timing, location and duration of discharges
6. The contents and implementation of Farm Environment Plans
7. The matters of discretion listed in Rule 5.36
8. Duration of consent
9. Financial contributions and costs
10. Provision of information, including input data used to calculate nutrient losses from the farm
11. Compliance monitoring
12. Review of consent conditions

5.39E Existing Farming in Orange or Red catchments that does not comply with the conditions of Rule 5.39D

The use of land pursuant to s9(2) RMA for Existing Farming* that does not comply with any of the conditions of Rule 5.39D and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. Fertiliser

ii. Contaminants into or onto land from:
   5. The preparation, storage, use or transportation of stock feed, including silage
   6. A feedpad or other hard surfaced area used for feeding stock

iii. Solid animal waste or vegetative material containing animal excrement or vegetative material

iv. Animal effluent including:
   7. Effluent from dairy sheds and feedpads
   8. Effluent from piggeries
   9. Sludge from farm effluent ponds
   10. Poultry farm effluent

is a Non-complying activity.
5.39F Changed or New farming in Pale Blue, Orange and Green catchments

The use of land pursuant to s9(2) RMA for Changed or New Farming* in a Blue, Orange or Green catchment and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. Fertiliser

ii. Contaminants into or onto land from:
   a. The preparation, storage, use or transportation of stock feed, including silage
   b. A feedpad or other hard surfaced area used for feeding stock

iii. Solid animal waste or vegetative material containing animal excrement or vegetative material

iv. Animal effluent including:
   a. Effluent from dairy sheds and feedpads
   b. Effluent from piggeries
   c. Sludge from farm effluent ponds
   d. Poultry farm effluent

is a Controlled Activity provided the following conditions are met:

i. Nitrogen leaching from the farm* does not exceed the sustainable nitrogen leaching maximum* specified in Table 1.1.

ii. The standard conditions for farming activities are complied with.

Control is reserved over:

1. The maximum amount of nutrient loss from the farm.
2. Any nitrogen leaching reduction to be undertaken by or on behalf of another farm (trading) and measures to legally define the nature, term and conditions of that agreement.
3. Management practices and measures, including capacity and design specifications of facilities, necessary to manage nitrogen, phosphorus, sediment and faecal losses from the property.
4. The contents and implementation of Farm Environment Plans
5. For any discharge of animal effluent or water containing animal effluent the matters of discretion listed in Rule 5.36
6. Duration of consent
7. Financial contributions and costs
8. Provision of information, including input data used to calculate nutrient losses from the farm
9. Compliance monitoring
10. Review of consent conditions
5.39G  **New farming or changed farming in Orange catchments that does not comply with Rule 5.39F**

The use of land pursuant to s9(2) RMA for **Changed or New Farming** in a Orange catchment and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. Fertiliser

ii. Contaminants into or onto land from:
   a. The preparation, storage, use or transportation of stock feed, including silage
   b. A feedpad or other hard surfaced area used for feeding stock

iii. Solid animal waste or vegetative material containing animal excrement or vegetative material

iv. Animal effluent including:
   a. Effluent from dairy sheds and feedpads
   b. Effluent from piggeries
   c. Sludge from farm effluent ponds
   d. Poultry farm effluent

that does not comply with the Conditions of Rule 5.39F is a **restricted discretionary activity** provided the following conditions are met:

i. A Farm Environment Plan must be prepared for the farm annually and provided to the Regional Council prior to the beginning of the year to which it relates. The Farm Environment Plan must describe measures that will be implemented to ensure the applicable conditions of rules will be met.

ii. The activity must be undertaken in accordance with the Farm Environment Plan prepared under Condition 1.

iii. The amount of N leaching above the amount specified in Table 1.1 will be avoided by an equivalent leaching reduction being achieved by one or more other farms in the same catchment in addition to any leaching reduction the other farm/s must otherwise achieve.

Note: This rule provides for the trading of N loss between farms within the same catchment. For new farms, the net N loss, accounting for N loss reductions undertaken on another farm, must be equal to the N loss limit specified in Table 1.1. The combined total N loss from all farms involved in a trade must be no greater than the combined amount of N loss those farms are entitled to leach under the respective rules of this Plan that authorise N loss.

The Council’s discretion is limited to:

1. The maximum amount of nutrient loss from the farm.
2. Any nitrogen leaching reduction to be undertaken by or on behalf of another farm (trading) and measures to legally define the nature, term and conditions of that agreement.
3. Management practices and measures, including capacity and design specifications of facilities, necessary to manage nitrogen, phosphorus, sediment and faecal losses from the property.
4. Setbacks from water bodies
5. Application rates, nature, timing, location and duration of discharges
6. The contents and implementation of Farm Environment Plans
7. The matters of discretion listed in Rule 5.36
8. Duration of consent
9. Financial contributions and costs
10. Provision of information, including input data used to calculate nutrient losses from the farm
11. Compliance monitoring
12. Review of consent conditions

5.39H New farming or changed farming in Pale Blue and Green catchments not complying with Rule 5.39F

The use of land pursuant to s9(2) RMA for Changed or New Farming* in a Pale Blue catchment or Green catchment and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. Fertiliser
ii. Contaminants into or onto land from:
   a. The preparation, storage, use or transportation of stock feed, including silage
   b. A feedpad or other hard surfaced area used for feeding stock
iii. Solid animal waste or vegetative material containing animal excrement or vegetative material
iv. Animal effluent including:
   a. Effluent from dairy sheds and feedpads
   b. Effluent from piggeries
   c. Sludge from farm effluent ponds
   d. Poultry farm effluent

that does not comply with the conditions of Rule 5.39F is a restricted discretionary activity provided the following conditions are met:

i. A Farm Environment Plan must be prepared for the farm annually and provided to the Regional Council prior to the beginning of the year to which it relates. The Farm Environment Plan must describe measures that will be implemented to ensure the applicable conditions of rules will be met.
ii. The activity must be undertaken in accordance with the Farm Environment Plan prepared under Condition 1.
The Council’s discretion is limited to:

1. The maximum amount of nutrient loss from the farm,
2. Any nitrogen leaching reduction to be undertaken by or on behalf of another farm (trading) and measures to legally define the nature, term and conditions of that agreement,
3. Management practices and measures, including capacity and design specifications of facilities, necessary to manage nitrogen, phosphorus, sediment and faecal losses from the property,
4. Setbacks from water bodies
5. Application rates, nature, timing, location and duration of discharges
6. The contents and implementation of Farm Environment Plans
7. The matters of discretion listed in Rule 5.36
8. Duration of consent
9. Financial contributions and costs
10. Provision of information, including input data used to calculate nutrient losses from the farm
11. Compliance monitoring
12. Review of consent conditions

5.39I New Farming or changed farming in Orange catchments that doesn’t comply with the conditions of Rule 5.39G or Blue or Green catchments that doesn’t comply with Rule 5.39H

The use of land pursuant to s9(2) RMA for Changed or New Farming* and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

i. Fertiliser
ii. Contaminants into or onto land from:
   a. The preparation, storage, use or transportation of stock feed, including silage
   b. A feedpad or other hard surfaced area used for feeding stock
iii. Solid animal waste or vegetative material containing animal excrement or vegetative material
iv. Animal effluent including:
   a. Effluent from dairy sheds and feedpads
   b. Effluent from piggeries
   c. Sludge from farm effluent ponds
   d. Poultry farm effluent

that does not comply with the conditions of Rule 5.39G or 5.39H is a Non-complying activity.
5.39 **New Farming or changed farming in over allocated (Red) catchments**

The use of land pursuant to s9(2) RMA for **New or Changed Farming** in a Red Zone and any associated discharge of the following contaminants onto or into land in circumstances where a contaminant may enter water pursuant to s15(1)(b) RMA:

1. **Fertiliser**
2. **Contaminants into or onto land from:**
   - a. The preparation, storage, use or transportation of stock feed, including silage
   - b. A feedpad or other hard surfaced area used for feeding stock
3. **Solid animal waste or vegetative material containing animal excrement or vegetative material**
4. **Animal effluent including:**
   - a. Effluent from dairy sheds and feedpads
   - b. Effluent from piggeries
   - c. Sludge from farm effluent ponds
   - d. Poultry farm effluent

*is a non-complying activity*

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 OVERSEER™ 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 OVERSEER™ 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:*
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;

2. The potential effects of the land use on surface and groundwater quality, sources of drinking water;

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

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.

**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;

3. 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 OVERSEER™ nutrient model;

4. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;

5. 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

6. 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.

5.43 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:

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;
2. The potential effects of the land use on surface and groundwater quality, and sources of drinking water;

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

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:

1. The land is outside a Lake Zone shown on the Planning Maps; and

2. The average annual loss of nitrogen does not exceed the rate for the relevant farming activity in Schedule 8; and

3. The average annual 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 OVERSEER™ nutrient model, is kept and is provided to the CRC upon request; or

4. 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:
   (a) a Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
   (b) the Farm Environment Plan is externally audited each year for the first three years by an Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
   (c) 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.

5.47 From 1 July 2017, the use of land for any 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:
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;
2. The potential effects of the land use on surface and groundwater quality, and sources of drinking water;
3. The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
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.

5.48 From 1 July 2017, the use of land for any farming activity is a discretionary activity where either:
   (a) The activity does not meet Condition 2 in Rule 5.46 or there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured orange on the Planning Maps; or
   (b) The activity complies with Condition 2 but not Condition 1 in Rule 5.46; or
   (c) The activity does not meet Condition 3 or 4, whichever is relevant, in Rule 5.46.

5.49 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 red or within a Lake Zone shown on the Planning Maps is a non-complying activity.

5.50 The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:
1. The land-use activity associated with the discharge is authorised under Rules 5.39 to 5.49.

5.51 The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and does not meet the condition in Rule 5.50 is a discretionary activity.

Fertiliser Use

5.52 Except where it is regulated by the Farming rules (Rules 5.39A to 5.39J) the discharge of fertiliser onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:
1. There is no fertiliser discharged when there is water ponding on the surface of the land; and
2. Fertiliser is not discharged directly into or within 10 m of a. the bed of a permanently flowing river,
b. the bed of an intermittently flowing river with an active bed wider than 0.5 metres,
c. the bed of a lake,
d. an artificial watercourse or within 10 m of
  e. a wetland boundary; or
f. any identified significant indigenous biodiversity site unless the equipment used has a current Spreadmark Certificate, in which case the setback distance is reduced to 5m.

3. A farm environment plan must be prepared for the property on which fertiliser is to be applied and fertiliser must be applied in accordance with that farm environment plan.

4. The activity is undertaken in accordance with the Code of Practice for Nutrient Management, NZFMRA, 2007, or is undertaken by a Spreadmark accredited person.

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

5.53 Except where it is regulated by the Farming rules (5.39A to 5.39J) the discharge of fertiliser from an aircraft onto or into land in circumstances where a contaminant may enter water and into any river is a permitted activity provided the following conditions are met:

1. There is no fertiliser discharged when there is water ponding on the surface of the land;
2. The equipment used has a current Spreadmark Certificate;
3. The discharge is be carried out by a person who holds a GROWSAFE® Pilots’ Agrichemical Rating Certificate or an AIRCARE™ Accreditation;
4. Fertiliser is not discharged directly into or within 10 m of:
   a. the bed of a permanently flowing river,
   b. the bed of an intermittently flowing river with an active bed wider than 0.5 metres,
   c. the bed of a lake,
   d. an artificial watercourse or within 10 m of
   e. a wetland boundary; or
   f. any identified significant indigenous biodiversity site the bed of a permanently flowing river or artificial watercourse that is more than 2m wide, any lake, or any wetland boundary; and
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.
6. A farm environment plan must be prepared for the property on which fertiliser is to be applied and fertiliser must be applied in accordance with that nutrient management plan.
7. The activity is undertaken in accordance with the Code of Practice for Nutrient Management, NZFMRA, 2007

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:
   (a) produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
   (b) produce any conspicuous change in the colour or visual clarity; and

2. The discharge does not:
   (a) occur within a group or community drinking water supply protection area as set out in Schedule 1;
   (b) contain any hazardous substance or hazardous waste; or
   (c) 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, either directly or via artificial watercourses or constructed wetlands, into a river, lake or natural wetland is a discretionary 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:
   (a) total suspended solids in the discharge does not exceed 50 grams/m$^3$; and
   (b) un-ionised hydrogen sulphide in the discharge does not exceed $0.005$ grams/m$^3$;

3. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not:
   (a) produce conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
   (b) produce any conspicuous change in the colour or visual clarity; or
   (c) produce any emission of objectionable odour; and

4. The discharge does not:
   (a) occur within a group or community drinking water supply protection area as set out in Schedule 1; or
   (b) 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.

5.60 The use of land for a new cemetery or an extension to an existing cemetery, and any ancillary discharge of contaminants into or onto land in circumstances where a contaminant or water may enter water, is a permitted activity, provided the following conditions are met:
1. Any new cemetery or an extension to an existing cemetery is not located:
   (a) within 20 m of a surface water body or the Coastal Marine Area;
   (b) within 50 m of a bore used for water abstraction;
   (c) within a group or community drinking water supply protection area as set out in Schedule 1;
   (d) where groundwater is less than 3 m below the ground surface; or
   (e) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;

5.61 The use of land for a cemetery, and any ancillary discharge of contaminants into or onto land in circumstances where a contaminant or water may enter water, that does not meet one or more of the conditions in Rule 5.60 is a discretionary activity.

Sewerage Systems

5.62 The use of land for a community wastewater treatment system and the discharge of sewage sludge, bio-solids and treated sewage effluent from a community wastewater treatment system and the discharge of sewage sludge and bio-solids from a domestic on-site waste water treatment system into or onto land, or into or onto land in circumstances where a contaminant may enter water are discretionary activities.

5.63 The use of land for a community wastewater treatment system and the discharge of sewage sludge, bio-solids and treated sewage effluent from a community wastewater treatment system and the discharge of sewage sludge and bio-solids from an on-site waste water treatment system into or onto land, or into or onto land in circumstances where a contaminant may enter water within a group or community drinking water supply protection area as set out in Schedule 1 is a prohibited activity.

5.64 The discharge of treated sewage effluent into surface water or a natural wetland is a non-complying activity.
5.65 The discharge of untreated sewage onto or into land in circumstances where a contaminant may enter water or into surface water, wetland or groundwater, as a result of a spill, overflow, or equipment failure, is a non-complying activity.

5.66 The discharge of untreated sewage onto or into land where a contaminant may enter water or into a river, lake, artificial watercourse, wetland or groundwater, except as a result of a spill, overflow, or equipment failure, is a prohibited activity.

Municipal Solid Waste

5.67 The discharge of municipal solid waste or hazardous waste into or onto land, or into or onto land in circumstances where a contaminant may enter water and is not categorised as a prohibited activity is a discretionary activity.

5.68 The discharge of municipal solid waste into or onto land, or into or onto land in circumstances where a contaminant may enter water, where the discharge is:
   (a) in the Christchurch Groundwater Protection Zone as shown on the Planning Maps; or
   (b) in a group or community drinking water supply protection area as set out in 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 m$^3$ per day;
   2. The discharge is at a rate not exceeding 5 mm per day;
   3. The discharge does not:
      (a) contain any hazardous substance or hazardous waste; or
      (b) originate on potentially contaminated land; and
   4. The discharge is not:
      (a) 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;
      (b) within a group or community drinking water supply protection area as set out in Schedule 1;
      (c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps;
      (d) onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil;
      (e) within any area or zone identified in a proposed or operative district plan for residential or commercial purposes;
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:
   (a) reduce the volume and concentration of contaminants in the discharge;
   (b) ensure the volume and rate of discharge do not exceed:
      (i) the capability of the soil and subsoil layers at the site to reduce contaminant concentrations in the discharge;
      (ii) the infiltration capacity of the soil and subsoil layers at the site;
   (c) avoid the accumulation of toxic or persistent contaminants in the soil or subsoil layers; and
   (d) minimise suspended sediment in stormwater from activities involving earthworks; and
5. The protection of any drinking water sources.

5.72 The discharge of stormwater into a river, lake, wetland or artificial watercourse 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 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:
   (a) a water race, as defined in Section 5 of the Local Government Act 2002;
   (b) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or
   (c) 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:
   (a) the discharge does not cause stormwater from up to and including a 24 hour duration 2% AEP rainfall event to enter any other property;
   (b) the discharge does not result in the ponding of stormwater on the ground for more than 48 hours;
   (c) 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;
   (d) there is no overland flow resulting from the discharge to a surface water body unless via a treatment system or constructed wetland; and
   (e) 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:
   (a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
   (b) the concentration of total suspended solids in the discharge shall not exceed:
      (i) 50 g/m$^3$, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
      (ii) 100 g/m$^3$ where the discharge is to any other river or to an artificial watercourse; and
   (c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.

5.73 The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water that does not meet the conditions of Rule 5.72 is a non-complying activity.

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:
   (a) Bacillus stearothermophilus and Bacillus subtilis v. niger; Lycopodium sp. spores;
   (b) Baker’s yeast (Saccharomyces cerevisia);
(c) Bacteriophages;
(d) Rhodamine WT and Fluorescein fluorescent dyes;
(e) sodium 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 water that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met:
1. The volume of the discharge does not exceed 10 m$^3$ per day and the application rate does not exceed 10 mm per day;
2. The discharge is not directly into groundwater;
3. The discharge does not result in any overflow or runoff into any surface water body or onto neighbouring site;
4. The discharge does not, in groundwater, render fresh water unsuitable or unpalatable for consumption by farm animals or humans;
5. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope;
6. The discharge does not occur when the soil moisture exceeds field capacity;
7. The discharge is not from potentially contaminated land; and
8. The discharge is not within
(a) 50 m of a bore used for water abstraction; or
(b) within a group or community drinking water supply protection area as set out in Schedule 1.
5.77 Any discharge of water or contaminants into water that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met:

1. The discharge is not from potentially contaminated land;
2. The discharge is not into a Natural State water body;
3. The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5; and
4. the concentration of total suspended solids in the discharge shall not exceed:
   (a) 50 g/m$^3$, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or
   (b) 100 g/m$^3$ where the discharge is to any other river or to an artificial watercourse.

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:
   (a) covering or capping the bore or the above ground portion of the gallery pipe, when not in use;
   (b) sealing the exterior of the bore (the annulus) with bentonite or concrete grout from ground level to above the screen or 1 m below ground level, whichever is the lesser; and
   (c) sealing the bore-head 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:
   (a) covering or capping the bore when not in use;
   (b) sealing the exterior of the bore (the annulus) with bentonite or concrete grout from ground level to above the screen or 1 m below ground level, whichever is the lesser; and
   (c) sealing the bore-head at ground or pumphouse floor level with a concrete pad of at least 0.3 m radius and 0.1 m thickness which is contoured to slope away from the bore or pipe; and
3. Information on bore or gallery location, bore installation (including bore logs and intended uses), and other relevant information is submitted to the CRC within 20 working days of drilling the bore.

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:

<table>
<thead>
<tr>
<th>Water body</th>
<th>7DMALF</th>
<th>Rate</th>
<th>Volume per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>River &lt; 100 L/s</td>
<td></td>
<td>0.5 L/s</td>
<td>2 m³</td>
</tr>
<tr>
<td>River 100 – 500 L/s</td>
<td></td>
<td>2 L/s</td>
<td>10 m³</td>
</tr>
<tr>
<td>River 500 L/s – 10 m³/s</td>
<td></td>
<td>5 L/s</td>
<td>20 m³</td>
</tr>
<tr>
<td>River 10 – 20 m³/s</td>
<td></td>
<td>5 L/s</td>
<td>50 m³</td>
</tr>
<tr>
<td>River &gt;20 m³/s</td>
<td></td>
<td>5 L/s</td>
<td>100 m³</td>
</tr>
<tr>
<td>Artificial</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>watercourse</td>
<td></td>
<td>5 L/s</td>
<td>10 m³</td>
</tr>
<tr>
<td>Lakes</td>
<td>N/A</td>
<td>5 L/s</td>
<td>50 m³</td>
</tr>
</tbody>
</table>

   (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 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 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

6. The take is not from the Avon River/Ōtākaro or Heathcote River or a natural wetland or a hāpua.

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 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 site boundary, 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, 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. Any beneficial effects from the use of the water; and
6. Compliance with any relevant Water Conservation Order.
7. 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 m$^3$ 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 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.

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

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 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 is a discretionary activity.

Take and Use Surface Water

5.96 The taking and use of surface water from a river or lake, and the use of water taken from irrigation or hydroelectric canals or water storage facilities, 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, 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 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
3. The take is not from a natural wetland, hāpua or a high naturalness river that is listed in Sections 6-15.

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 any relevant Water Conservation Order.

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 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.

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;
7. Effects on aquatic ecosystems, in-stream habitat, wetlands, sites of significance to Ngāi Tahu, amenity & recreational values in the area of the river subject to the diversion; and
8. Effects of both take or diversion and discharge on water quality.
5.100 The taking and use of water from a lake, river or artificial watercourse and discharge of the same water to the same lake, river or artificial watercourse 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 of the RMA, for stream depleting groundwater takes, 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 of the RMA, the seasonal or annual volume of the groundwater take, in addition to all existing resource consented takes, 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 and 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.

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 activity provided the following conditions are complied with:
   1. The discharge of the groundwater is to the same aquifer or groundwater source as the abstraction, and the discharge is within 50 m of the abstraction point;
   2. The use of the water is for non-commercial purposes; and
   3. No contaminants, other than water of the same or different temperature, enter the groundwater.

5.106 The taking and use of groundwater and discharge of the same groundwater 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 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 and the need for new 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.
7. The rate, timing and method of irrigation to minimise nutrient leaching and which may be necessary to meet Nitrogen leaching limits.
8. The effects of the take on water quantity and water quality in the water body from which water is to be taken, and the achievement of water quantity and quality limits.
9. The amount of the water take to be surrendered.
10. Supply of information
11. Monitoring requirements
12. Review of consent conditions

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 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 15% of the total site area of a certificate of title that existed at 1 November 2010.

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 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, 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, 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.

5.114 The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, maintenance, or removal of pipes, ducts, cables or wires is a permitted activity, provided the following conditions are met:
1. The activity is not undertaken in, on, or under the bed of a lake listed as a high naturalness lake in Sections 6-15;
2. The activity does not involve the deposition of any substance, other than bed material, on the bed of a lake or river;
3. The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, 150 m from any water level recorder, 50 m from any flood protection works;
4. Within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour;
5. Marker posts are erected for the lifetime of the pipes, ducts, cables or wires; and
6. The works do not occur in flowing water.

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 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;
3. The works do not occur in flowing water;
4. The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17;
5. 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;
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;

6. 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;

7. 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 it is undertaken by or on behalf of the CRC; and
   (d) the culvert is not in place for more than four weeks; and

8. 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.

5.116 The installation, maintenance, use and removal of flood protection works, and including the associated deposition of substances on, in or under the bed of a lake or river 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 does not prevent access in any way to lawfully established structures, including flood protection works, or to flood control vegetation;

2. 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; and

3. The activity is undertaken by a local authority or a network utility operator 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.
5.117 For structures, excluding dams, lawfully established prior to the notification of this Plan, the use and maintenance of the structure is a permitted activity provided the following condition is met:

1. Any substance 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.

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 5.127 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 spawning site listed in Schedule 17; and
3. The diversion is in place for not more than 2 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 5.127 are permitted activities, provided the following conditions are met:

1. The discharge is only of sediment and water originating from within the bed of the lake or river;
2. The discharge is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and
3. The discharge is not for more than eight hours in any 24-hour period, and not more than 40 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 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, 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.

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 do not apply to resource consents to extract gravel from rivers in Canterbury.

5.125 The extraction of gravel 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 m$^3$ in any 12 consecutive months; or
   (b) between 1 February and 31 August, in the beds listed in Schedule 14, does not exceed 5 m$^3$ per month and not more than 10 m$^3$ 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 m$^3$ per month and not more than 20 m$^3$ 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 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.

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 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 of water outside the bed of a river or natural lake:
   (a) the volume of water stored or impounded is less than 20,000 m$^3$;
   (b) the maximum depth of water is less than 3 m; and
   (c) if the volume of water impounded is greater than 1,000 m$^3$, the design and construction of the dam is certified by a chartered professional engineer (civil); and
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 m$^3$;
   (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 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 in the mainstem of any river; and
   (g) 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.
5.129 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 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 does not cause water flow to fail to meet any limits set in Sections 6-15;
2. The dam is not located in a river listed as a high naturalness lake or river in Sections 6-15 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 of a structure in the bed of a river associated with a lawfully established hydroelectricity power scheme that existed on 1 November 2013 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 Except as provided for by Rule 5.134A, the use and disturbance of the active bed (including the banks) of a lake or river or a wetland by outdoor intensively farmed livestock intensive stock and any associated discharge of contaminants onto or into land in circumstances where a contaminant may enter water, or any associated discharge of contaminants into water, for temporary or permanent stocking or temporary access is a prohibited activity.

5.134 The use and disturbance of the active bed of a lake or river or a wetland by stock that are not intensive stock cattle or farmed deer 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.

5.134A The use and disturbance of the active bed (including the banks) of a river, that is permanently flowing, or that is greater than 1m wide or 100mm deep at the time when and place where stock access it, by intensive stock and any associated discharge to water is a discretionary activity if the following conditions are met:

1. The use or disturbance and any associated discharge is not a prohibited activity under Rule 5.134;
2. A Farm Environment Plan is prepared, complied with and audited in accordance with Schedule 7; and
3. The use and disturbance of the bed does not occur on more than four occasions per annum, for a duration not exceeding 1 hour on each occasion and the crossing stock is accompanied by a person at all times.
4. The bed of the river exceeds 50 metres in width and there is no reasonably practicable physical means for the stock to cross the river without accessing the bed.

5.135 The use and disturbance of the part of the bed of a lake, or river that is not the active bed or wetland for temporary or permanent stocking with stock that are not intensive stock 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 Any discharge shall not, outside the Mixing Zone cause:
   (a) The water quality standards in Schedule 5 to be exceeded
   (b) a conspicuous change in colour or clarity of the water;
   (c) 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) de-vegetation that exposes bare earth 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 by stock that are not intensive stock 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, 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 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 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 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 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 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, 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 the 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 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 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. 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 or under the bed of a lake or river that does not comply with one or more of conditions 1, 3 or 5 to 7 of Rule 5.143 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 5.143; and
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.

5.145 The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on or under the bed of a lake or river that does not comply with condition 2 of Rule 5.143 is a non-complying activity.
The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on or under the bed of a lake or river that does not comply with condition 4 of Rule 5.143 is a prohibited activity.

Earthworks and Vegetation Clearance in Riparian Areas

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 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. 10 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 on the Planning Maps or defined as Hill and High Country land zoned LH1 on the Planning Maps;

c. 20 m of the bed of a lake or river or a natural wetland boundary if that water body is listed in Schedule 17, or is identified Schedule XX as having values of Outstanding Salmonid Fishery, High Naturalness or Primary Salmonid Spawning

is a permitted restricted discretionary 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 pest 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 within 1m 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.

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.

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 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. 10 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 on the Planning Maps or defined as Hill and High Country land zoned LH1 on the Planning Maps;

c. 20 m of the bed of a lake or river or a natural wetland boundary if that water body is listed in Schedule 17, or is identified Schedule XX as having values of Outstanding Salmonid Fishery, High Naturalness or Primary Salmonid Spawning is a permitted restricted discretionary activity provided the following conditions are met:

1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:
   (a) an area of 500 m$^2$, or 10% of the area, whichever is the lesser; or
   (b) a volume of 10 m$^3$ on Hill and High Country land and land zoned LH2 on the Planning Maps;

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

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

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

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

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

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

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.

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

1. 20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or
2. 10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;
that does not comply with the conditions in Rules 5.147 or 5.148 is a restricted discretionary activity.

The CRC will restrict its discretion to the following matters:

3. For forest harvesting, the harvesting method, location of haulage and log handling areas, access tracks, and sediment control;
4. The potential for adverse effects on soil quality or slope stability;
5. The potential for adverse effects on the quality of water in rivers, lakes, wetlands or the sea;
6. 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;
7. The potential for adverse effects on the banks or bed of a water body or on its flood carrying capacity; and
8. 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 outside the bed of a river, lake or a natural wetland boundary and that is not regulated by Rules 5.147 or 5.148 outside any riparian margin, the use of land for:

a. Cultivation or spraying of slopes less than 15°;

b. Cultivation or spraying on slopes greater than 15° 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
k. 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 or exotic forest harvesting is carried out, the maximum depth of cut or fill is 0.5m 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 the area shown as High Soil Erosion Risk on Area LH2 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 10 m of the bed of a river with an active bed wider than 1 m, or lake or a natural wetland boundary;
2. Within the area to be burnt:
   (a) the extent of bare ground is less than 20%;
   (b) the slope is less than 35 degrees; 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 condition 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 with an active bed wider than 1 m, 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; 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 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.

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 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 m$^3$ 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 m$^3$ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the highest level of groundwater which can reasonably be expected to occur at the site is less than 30 m below the natural land surface is a controlled activity, provided the following conditions are met:
1. The material is only cleanfill;
2. The volume of vegetative matter in any cubic metre of material deposited does not exceed 3%;
3. The material is not 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

5.161 The use of land for the deposition of more than 50 m$^3$ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the highest level of groundwater which can reasonably be expected to occur at the site is less than 30 m below the natural land surface 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;
   (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.