

# **rules conservation zone**

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## **CO<sub>r</sub> Rules**

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### **CO<sub>r.1</sub> Rule table - rules**

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This section and the Rule Tables that follow contain rules applicable in this Zone.

Note also that there may be relevant District-wide rules that appear in the Appendices. These rules will be linked to the Zone rules either by direct reference from within the Zone rules, through definitions, or through overlays or other notations on the maps. These rules must also be complied with.

### **CO<sub>r.2</sub> Prohibited activities**

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The following activities are prohibited activities for which no resource consent shall be granted:

- a) Use, storage, or disposal of radioactive material with an activity exceeding 1000 terabecquerels.

### **CO<sub>r.3</sub> Permitted activities**

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A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the “permitted” column of the Rule Table. In this Zone, permitted activities also include all land uses that are not specifically mentioned in the rules.

Certain permitted activities are subject to a condition for the payment of Financial Contributions of the amounts, and for the purposes, set out in Chapter 6. This condition is additional to any conditions mentioned in the rules, and may be the only condition in the case of activities not otherwise mentioned in the rules. The permitted activities subject to a condition for financial contributions are:

- a) Building work
- b) Connection to the Council’s water supply system
- c) Connection to the Council’s sewerage system for the purpose of disposing of trade waste
- d) As provided in rules

### **CO<sub>r.4</sub> Controlled activities**

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A resource consent is required for a controlled activity. (See Chapter 3 for a fuller description of controlled activities.) Controlled activities must comply with the standards and terms set out in the “controlled” column of the Rule Table. Consent will usually be granted for a controlled activity. Conditions may be imposed on the matters stated in the column as matters that control is reserved over. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule CO<sub>r.8</sub> below regarding further matters of control.)

### **CO<sub>r.5</sub> Discretionary activities/restricted discretionary activities**

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A resource consent is required for a discretionary activity. (See Chapter 3 for a fuller description of discretionary activities.) Discretionary activities must comply with the standards and terms set out in the “discretionary” column of the Rule Table. The Council has discretion to grant or refuse consent. The matters stated in the “assessment criteria” column of the Rule Table will guide assessment of effects and conditions, but do not restrict the Council’s discretion. Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

Some discretionary activity rules state that discretion is restricted. In these cases, the Council may refuse consent, or impose conditions only in respect of the matters stated in the discretionary column as matters that discretion control is restricted to. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule COr.8 below regarding further matters of restricted discretion.)

Note that some non-complying activities may also be listed within the “Discretionary” column. Where this occurs the column has been headed “Discretionary/Non-complying”.

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**COr.6 Non-complying activities**

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A resource consent is required for a non-complying activity. (See Chapter 3 for a fuller description of non-complying activities.) Non-complying activities mostly arise where activities do not comply with the standards and terms set out in the “discretionary” column of the Rule Table. A direct statement of non-complying activities may also appear in the rules. The Council has discretion to grant or refuse consent and is required to refuse in certain circumstances (see Chapter 3). Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on non-complying activities.

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**COr.7 Scheduled sites**

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Any activity listed in a Schedule following the Rule Table shall comply with the rules set out in that Schedule.

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**COr.8 Controlled activities and restricted discretionary activities**

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In the Rule Tables every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity. They are stated here, rather than repeated in Rule Tables, in order to save space.

Matters over which control is reserved or discretion restricted:

- COr.8.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- COr.8.b** Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- COr.8.c** Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council’s functions under section 35 of the Act, and
- COr.8.d** The duration of a resource consent, under section 123 of the Act, and
- COr.8.e** Lapsing of a resource consent, under section 125 of the Act, and
- COr.8.f** Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- COr.8.g** Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- COr.8.h** Whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act.

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**COr.9 Regional rules, and regional and district rules**

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In the Rule Tables, a number of rules are indicated as being Regional rules, or Regional and District Rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional rules) and existing use rights, which are much more limited in respect of regional matters. See sections 176 (Effect of a designation), 10 (Certain existing uses in relation to land protected), 10A, 10B, and 20 (Certain existing lawful activities allowed) of the Resource Management Act 1991.

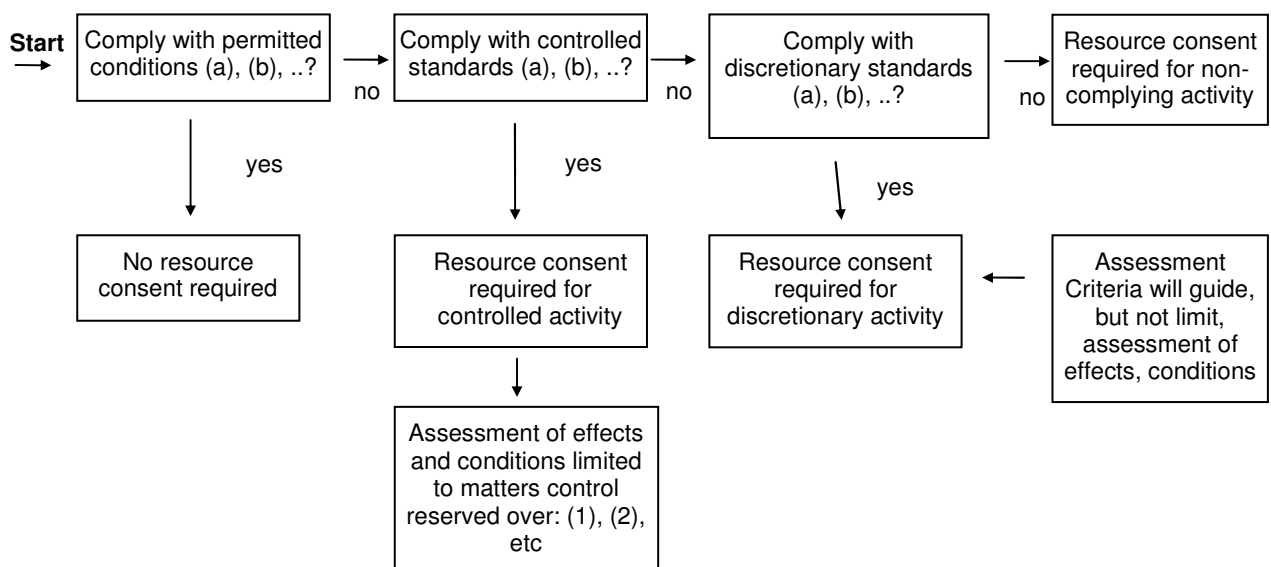
## COr.10 Reading the rule table

Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. Read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a “cascade.” (See flow chart below.)

If an activity satisfies the conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards and terms stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary. Otherwise it is a non-complying activity.

Further explanation of the Rule Table and cascade is contained in Chapter 3.

The following flow chart illustrates the cascade across the Rule Table.



**COr.10.1** Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a discretionary resource consent. Where relevant, this is indicated in the explanation to those rules.

## Contents of conservation zone rule table

COr.20	Maintenance of structures
COr.21	Construction of new structures
COr.22	Temporary Structures for Military Training Activities
COr.23	Soil disturbance and earthworks - Maintenance and upgrading of existing tracks and roads
COr.24	Soil disturbance and earthworks - Creation of new tracks, clearings, landings and other new earthworks
COr.25	Vegetation clearance
COr.26	Network utilities
COr.27	Activities near the coast
COr.28	Hazardous substances - use and storage
COr.29	Noise
COr.30	Archaeological sites and Archaeological Overlays
COr.31	Subdivision
COr.32	Overlays
<b>Freshwater rules</b>	
FWR.1	Disturbance of river and lake beds, and wetlands
FWR.2	Vehicles in the beds of rivers and lakes, and wetlands
FWR.3	Planting in riverbeds and margins, and in wetlands
FWR.4	Maintenance, replacement, upgrade and removal of structures in the beds of rivers and lakes and their margins (excluding dams)
FWR.5	Bridges, culverts and fords
FWR.6A	Instream dams – Conservation Zone only
FWR.7	Removal of obsolete structures in the beds of rivers and lakes
FWR.8	Aggregate extraction in the beds of rivers and lakes
FWR.9	Deposition of material in the beds and banks of rivers and lakes, and in wetlands
FWR.10	Realignment and reclamation of beds of rivers and lakes, and wetlands
FWR.11	Activities on the surface of water bodies
FWR.12	Take, use, and diversion of surface water
FWR.13	Temporary diversion of surface water
FWR.14	Take, use, and diversion of groundwater
FWR.15	Take, use, or abstraction of water from ponds, reservoirs or dams
FWR.16	Transfer of water permits
FWR.17	Drilling of a bore or well
FWR.18	Investigative drill holes
FWR.19	Abandonment or decommissioning of a bore or well
FWR.20	Point source discharges to freshwater bodies (other than stormwater)
FWR.21	Discharges from the public sewerage system to freshwater bodies
FWR.22	Point source stormwater discharges to water
FWR.23	Discharge of agrichemicals in and near waterbodies
FWR.24	Fertiliser discharges to land where it may enter water
FWR.25	General discharges to land where it may enter water




## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>COr.20</b> <b>Maintenance of structures</b>	COr.20.1 The maintenance of structures is a permitted activity if: <ol style="list-style-type: none"> <li>a) there is no increase in the size of the structure, and</li> <li>b) there is no increase in the intensity of use of the structure, and</li> <li>c) there is no increase in the landscape impact of the structure.</li> </ol>	COr.20.2 not applicable	COr.20.3 Activities that contravene a permitted condition are discretionary.
<b>COr.21</b> <b>Construction of new structures</b>	COr.21.1 The construction of new structures is not a permitted activity.	COr.21.2 The construction of new structures is a controlled activity if it comprises: <ol style="list-style-type: none"> <li>a) the construction of public shelters, and huts, or</li> <li>b) interpretation and protection structures.</li> </ol> Control reserved over: <ol style="list-style-type: none"> <li>i) the location of structures, and</li> <li>ii) the appearance of structures.</li> </ol>	COr.21.3 Activities that contravene a permitted condition or controlled standard are discretionary.
<b>COr.22</b> <b>Temporary structures for military training activities</b>	COr.22.1 Temporary structures erected for the purposes of Military Training Activities by the NZ Defence Forces are permitted if the structure will be removed within 31 days of erection.	COr.22.2 not applicable	COr.22.3 Activities that contravene a permitted standard are discretionary
<b>COr.23</b> <b>Soil disturbance and earthworks</b> Maintenance and upgrading of existing tracks and roads [note – this rule is a regional and a district rule]	COr.23.1 The maintenance and upgrading of existing tracks and roads is a permitted activity if: <ol style="list-style-type: none"> <li>a) the track is maintained on the existing alignment, and</li> <li>b) the function of the track is not altered (for example upgrading a walking track to a vehicle track is not a permitted activity), and</li> <li>c) after reasonable mixing discharges to waterways do not result in any conspicuous change in colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</li> <li>d) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any water bodies.</li> </ol>	COr.23.2 not applicable	COr.23.3 Activities that contravene a permitted condition are discretionary.

**conservation zone**

Assessment Criteria	Explanation
<p>COr.20.4</p> <ul style="list-style-type: none"> <li>a) the location of the structure in relation to ridgelines, and particularly the visibility of the structure or site works for the structure from the city or the coast.</li> <li>b) the need to locate structures within the Zone.</li> <li>c) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>d) any alternative means available such as sharing of facilities with existing utilities.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) potential impact on riparian or coastal vegetation, water quality or aquatic habitat.</li> </ul>	<p>COr.20.5</p> <p>The maintenance and minor upgrading of existing structures is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. Minor structures which are placed so as to inform the public or users of the area are unlikely to be of a scale which is likely to have adverse impacts on the area. Control is maintained over location of other structures to ensure that the underlying principles of the Zone are not undermined.</p>
<p>COr.21.4</p> <ul style="list-style-type: none"> <li>a) location of the structure in relation to ridgelines and particularly the visibility of the structure or site works for the structure from the city or the coast.</li> <li>b) the need to locate structures within the Zone.</li> <li>c) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>d) any alternative means available such as sharing of facilities with existing utilities.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) potential impact on riparian or coastal vegetation, water quality or aquatic habitat.</li> </ul>	<p>COr.21.5</p> <p>The maintenance and minor upgrading of existing structures is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. Minor structures which are placed so as to inform the public or users of the area are unlikely to be of a scale which is likely to cause adverse effects to the area. Control is maintained over location of other structures to ensure that the underlying principles of the Zone are not undermined.</p>
<p>COr.22.4</p> <ul style="list-style-type: none"> <li>a) the length of time the structure is proposed to be retained</li> <li>b) any adverse effects on the landscape or natural character of the area</li> <li>c) any proposed site remediation works following the removal of the structure</li> </ul>	<p>COr.22.5</p> <p>The New Zealand Defence Force (NZDF) carries out temporary military training activities in areas not designated for defence purposes. Temporary structures for these purposes which have been approved by the landholders in this zone are unlikely to have any more than short term effects.</p>
<p>COr.23.4</p> <ul style="list-style-type: none"> <li>a) the location of the track or road in relation to ridgelines and upper slopes and in particular the visibility of the works from the city or the coast.</li> <li>b) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>c) any proposed mitigation measures such as end-hauling of sidecast material.</li> <li>d) effects on ecosystems.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) potential impact on riparian or coastal vegetation, water quality or aquatic habitat, loss of topsoil or movement of soil down slope.</li> <li>g) the potential for slope failure.</li> <li>h) damage to structures or adjoining properties.</li> <li>i) soil and vegetation entering rivers.</li> <li>j) the area to be cleared at any one time.</li> <li>k) the provision of structures to control soil erosion or sedimentation.</li> <li>l) the timing and techniques used for revegetation.</li> <li>m) the long term management of the land cleared.</li> <li>n) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</li> </ul>	<p>COr.23.5</p> <p>The maintenance and minor upgrading of tracks, roads and firebreaks is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. New land disturbance activities will, however, need to be considered in relation to the values of the area for which protection is sought.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>COr.24</b>  <b>Soil disturbance and earthworks</b>            Creation of new tracks, clearings, landings and other new earthworks            [note – this rule is a regional and a district rule]</p>	<p>COr.24.1            Soil disturbance or earthworks (including for the creation of new tracks, clearings, landings) is not a permitted activity.</p>	<p>COr.24.2            Soil disturbance or earthworks are controlled activities if:</p> <p>a) the activities are located and carried out in accord with an operative Conservation Management Strategy or Management Plan for the area.</p> <p>Control reserved over:</p> <p>i) land disturbance methods, and            ii) timing of works, and            iii) remedial measures.</p>	<p>COr.24.3            Activities that contravene a permitted condition or controlled standard are discretionary.</p>
<p><b>COr.25</b>  <b>Vegetation clearance</b>            [note – this rule is a regional and a district rule]</p> 	<p>COr.25.1            Vegetation clearance is a permitted activity if:</p> <p>a) there is no clearance of indigenous vegetation except where it is part of the maintenance of a State Highway, and            b) it does not take place within 10 m of the banks of any river specified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values) except where it is part of the maintenance of a State Highway, and            c) it does not take place within 20m of the Coastal Marine Area except where it is part of the maintenance of a State Highway, and            d) no vegetative debris is positioned where it may dam or divert any river or adversely affect instream habitats, and            e) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and            f) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity.            g) the best practicable option is taken to prevent sediment entering a waterbody, and            h) It complies with all other rules in this Plan including the appendices.</p>	<p>COr.25.2            not applicable</p>	<p>COr.25.3            Activities that contravene a permitted condition or controlled standard are discretionary if the vegetation to be cleared is not indigenous forest.</p>

Assessment Criteria	Explanation
<p>COr.24.4</p> <ul style="list-style-type: none"> <li>a) the location of the track or road in relation to ridgelines and upper slopes and in particular the visibility of the works from the city or the coast.</li> <li>b) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>c) any proposed mitigation measures such as end-hauling of sidecast material.</li> <li>d) effects on ecosystems.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) loss of topsoil or movement of soil down slope.</li> <li>g) the potential for slope failure.</li> <li>h) damage to structures or adjoining properties.</li> <li>i) soil and vegetation entering rivers.</li> <li>j) the area to be cleared at any one time.</li> <li>k) the provision of structures to control soil erosion or sedimentation.</li> <li>l) the timing and techniques used for revegetation.</li> <li>m) the long term management of the land cleared.</li> <li>n) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</li> </ul>	<p>COr.24.5</p> <p>The maintenance and minor upgrading of tracks, roads and firebreaks is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. New land disturbance activities will however need to be considered in relation to the values of the area for which protection is sought.</p>
<p>COr.25.4</p> <ul style="list-style-type: none"> <li>a) loss of topsoil or movement of soil down slope.</li> <li>b) the potential for slope failure.</li> <li>c) damage to structures or adjoining properties.</li> <li>d) soil and vegetation entering rivers.</li> <li>e) damage to instream habitats.</li> <li>f) adverse effects of catchment stream flow.</li> <li>g) stream bank erosion.</li> <li>h) duration of bare soil to wind and rainfall.</li> <li>i) catchment water quality, including suspended sediment load and increased stream bed load.</li> <li>j) the method and timing of the activity.</li> <li>k) the area to be cleared at any one time.</li> <li>l) the provision of structures to control soil erosion or sedimentation.</li> <li>m) the timing and techniques used for revegetation.</li> <li>n) the long term management of the land cleared.</li> <li>o) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</li> <li>p) visual effects.</li> <li>q) effects on areas of significant conservation value identified in accordance with policy DO5.1.1 (areas with high natural values).</li> </ul>	<p>COr.25.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank erosion), or sedimentation effects and are therefore discretionary. Indigenous vegetation and indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>COr.26 Network utilities</b>	COr.26.1 The maintenance and upgrading of network utilities is a permitted activity if activities include only the maintenance and upgrading of the existing network utility.	COr.26.2 The installation of new network utilities is a controlled activity. Control reserved over site restoration, landscaping, and screening	COr.26.3 Activities that contravene a permitted condition or controlled standard are discretionary.
<b>COr.27 Activities near the coast</b>	COr.27.1 Activities within 20m of mean high water springs are permitted if:  a) they do not involve erection or extension of structures (excluding fences), and  b) they do not impede the legal right of foot access along a waterbody where this exists.	COr.27.2 Activities within a wetland, or the bed of a river, or within 5m of its banks or margins, are controlled if: a) they involve the maintenance or upgrading of existing structures, or b) extension of a utility service line or structure.  Control reserved over: i) damage to indigenous vegetation, and ii) disturbance of riverbanks, and iii) maintenance of access, and iv) remedial measures.	COr.27.3 Activities that contravene a permitted condition are discretionary.
<b>COr.28 Hazardous substances - use and storage</b>	COr.28.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).	COr.28.2 The use or storage of hazardous substances is a controlled activity if it complies with the standards and terms for controlled activities in Appendix 21.	COr.28.3 The use or storage of hazardous substances is a discretionary activity if it complies with the standards and terms for discretionary activities in Appendix 21.

Assessment Criteria	Explanation
<p>COr.26.4</p> <ul style="list-style-type: none"> <li>a) the location of the activity in relation to ridgelines and upper slopes and in particular the visibility of the works from the city or the coast.</li> <li>b) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>c) the need to relocate within the Zone.</li> <li>d) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>e) potential impact on riparian or coastal vegetation, water quality or aquatic habitat.</li> </ul>	<p>COr.26.5</p> <p>The rules provide for underground facilities as of right subject to Council being satisfied that there will be no destruction of habitat or enhanced erosion. Any structures or larger scale utilities are subject to consent.</p>
<p>COr.27.4</p> <ul style="list-style-type: none"> <li>a) the appropriateness of undertaking the activity within this area.</li> <li>b) effects on water quality.</li> <li>c) effects on public access and recreation.</li> <li>d) effects on indigenous vegetation and the habitat of indigenous fauna.</li> <li>e) effects on sites of cultural significance.</li> <li>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins.</li> <li>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6, (riparian and coastal margin overlays).</li> </ul>	<p>COr.27.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p>
<p>COr.28.4</p> <p>Assessment Criteria in Appendix 21.</p>	<p>COr.28.5</p> <p>See Appendix 21</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>COr.29</b> <b>Noise</b></p>	<p>COr.29.1</p> <p>a) Noise levels at, or within the boundary of any site in the Residential Zone, or within the notional boundary of any rural dwelling must not exceed:</p> <p><b>Day Time</b> L 10: 55 dBA</p> <p><b>Other Times</b> L10: 45 dBA Lmax: 75 dBA Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.)</p> <p>b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</p>	<p>COr.29.2 not applicable</p>	<p>COr.29.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>COr.30</b> <b>Archaeological Sites and Archaeological Overlays</b></p>	<p>COr.30.1</p> <p>The following are not permitted within an Archaeological Overlay, or within 50m of any archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps:</p> <p>a) erection or extension of any building or other structure, or</p> <p>b) earthworks.</p>	<p>COr.30.2 not applicable</p>	<p>COr.30.3 Activities that contravene a permitted condition are discretionary. (In situations where the extent of the archaeological site is unclear, the application may be required to be accompanied by an archaeological survey of the area surrounding the site, carried out by a person suitably competent in archaeological survey).</p>

Assessment Criteria	Explanation
<p>COr.29.4</p> <ul style="list-style-type: none"> <li>a) the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause.</li> <li>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on the amenity enjoyed by other users of the Conservation Zone.</li> <li>c) whether the noise is likely to detract from the general environmental quality being proposed for the Conservation Zone, or the amenity of any adjacent Rural Zone.</li> <li>d) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> </ul>	<p>COr.29.5</p> <p>The rule provides a minimum standard designed to prevent excess levels of noise which may create nuisance to adjoining activities, in particular dwellings on adjacent properties.</p> <p>Note that rules INr.39 (airport noise) and INr.40 (port noise) in the Industrial Zone regulate the emission of noise from the airport and the port.</p>
<p>COr.30.4</p> <ul style="list-style-type: none"> <li>a) the nature, form and extent of the proposed activity and its effects on the site.</li> <li>b) the impacts on the integrity or heritage value of the site.</li> <li>c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey.</li> <li>d) where the application relates to a Maori archaeological site, the response of the tangata whenua.</li> <li>e) if the site is to be modified, whether there is sufficient time and expertise to record the site.</li> <li>f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.</li> </ul>	<p>COr.30.5</p> <p>Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1).</p> <p>The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required for the listed activities within 50m of the identified site or within an Archaeological Overlay. This allows examination of whether there are unidentified sites in close proximity. It also allows scrutiny of activities near a site which, while not damaging the site itself, might indirectly affect the value of the site.</p> <p><b>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified.</b> This applies to any archaeological site, whether or not it is identified on the maps in this Plan or in any other way. In other words, it applies to archaeological sites uncovered accidentally.</p> <p><b>Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority.</b> In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>CO.31 Subdivision</b>	CO.31.1 Subdivision is not a permitted activity in this Zone	CO.31.2 not applicable	CO.31.3 All subdivision in this Zone is discretionary.
<b>CO.32 Overlays</b>	CO.32.1 Note: Any relevant overlays shall be taken into account when assessing any application for resource consent	CO.32.2	CO.32.3

Assessment Criteria	Explanation
<p>COr.31.4</p> <ul style="list-style-type: none"> <li>a) the future use of the land proposed to be subdivided.</li> <li>b) the existing character of the land and its importance to the integrity of the Conservation Zone and the values which the Zone seeks to protect.</li> <li>c) whether subdivision will grant a higher level of protection to the natural and landscape values than that which already exists.</li> <li>d) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>e) the protection of riparian and coastal values including those detailed in Tables 6.1 and 6.2 of Appendix 6.</li> <li>f) the protection of archaeological sites, including any site of significance to tangata whenua.</li> </ul>	<p>COr.31.5</p> <p>Subdivision is considered fairly unlikely given the present tenure of the land. Should for some reason subdivision of the land be sought, consideration shall be given to the effects that will have on the integrity of the values which the Zone seeks to protect.</p>
<p>COr.32.4</p>	<p>COr.32.5</p>

## freshwater rules

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.1</b> <b>Disturbance of river and lake beds, and wetlands</b></p> <p><b>[note that this rule is a regional rule]</b></p>	<p>FWr1.1</p> <p>a) The disturbance of beds associated with:</p> <p>i) the removal of vegetation and flood debris which has been deposited into or on the bed, including trees, or</p> <p>ii) the removal of pest plants and litter is permitted.</p> <p>b) The disturbance of the beds of rivers and lakes, and wetlands, for the purpose of:</p> <ul style="list-style-type: none"> <li>- restoration or enhancement of natural in-stream or out-of-stream values, including fish passage, or</li> <li>- cleaning of discharge outlets and energy dissipaters, or</li> <li>- the use of vehicles in river beds (does not apply to vehicle crossings – see rule FWr.2) associated with lawfully established activities is permitted if the following general conditions are met.</li> </ul> <p><b>General conditions</b></p> <p>i) the activity:</p> <ul style="list-style-type: none"> <li>- shall not affect sediment levels or vegetation in all lower tidal reaches of waterbodies during the main spawning period of inanga (15 March to 31 May), and</li> <li>- shall not be carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of koaro and kokopu species spawning habitat, unless ambient levels of sediment are returned within 48 hours of construction commencing within the waterbody, and</li> <li>- shall not be carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoia, Wakapuaka, Lud and Teal rivers and Poorman Stream, and</li> </ul> <p>ii) there shall be no storage, mixing or refuelling of fuel, oil, paints, agrichemicals or other similar substances within the bed or within 5m of the banks of any flowing river, or any wetland, and</p> <p>iii) any activity associated with bed disturbance shall not, after reasonable mixing, give rise to any of the following effects in the receiving waters:</p> <ul style="list-style-type: none"> <li>- the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</li> <li>- any conspicuous change of colour or visual clarity, or</li> <li>- any emission of objectionable odour, or</li> <li>- any significant adverse effects on aquatic life, and</li> </ul> <p>iv) the use of vehicles and machinery in the wetted bed shall be avoided where possible, and</p> <p>v) fish passage shall be maintained, both during construction and afterwards, and</p> <p>vi) any riparian areas which are disturbed are rehabilitated to the same state or better than that which existed prior to the disturbance, except for the direct approaches to the crossing, and</p> <p>vii) the bed disturbance activity shall not impede legal right to foot access to and along the waterbody, where it exists, unless public notice has been given in accordance with a health and safety plan.</p>	<p>FWr.1.2</p> <p>1. The disturbance of the bed of a river for the purpose of maintaining:</p> <p>a) peak flow capacity, or</p> <p>b) surrounding land stability, or</p> <p>c) public safety</p> <p>is a controlled activity if:</p> <p>i) the general conditions in Rule FWr.1.1 are met, and</p> <p>ii) any plantings are of native species or exotic species suitable to the conditions, and</p> <p>iii) any rocks used look similar to those naturally occurring in the area, and</p> <p>iv) the work is undertaken in such a way that habitats are maintained in the beds and margins of rivers and lakes.</p> <p>2. Control is reserved over the following matters:</p> <p>i) disturbance to riverbanks, and</p> <p>ii) the timing and duration of the activity, and</p> <p>iii) the method of undertaking the activity, and</p> <p>iv) the avoidance, remedying, or mitigation of adverse effects and any alternative options which would result in less adverse effects, and</p> <p>v) maintenance of existing structures including bridges within streams and roads adjacent to water bodies (margins).</p> <p>The application need not be notified, the written approval of affected parties will not be necessary and notice of applications need not be served on any person.</p>	<p>FWr.1.3</p> <p><b>Discretionary</b></p> <p>Activities that are not specified as permitted or controlled (including pipes and cables for network utilities), or which contravene the conditions for permitted or controlled activities, are discretionary.</p> <p><b>Non-complying</b></p> <p>Activities that disturb the bed of any wetland, other than as provided for as a permitted activity, are non-complying.</p>

Assessment Criteria	Explanation
<p>FWr.1.4</p> <p>a) effects on existing natural character.</p> <p>b) degree to which natural character is retained or enhanced.</p> <p>c) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, an Assessment of Environmental Effects, containing sufficient information to allow an adequate evaluation of the effects of the activity will have to be supplied when an application is made for a discretionary activity.</p> <p>d) the potential to avoid, remedy or mitigate any effects through planting/landscaping.</p> <p>e) any cumulative effects.</p> <p>f) any effects of the activity on network utilities.</p> <p>g) in the case of wetlands, whether it is naturally occurring or artificially created. If it was artificially created, the purpose for which it was created (eg stormwater management or wastewater treatment).</p> <p>h) any taonga in the waterbody, as advised by Iwi.</p>	<p>FWr.1.5</p> <p>Activities and vehicles which disturb river and lake beds and wetlands have direct adverse effects on the area in which they are undertaken, which may be important invertebrate habitat or spawning grounds for native fish or trout. In addition, they can have adverse effects downstream, such as loss of water quality, sedimentation, and potential for contamination through oil and fuel spills. For these reasons, activities which disturb river and lake beds should be avoided, including driving vehicles along them.</p> <p>However there will be occasions when activities do need to occur within the bed, such as routine maintenance of structures, or where there are no alternative crossing places for vehicles. It is appropriate to make some allowance for these situations, subject to certain conditions being met to avoid and mitigate adverse effects.</p> <p>Note: Iwi, Department of Conservation, and Fish &amp; Game Council have an interest in bed disturbance and consultation with these parties at an early stage of the consent process is good practice. However, this is at the discretion of the applicant and the Council because section 36A of the Resource Management Act clarifies that neither an applicant nor a consent authority has a duty to consult any person in respect of applications for resource consent.</p> <p>The following policies are relevant to this rule:</p> <p>DO17.1.1 (disturbance of river and lake beds, and wetlands)</p> <p>DO17.1.2 (protection of natural character)</p> <p>DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</p> <p>Activities adjoining a Riparian Overlay are also regulated by the 'Riparian Overlay – activities on land identified with riparian values' rule in each zone.</p>

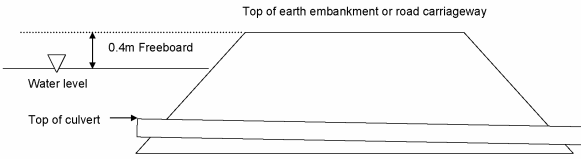
Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.2</b>  <b>Vehicle crossings in the beds of rivers and lakes, and wetlands</b>            [note that this rule is a regional rule]</p>	<p>FWr.2.1            Direct vehicle access to a river bed for the purpose of crossing a river is permitted if            a) the activity does not, after reasonable mixing (as defined in Ap28.7.ii), give rise to any of the following effects in the receiving waters:            i) any conspicuous change of colour or visual clarity (more than 30%), measured above and below the crossing, or            ii) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or            iii) any significant adverse effects on aquatic life, and            b) the activity does not result in a worse water quality classification than that listed in Appendix 28.4.</p>	<p>FWr.2.2            not applicable</p>	<p>FWr.2.3            a) Vehicles driving along the beds of rivers and lakes, and in wetlands, and            b) all other vehicle crossings which do not comply with the permitted activity rule, are discretionary.</p> <p>The application may be considered without the need to:            i) be notified, or            ii) gain written approval of affected parties, but notice of applications may be served on any person.</p>
<p><b>FWr.3</b>  <b>Planting in river beds and margins, and in wetlands</b>            [note that this rule is a regional rule]</p>	<p>FWr.3.1            a) The planting or replacement of indigenous and exotic plants, (excluding pest plants), is permitted if:            i) any willow species is not planted within 5m of a waterbody, and            ii) plantation forest is not planted within 5m of any river mapped as riparian overlay in the RM Plan maps and within 10m of those rivers which have conservation priority 1 and 2 (as listed in Table 6.1 of Appendix 6), and            iii) there are no adverse effects on existing network utilities, and            iv) no vegetation is established that is likely to give rise to debris entering the river or lake in a way that may result in:            - diversion or damming, or            - bed or bank erosion, or            - adverse effects on ecosystems that are more than minor.            b) The planting of suitable indigenous vegetation in wetlands, and the planting of exotic plants in constructed wetlands, is permitted.</p>	<p>FWr.3.2            not applicable</p>	<p>FWr.3.3  <b>Discretionary activities</b>            a) The planting in, on or under the <b>bed</b> of any river or lake, and            b) the planting of plantation forest within 5m of any river mapped as riparian overlay in the RM Plan maps, and within 10m of those rivers which have conservation priority 1 and 2 (as listed in Appendix 6 of the Nelson Resource Management Plan), and            c) the planting of vegetation that contravenes the permitted activity standards and which is not specified as non-complying or prohibited, is discretionary.</p> <p><b>Non-complying activities</b>            The planting of exotic plants in natural wetlands is non-complying.</p> <p><b>Prohibited</b>            a) The planting of <i>Salix fragilis</i> (Crack Willow), <i>Salix cinera</i> (Grey Willow) and <i>Salix vimnalis</i> (Osier Willow) within 5m of a waterbody, and            b) the introduction or planting of any of the total control, progressive control, boundary control and regional surveillance pests identified in the operative Tasman-Nelson Regional Pest Management Strategy is prohibited.</p>

Assessment Criteria	Explanation
<p>FWr.2.4</p> <ul style="list-style-type: none"> <li>a) frequency of crossings.</li> <li>b) number of vehicles.</li> <li>c) duration of the activity.</li> <li>d) timing of the activity.</li> <li>e) type of vehicle.</li> <li>f) location and layout of the crossing point.</li> <li>g) cumulative effects of the number of crossing points over a river.</li> <li>h) purpose for the crossing.</li> <li>i) the degree to which the activity affects the classification and values of the waterbody (see Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.</li> </ul>	<p>FWr.2.5</p> <p>Vehicles can have adverse effects on the area where the crossing occurs. Crossing can also have adverse effects downstream, such as loss of water quality, sedimentation, and potential for contamination through oil and fuel spills.</p> <p>Recreational driving along the length of river beds is not a permitted activity because of the impacts on invertebrate habitat and fish spawning grounds.</p> <p>The following policy is relevant to this rule: DO17.1.1 (disturbance of river and lake beds, and wetlands)</p>
<p>FWr.3.4</p> <p><b>For planting in margins</b></p> <ul style="list-style-type: none"> <li>a) the degree to which the activity affects the classification and values of the waterbody (see Appendix 28.4 and Appendix 6).</li> <li>b) any effects of the activity on network utilities.</li> </ul> <p><b>For planting in riverbeds/wetlands</b></p> <ul style="list-style-type: none"> <li>a) whether it will provide spawning habitat.</li> <li>b) invasive properties of the plants.</li> <li>c) potential to interfere with flow capacity.</li> <li>d) in the case of wetlands, whether it is naturally occurring or artificially created. If it was artificially created, the purpose for which it was created (eg stormwater management or wastewater treatment).</li> </ul> <p><b>For plantation forestry where it is a discretionary activity</b></p> <ul style="list-style-type: none"> <li>a) effects of harvesting on water quality.</li> <li>b) sediment control.</li> <li>c) loss of shade.</li> </ul>	<p>FWr.3.5</p> <p>Planting in <b>riparian margins</b> is to be encouraged because planted waterway margins protect water quality by: filtering surface run off, taking up nutrients (through plant roots), removing nitrogen (through bacteria in wet riparian soils), and preventing stock access when they are fenced.</p> <p>The shade created by plants is important for reducing water temperature and reducing the growth of nuisance plants in waterways. Plants also provide shelter, food and spawning areas. In most cases the planting of native species is preferred in order to enrich Nelson's natural ecosystems of plants and animals.</p> <p>Planting in the <b>beds</b> of rivers should be avoided in most cases because introducing plants into river beds has the potential to reduce the flood carrying capacity and natural functioning of the water body, by impeding water flow. However, plantings at river mouths can enhance whitebait spawning habitat, and plants naturally occur in, and enhance, wetlands.</p> <p>The following district wide policies are relevant to this rule: DO17.1.4 (planting in the beds of rivers and lakes) DO17.1.5 (planting in riparian margins) DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.4</b>  <b>Maintenance, replacement, upgrade and removal of structures in the beds of rivers and lakes and their margins (excluding dams)</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.4.1</p> <p>a) Maintenance or replacement of any lawfully established structure (and associated deposition and armouring) on, under, over or in the bed of a river or lake, and</p> <p>b) removal, demolition, or decommissioning of a structure or any part of a structure on, under, over or in the bed, of a river or lake, and</p> <p>c) the upgrade of any network utility higher than 5m over or above the bed of a river or lake</p> <p>is permitted if:</p> <p>i) the general conditions in Rule FWr. 1.1 are met, and</p> <p>ii) the site is rehabilitated, and</p> <p>iii) any plantings are of native species, or exotic species suitable to the conditions, and</p> <p>iv) and rocks look similar to those naturally occurring in the area, and</p> <p>v) the work is undertaken in such a way that habitats are maintained in the beds and margins of rivers and lakes.</p>	<p>FWr.4.2</p> <p>The extension or upgrade of a utility service line or a utility structure on, under, in, or within 5m horizontally or vertically of the bed of a river or lake is controlled.</p> <p>Control is reserved over the following matters:</p> <p>i) damage to indigenous vegetation and habitats, and</p> <p>ii) discharge of contaminants, and</p> <p>iii) disturbance of riverbanks or river beds, and</p> <p>iv) timing of the works (to avoid fish spawning and migration periods), and</p> <p>v) the size of the structures required for extension work, and</p> <p>vi) maintenance of access, and</p> <p>vii) remedial measures.</p>	<p>FWr.4.3</p> <p>a) Maintenance, replacement, upgrade and removal of structures on, under, over or in the bed of a river or lake which is not specified as permitted or controlled, or</p> <p>b) which cannot meet the conditions for a permitted activity, is discretionary.</p>

Assessment Criteria	Explanation
<p>FWr.4.4</p> <ul style="list-style-type: none"> <li>a) effects on water quality.</li> <li>b) effects on aquatic ecosystems.</li> <li>c) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.</li> <li>d) disturbance of the bed.</li> <li>e) the method and timing of works</li> <li>f) duration of consent.</li> <li>g) monitoring and reporting requirements.</li> <li>h) review of consent conditions and the timing and purpose of the review.</li> <li>i) any effects of the activity on network utilities.</li> <li>j) flood capacity.</li> <li>k) any effects on historic heritage including an archaeological site or a site where archaeological or cultural material is discovered.</li> </ul>	<p>FWr.4.5</p> <p>Structures located in and under the beds of rivers and lakes can cause adverse effects. These range from visual intrusion on natural character and amenity values, to permanent effects on ecology and biota by restricting fish passage upstream of the structure or affecting water flow and the natural functioning of a river.</p> <p>For these reasons, instream structures should generally not be a permitted activity so the Council has the opportunity to assess potential effects, and to require appropriate measures to be undertaken to avoid or reduce adverse effects. Where the effects are significant and cannot be adequately avoided or reduced, the structure should not be erected.</p> <p>The following district wide policies are relevant to this rule:</p> <p>DO17.1.3 (flood damage)</p> <p>DO17.1.6 (structures in and under the beds of rivers, lakes and wetlands)</p> <p>DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</p> <p>Activities adjoining a Riparian Overlay are also regulated by the 'Riparian Overlay – activities on land identified with riparian values' rule in each zone.</p>

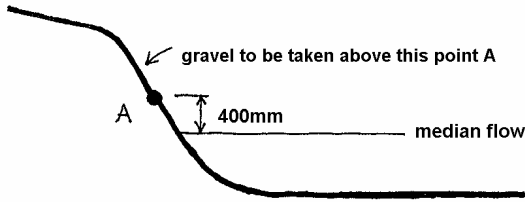
Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.5 Bridges, culverts and fords</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.5.1</p> <p>a) The placement or erection of a bridge over the bed of a river or lake is a permitted activity if:</p> <p>i) any abutments are stabilised and protected against erosion, and</p> <p>ii) the approaches to the bridge are constructed and maintained to minimise the discharge or runoff, and</p> <p>iii) the bridge and its associated design structures is designed to convey a 1:50 year flood event (and 0.4m freeboard) in the following rivers: Reservoir Creek, Saxton Creek, Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook Stream, Oldham Creek, Todds Valley Stream, Wakapuaka River and its named tributaries and Whangamoa River and its named tributaries, and in any other rivers, the bridge and its associated design structures is designed to convey a 1:15 year flood event (with 0.4m freeboard).</p> <p>b) An existing culvert or ford which was lawfully established prior to the freshwater plan change being made operative is a permitted activity if the structure does not adversely affect:</p> <p>i) fish passage, or</p> <p>ii) water quality, or</p> <p>iii) flood capacity.</p>	<p>FWr.5.2</p> <p>a) The placement or erection of a new culvert, and associated armouring, is controlled if:</p> <p>i) the general conditions in Rule FWr.1.1 (excluding controls on aggregate extraction) are met, and</p> <p>ii) the culvert is positioned so that the gradient and alignment are the same as the river, and</p> <p>iii) the downstream floor of the culvert is set below the river bed level, and</p> <p>iv) erosion immediately below the culvert is avoided by use of armouring materials such as rocks, and</p> <p>v) the culvert is maintained so it does not become blocked by debris, and</p> <p>vi) the culvert and its associated design structures is designed to convey a 1:50 year flood event (and 0.4m freeboard) in the following rivers: Reservoir Creek, Saxton Creek, Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook Stream, Oldham Creek, Todds Valley Stream, Wakapuaka River and its named tributaries and Whangamoa River and its named tributaries, and in any other rivers, the culvert and its associated design structures is designed to convey a 1:15 year flood event (with 0.4m freeboard).</p> <p>b) Installation of a new ford is controlled if:</p> <p>i) the general conditions in Rule FWr.1.1 are met, and</p> <p>ii) the ford will raise the level of the bed by no more than 300mm, and</p> <p>iii) the ford does not impede fish passage.</p> <p>Control is reserved over the following matters:</p> <p>i) damage to indigenous vegetation and habitats, and</p> <p>ii) disturbance of river banks and river beds, and</p> <p>iii) adverse effects on fish passage, and</p> <p>iv) flood capacity.</p> <p>In this rule applications for controlled activities may be considered without notification and without the need to obtain written approval of affected persons, under section 94 of the Act.</p>	<p>FWr.5.3</p> <p><b>Discretionary</b></p> <p>a) A bridge, culvert or ford which cannot meet the conditions for a permitted activity, and</p> <p>b) a culvert or ford which cannot meet the conditions for a controlled activity is a discretionary activity.</p> <p>In this rule applications for discretionary activities may be considered without notification and without the need to obtain written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>FWR.5.4</p> <ul style="list-style-type: none"> <li>a) effects on water quality.</li> <li>b) effects on aquatic ecosystems.</li> <li>c) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will be required as part of the Assessment of Environmental Effects for discretionary activities.</li> <li>d) disturbance of the bed.</li> <li>e) the method and timing of works.</li> <li>f) duration of consent.</li> <li>g) monitoring and reporting requirements.</li> <li>h) review of consent conditions and the timing and purpose of the review.</li> <li>i) any effects of the activity on network utilities.</li> <li>j) flood capacity.</li> <li>k) payment of a monitoring charge to allow for an inspection of the structure.</li> <li>l) agreement that any required maintenance is carried out by the owner of the structure.</li> <li>m) commitment to remove the structure if it becomes obsolete or if the consent for it expires and is not renewed.</li> <li>n) legal access issues</li> </ul>	<p>FWR.5.5</p> <p>When structures such as bridges and culverts are well designed they can mitigate environmental effects on a river by avoiding vehicle and stock disturbance of the river bed, and providing shade. However, it is important that in the case of the Wakapuaka and Whangamoa rivers and their tributaries, that a 1 in 50 year flood can pass through them, and in the case of other rural streams and drains that structures are designed to allow a 1 in 15 year high flow to pass through them, and that a natural river bed remains.</p> <p>The advantage of bridges over culverts is that bridges, unlike culverts, do not have an artificial base which tends to change flow dynamics and impede fish passage. Generally, fords and culverts result in the discharge of sediment, change streambed gradients, are not conducive to fish passage, and require a higher level of maintenance than bridges.</p> <p>The following district wide policies are relevant to this rule:</p> <ul style="list-style-type: none"> <li>a) DO17.1.3 (flood damage)</li> <li>b) DO17.1.6 (structures in and under the beds of rivers, lakes and wetlands)</li> <li>c) DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</li> </ul> <p>As outlined in the figure below, in relation to culvert installations “freeboard” refers to the distance between the top of earth embankment or road carriageway (at the lowest point where water will overtop the structure) and the water surface at the design flow (Q15 or Q50) measured immediately upstream of the embankment. For clarity, the water surface may in fact be above the top of the culvert (pipe soffit) at the design flow.</p> <p>Figure FWR.5.5</p> 

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.6A</b> <b>Instream dams</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.6A.1 Not applicable.</p>	<p>FWr.6A.2 Not applicable</p>	<p>FWr.6A.3</p> <p><b>Discretionary</b> An instream dam in the Roding River for urban water supply purposes, is discretionary.</p> <p><b>Non-complying</b> a) An instream dam in any river other than the Roding in the Conservation Zone is non-complying. b) An instream dam in the Roding River which is not for urban water supply purposes is non-complying.</p>
<p><b>FWr.7</b> <b>Removal of obsolete structures in the beds of rivers and lakes</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.7.1 Removal of instream obsolete structures is permitted if the general conditions for bed disturbance in Rule FWr.1.1 are met.</p>	<p>FWr.7.2 The removal of instream structures is a controlled activity if it does not comply with the general conditions for bed disturbance in Rule FWR.1.1 Control is reserved over the following matters: i) rehabilitation of the site, and ii) disturbance to riverbanks, and iii) the timing and duration of the activity, and iv) the method of undertaking the activity, and v) the avoidance, remedying, or mitigation of adverse effects</p>	<p>FWr.7.3 Not applicable.</p>


Assessment Criteria	Explanation
<p>FWr.6A.4</p> <ul style="list-style-type: none"> <li>a) safety considerations</li> <li>b) the size and scale of the structure</li> <li>c) improvement of the efficiency of water use</li> <li>c) effects on water quality and water flow regimes</li> <li>d) effects on aquatic ecosystems, including fish passage and residual flow.</li> <li>e) mitigation measures, such as riparian planting and refuge areas during low flow.</li> <li>f) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, an assessment will be required as part of the Assessment of Environmental Effects for discretionary activities.</li> <li>g) disturbance of the bed.</li> <li>h) the method and timing of works.</li> <li>i) duration of consent.</li> <li>j) monitoring and reporting requirements.</li> <li>k) review of consent conditions and the timing and purpose of the review.</li> <li>l) any effects of the activity on network utilities.</li> <li>m) flood capacity.</li> <li>n) commitment to remove the structure if it becomes obsolete or the consent for it expires and is not renewed.</li> <li>o) mitigation measures, such as riparian planting and refuge areas during low flow.</li> </ul>	<p>FWr.6A.5</p> <p>A dam on the Roding River is listed as discretionary rather than as a non-complying activity to acknowledge that there is an existing designation on the land adjacent to the Roding River for water supply purposes in the Conservation Zone and water supply purposes and works in the Rural Zone.</p> <p>While dams and reservoirs have the potential to improve the efficient use of water (through water harvesting), as physical structures they also have the potential to: affect fish passage, disturb water quality (during construction), affect water chemistry (such as oxygen levels), trap sediment and starve the downstream reaches of sediment, and cause a safety hazard if not engineered to specific standards.</p> <p>The following district wide policies are relevant to this rule:  DO17.1.7 (dams and reservoirs)  DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</p>
<p>FWr.7.4</p> <ul style="list-style-type: none"> <li>a) the nature of any fill or rock material used.</li> <li>b) the time of year the work is proposed</li> <li>c) recreational, stock, drinking water, and fisheries or instream values of the water body</li> <li>d) effects on water quality.</li> <li>e) effects on aquatic ecosystems.</li> <li>f) the degree to which the activity affects the existing classification and values of the waterbody (see Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.</li> <li>g) disturbance of the bed.</li> <li>h) the method and timing of works.</li> <li>i) notification of affected parties.</li> <li>j) any effects of the activity on network utilities</li> </ul>	<p>FWr.7.5</p> <p>Obsolete structures are any structures which are not required for their original use, or which have not been used as intended for a continuous period of two years or more, and for which no future use is anticipated. Liability for removal of the structure lies with the last known person, agency, or entity with legal responsibility for the maintenance or upkeep of the structure.</p> <p>The following district wide policies are relevant to this rule:  DO17.1.8 (obsolete structures in the beds of rivers and lakes)  DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</p> <p>The following appendix is relevant to this rule:  Appendix 28.8.i (Obsolete structures - rules)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.8</b> <b>Aggregate extraction</b></p> <p><b>[note that this rule is a regional rule]</b></p>	<p>FWr.8.1</p> <p>Extraction of aggregate by Nelson City Council from the sites listed in Appendix 28.1 for the purposes of maintaining the flood carrying capacity of the listed rivers is permitted if:</p> <p>a) the general conditions in Rule FWr.1.1 are met, and</p> <p>b) the schedule of the next year's planned aggregate extraction out of Nelson rivers is not inconsistent with the schedule in Appendix 28.1, and</p> <p>c) the Consents Manager, Department of Conservation, Fish &amp; Game Council and Iwi are advised of the amount and the area from which the aggregate is taken at least 5 working days prior to the work being carried out, and</p> <p>d) associated river bed disturbance is avoided where possible, and</p> <p>e) there is no increase in bed sediment downstream, and</p> <p>f) the activity does not exceed the quantities specified in Appendix 28.1.</p>	<p>FWr.8.2</p> <p>not applicable</p>	<p>FWr.8.3</p> <p><b>Restricted discretionary</b></p> <p>Extraction of aggregate from riverbeds is a restricted discretionary activity if:</p> <p>a) the general conditions in Rule FWr.1.1 are met, and</p> <p>b) the total volume of excavation or extraction does not exceed 20m<sup>3</sup> in any 12 month period, and</p> <p>c) no aggregate is taken from below a point 400mm above the median water level of the river (see diagram in FWr.8.5), and</p> <p>d) no machinery is operated within the wetted bed.</p> <p>Discretion is restricted to:</p> <p>i) the volume of aggregate that can be taken, and</p> <p>ii) the location at which extraction is to occur, and</p> <p>iii) the duration of the extraction, and</p> <p>iv) the timing of the extraction, and</p> <p>v) the method of extraction, and</p> <p>vi) the avoidance, remediation or mitigation of any adverse effects.</p> <p>In this rule applications for restricted discretionary activities need not be notified in terms of section 93(1) of the RMA.</p> <p><b>Discretionary</b></p> <p>Extraction of aggregate which cannot:</p> <p>i) meet the conditions for a permitted activity, or</p> <p>ii) meet the conditions a), b) and d) for a restricted discretionary activity</p> <p>is a discretionary activity.</p> <p><b>Non-complying</b></p> <p>Extraction of aggregate which does not meet condition c) for a restricted discretionary activity is a non-complying activity.</p>

Assessment Criteria	Explanation
<p>FWr.8.4</p> <ul style="list-style-type: none"> <li>a) disturbance of the bed.</li> <li>b) the location and volume of the extraction.</li> <li>c) effects on river morphology and dynamics (including erosion and deposition), aquatic ecosystems and habitat.</li> <li>d) the method and timing of the extraction.</li> <li>e) the cumulative volume that has been extracted from the river and cumulative effects.</li> <li>f) any effects of the activity on network utilities.</li> <li>g) potential effects on downstream flooding.</li> </ul>	<p>FWr.8.5</p> <p>Over-extraction can destabilise the river channel and banks, or affect the functioning of the river. The extraction process can also affect aquatic habitat if undertaken at the wrong time or in the wrong place, or in a way which damages the bed and margins.</p> <p>However, aggregate extraction is necessary on a regular basis to avoid the risk of flooding in the urban area. These areas in urban streams where extraction is regularly required have been scheduled and accorded permitted status provided the general conditions regarding timing and bed disturbance are strictly complied with.</p> <p>Note: clearance of gravel around structures is a permitted activity. Refer to rule FWr.4 and the definition of maintenance in Chapter 2 for more detail.</p> <p>The following diagram clarifies condition c) of the restricted discretionary category:</p>  <p>The following district wide policies are relevant to this rule:</p> <ul style="list-style-type: none"> <li>DO17.1.9 (extraction of aggregate from the beds of rivers)</li> <li>DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</li> </ul>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.9</b>  <b>Deposition of material in the beds and on the banks of rivers and lakes, and in wetlands</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.9.1</p> <p>a) The placement or deposition of rock and associated geotextile fabric or other suitable material in, or directly above or below an out of stream structure, for the purpose of protecting that structure, is permitted if:</p> <p>i) the general conditions in Rule FWr.1.1 are met, and</p> <p>ii) any rocks used look similar to those naturally occurring in the area, and</p> <p>iii) the rocks are clean and free of contaminants including sediment, and</p> <p>iv) whenever possible work is undertaken in such a way that habitats are maintained (in both the margin and river bed), and</p> <p>v) there is no increase in bed sediment downstream of any crossing or protection works, and</p> <p>iv) no more than 30 lineal metres per 100 metre stretch of waterway is rock lined.</p> <p>b) The deposition of material in the beds and banks of rivers, lakes and wetlands for the purpose of habitat enhancement is permitted if:</p> <p>i) the general conditions in Rule FWr.1.1 are met, and</p> <p>ii) any rocks used look similar to those naturally occurring in the area, and</p> <p>iii) the rocks are clean and free of contaminants including sediment.</p> <p>c) Deposition of forestry slash is a permitted activity if best practicable option is taken to avoid slash entering a river, and any slash deposited in the bed of a river does not:</p> <ul style="list-style-type: none"> <li>- cause flooding or blockages of any downstream structure, or</li> <li>- adversely affect water quality, or</li> <li>- adversely affect aquatic habitats</li> </ul>	<p>FWr.9.2</p> <p>not applicable</p>	<p>FWr.9.3</p> <p><b>Restricted discretionary</b></p> <p>The placement or deposition of rock and associated geotextile fabric or other suitable material for the purposes of erosion protection, flood control or river enhancement is restricted discretionary activity if:</p> <p>i) the general conditions in rule FWr.1.1 are met, and</p> <p>ii) rocks look similar to those naturally occurring in the area, and</p> <p>iii) rocks are clean and free of contaminants including sediment, and</p> <p>iv) wherever possible work is undertaken in such a way that habitats are maintained (in both the margin and river bed), and</p> <p>v) associated river bed disturbance is avoided where possible, and</p> <p>vi) there is no increase in bed sediment downstream of any crossing or protection works, and</p> <p>vii) there is no reduction in the ability of the river to accommodate flood flows, or in a lake or wetland to store flood volumes.</p> <p><b>Non-complying</b></p> <p>The placement or deposition of any other material is non-complying if:</p> <p>i) it is not specified as a discretionary or prohibited activity, or</p> <p>ii) the activity is specified as discretionary and it contravenes a specified condition.</p> <p><b>Prohibited</b></p> <p>The placement or deposition of any waste or toxic or radioactive material.</p>

Assessment Criteria	Explanation
<p>FWr.9.4</p> <p>a) effects on water quality.</p> <p>b) effects on aquatic ecosystems.</p> <p>c) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.</p> <p>d) visual effects</p> <p>e) any effects of the activity on network utilities.</p> <p>f) in the case of wetlands, whether it is naturally occurring or artificially created. If it was artificially created, the purpose for which it was created (eg stormwater management or wastewater treatment).</p>	<p>FWr.9.5</p> <p>Materials or substances deposited in the bed of a river change the biological or chemical condition of the river or stream bed or, more commonly, its physical condition. Adverse effects can include: visual and amenity effects, changes to the water channel, bank and bed de-stabilisation, loss of riparian margin or bank habitat, and cumulative effects in the receiving environment. However, rocks can also be placed in a way that enhances fish habitat by providing areas to rest and hide.</p> <p>Flooding and bank erosion are only an issue when assets are threatened. With only a few exceptions, buildings in rural Nelson have been set far enough back from the rivers not to be threatened within the life time of the buildings. By far the most effective method of mitigating bank erosion is to keep high value assets a sufficient distance back from the river bank.</p> <p>In contrast, structures and private property boundaries in Nelson's urban area have been built close to rivers. For this reason, it is necessary to provide for a higher level of erosion control.</p> <p>The following district wide policies are relevant to this rule:</p> <p>DO17.1.10 (deposition of material in the beds and on the banks of rivers and lakes)</p> <p>DO17.2.1(activities and structures in the beds of rivers and lakes which affect network utility operations)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.10</b>  <b>Realignment and piping of beds of rivers and lakes, and wetlands</b></p> <p>[note that this rule is a regional rule]</p> 	<p>FWr.10.1</p> <p>The realignment or piping of the bed of a river which does not have a continuous base flow is permitted if:</p> <ul style="list-style-type: none"> <li>i) it is necessary to avoid flooding risk to downstream properties, and</li> <li>ii) there are no practicable alternative flood control methods available, and</li> <li>iii) it is not undertaken as part of any subdivision or land use consent approved after 9 October 2004, and</li> <li>iv) it is carried out when there is no water in the bed, and</li> <li>v) the flood capacity requirements in the NCC Engineering Standards are met, and</li> <li>vi) the channel is stabilised prior to allowing water back into a realigned channel, and</li> <li>vii) natural character is maintained where practicable.</li> </ul>	<p>FWr.10.2</p> <p>Not applicable</p>	<p>FWr.10.3</p> <p><b>Discretionary</b></p> <p>a) The realignment or piping of the bed of a river is discretionary if:</p> <ul style="list-style-type: none"> <li>i) the river does not have a continuous base flow and the activity does not comply with the conditions in FWr.10.1, or</li> <li>ii) the river has a continuous base flow.</li> </ul> <p>b) The realignment or piping of the bed of a lake, or a wetland, is discretionary if it does not comply with the conditions in FWr.10.1 and the general conditions in FWr.1.1 are met.</p>

Assessment Criteria	Explanation
<p>FWr.10.4</p> <p>a) the scale, extent and design (curved rather than straight) of the realignment or piping.</p> <p>b) effects on the natural functioning of aquatic ecosystems</p> <p>c) effects on natural character</p> <p>d) effects on fish passage</p> <p>e) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.</p> <p>f) visual effects</p> <p>g) effects on water quality</p> <p>h) the potential to avoid, remedy or mitigate any effects through planting/landscaping and rehabilitation.</p> <p>i) the method and timing of works</p> <p>j) any effects of the activity on network utilities</p> <p>k) flood capacity and cumulative effects on downstream flow velocity and catchment hydrology</p> <p>l) in the case of wetlands, whether it is naturally occurring or artificially created. If it was artificially created, the purpose for which it was created (eg stormwater management or wastewater treatment).</p>	<p>FWr.10.5</p> <p>Realignment and piping of the beds of rivers and lakes, and wetlands, should be discouraged wherever possible as it has significant adverse effects on the natural and human use values of rivers, lakes, and wetlands, and can exacerbate flooding hazards.</p> <p>Retaining streams in their natural condition and place is the best option. Realigned streams may be a better option than piped streams. Careful management of the re-installation of the stream after subdivision and/or earthworks is necessary.</p> <p>In most cases it is more desirable to realign than to pipe a river, but in some situations piping may result in better outcomes. For example, in built up areas, piping of intermittently flowing streams, with few ecological values, is sometimes preferable in order to avoid damage to downstream properties.</p> <p>The following district wide policies are relevant to this rule:</p> <p>DO17.1.2 (protection of natural character)</p> <p>DO17.1.3 (flood damage)</p> <p>DO17.1.11 (realignment and piping)</p> <p>DO19.1.10 (new development)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.11</b>  <b>Activities on the surface of water bodies</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.11.1</p> <p>a) Maintenance activities on the surface of sewer ponds, water reservoirs, and other ponds is permitted.</p> <p>b) Any activity on the surface of a water body which is not listed as controlled or discretionary is permitted.</p>	<p>FWr.11.2</p> <p>Non-motorised commercial activities on the surface of a water body is controlled.</p> <p>Control is reserved over the following matters:</p> <p>a) number of craft or structures, and</p> <p>b) scale of activity, and</p> <p>c) time and location of activity, and</p> <p>d) effects on visual amenity, and</p> <p>e) effects on the ecology and habitat of species.</p>	<p>FWr.11.3</p> <p>The use of motorised water craft on the surface of any river or lake on the landward side of the coastal marine area is discretionary.</p>

<b>Assessment Criteria</b>	<b>Explanation</b>
FWr.11.4 a) the scale of the activity. b) any visual or noise effects. c) safety considerations. d) the effect of the proposal on non-commercial recreational activities.	FWr.11.5 While personal recreation activities such as kayaking have no adverse effects, commercial and motorised activities could adversely affect the amenity and natural values of surface waters.

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.12</b> <b>Take, use, or diversion of surface water</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.12.1</p> <p>a) The take, use, or diversion of surface water for reasonable domestic use is permitted if:</p> <p>i) the relevant conditions in Appendix 28.3 are met, and</p> <p>ii) the volume of the take does not exceed 1m<sup>3</sup> per residential unit per day (plus 300 litres per bedroom for short term living accommodation) and there are no adverse effects on the water source, and</p> <p>iii) the rate of take does not exceed 0.5 litres per second, and</p> <p>iv) there is no take below any minimum flow specified in Appendix 28.2, and</p> <p>v) the Council's reticulated water supply is not available to the site.</p> <p>b) The take or use of surface water for stock drinking water is permitted if the rate of take does not exceed 0.5 litres per second.</p> <p>c) The take or use of surface water for fire fighting or the filling of fire ponds is permitted.</p>	<p>FWr.12.2</p> <p>not applicable</p>	<p>FWr.12.3</p> <p><b>Restricted Discretionary Activity</b></p> <p>Any take, use or diversion of surface water that contravenes a permitted condition is a restricted discretionary activity if:</p> <p>i) the relevant conditions in Appendix 28.3 are met, and</p> <p>ii) the take or use does not exceed, individually or cumulatively, the allocation limits specified in Appendix 28.2, and</p> <p>iii) the diversion does not cause any river to drop below the minimum flow specified in Appendix 28.2, and</p> <p>iv) the distance between intake and return of the water does not exceed 500 metres, and</p> <p>v) the diversion of water is not from one waterbody to another.</p> <p>Discretion restricted to:</p> <p>i) the design and location of the intake structure, and</p> <p>ii) access to pipework for maintenance, and</p> <p>iii) the volume and rate of take</p> <p>iv) reliability of supply</p> <p>v) effects on water source and values (as identified in Appendix 28.4), and</p> <p>vi) effects on other lawfully established abstractions, and</p> <p>vii) the quality of the water returned to a river by a diversion.</p> <p>In this rule applications for restricted discretionary activities will be considered without notification, the written approval of affected persons will not be necessary, and notice of the application need not be served on any person, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p> <p><b>Discretionary</b></p> <p>a) The take or use of surface water, for uses other than those listed as permitted, and</p> <p>b) any activity specified as restricted discretionary which contravenes the restricted discretionary conditions, is discretionary.</p> <p><b>Non-complying</b></p> <p>a) A take or use of surface water which exceeds the allocation limits specified in Appendix 28.2, and</p> <p>b) a take or use below any specified minimum flow regime, except for permitted uses, and</p> <p>c) a take, use, or diversion of water from wetlands or drainage of naturally occurring wetlands, is non-complying.</p> <p><b>Prohibited</b></p> <p>All takes downstream from the NCC urban water supply intakes in the Maitai River and in the downstream reach of the Roding River within the NCC boundary, which did not exist prior to 9 October 2004 are prohibited.</p>

Assessment Criteria	Explanation
<p>FW12.4</p> <p>a) the volume of the water take</p> <p>b) measures to minimise the rate of take, and the practicality of the take being uniformly distributed over 24 hours.</p> <p>c) the effect on river flows and the consequential effects on those values identified in Appendix 28.4 and Appendix 6 (riparian and coastal margin overlays).</p> <p>d) the effect of the take on other water users.</p> <p>e) the appropriateness of the water measuring device to be used</p> <p>f) Appendix 28.3</p> <p>g) alternative water sources</p> <p>h) physical resources relating to a previous water permit provided water is needed and is being used efficiently.</p> <p>i) the distance between the intake and the outlet of any diversion, and the intermediate flow of the water body.</p> <p>j) the effect of the term of the permit.</p>	<p>FWr.12.5</p> <p>As water is scarce and there are existing or potential competing demands for its use, it is necessary to impose a limit on permitted domestic abstractions in order to avoid over-abstraction. One cubic metre per household per day is considered a realistic and easily monitored limit to apply to each household. Failure to comply with the permitted activity conditions may result in the Council requiring the installation of meters and enforcement of the 1m<sup>3</sup> allocation limit.</p> <p>Abstractions need to be balanced against the ecological bottom line and providing for other values. Efficient water use is particularly important in Nelson, where the small size of the rivers and streams means that a water take has the potential for a proportionally more significant effect on the overall river or stream values.</p> <p>Minimum flows, trigger flows and allocation limits have been set for specific rivers.</p> <p>Minimum flows, below which no further water should be taken, have been set in order to leave enough water in the rivers and streams to protect instream values.</p> <p>Trigger flows are set at 10% above minimum flow. When flow levels drop to this level, all non-essential water takes from that river will be suspended, except where an approved water conservation plan exists.</p>  <p style="text-align: center;">Cross-section of waterbody</p> <p>Note: This diagram is for illustrative purposes only. Trigger flow and minimum flow are defined in Chapter 2, and the specific levels for each water body are listed in Appendix 28.2.</p> <p>i) For all flows greater than trigger flow no restrictions will apply</p> <p>ii) For all flows less than the trigger flow and greater than the minimum flow restrictions will apply to both domestic takes and consented takes.</p> <p>iii) For all flows equal to or less than the minimum flows, all abstractions must cease except for fire fighting purposes.</p> <p>The following policies set out the process to be followed for water abstraction from surface water:</p> <p>DO18.1.1 and DO18.1.2 (flow regimes)</p> <p>DO18.3.1 (water permits)</p> <p>DO18.3.2 (monitoring water abstraction)</p> <p>DO18.3.3 (expiry and duration of water permits)</p> <p>DO18.3.5 – DO18.3.8 (allocation limits)</p> <p>DO18.3.9 (water restrictions)</p> <p>DO18.3.10 (permitted abstractions)</p> <p>DO18.3.12 (monitoring fee)</p> <p>DO18.4.1 (diversion of water)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.13</b>  <b>Temporary diversion of surface water</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.13.1</p> <p>Temporary diversion of water during works carried out in a stream is a permitted activity if:</p> <p>i) the quality of the diverted water returned to the water body is at least as high as the water when it was abstracted, and</p> <p>ii) the flow, and fish passage, is maintained at all times, and</p> <p>iii) the diversion does not continue for more than one month, and</p> <p>iv) the length of the diversion is no longer than 50m, and</p> <p>v) the diversion:</p> <ul style="list-style-type: none"> <li>- does not affect sediment levels or vegetation in the lower tidal reaches of water bodies during the main spawning period of inanga (15 March to 31 May), and</li> <li>- is not carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of kokaro and kokopu species spawning habitat, and</li> <li>- is not carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoa, Lud, Teal rivers and Poorman Stream.</li> </ul>	<p>FWr.13.2</p> <p>not applicable</p>	<p>FWr.13.3</p> <p>Temporary diversion of water that contravenes a permitted condition is discretionary.</p>

Assessment Criteria	Explanation
<p data-bbox="161 197 245 224">FWr.13.4</p> <p data-bbox="161 226 770 300">a) the effect on river flows and the consequential effects on those values identified in Appendix 28.4 and Appendix 6 (riparian and coastal margin overlays).</p> <p data-bbox="161 302 786 353">b) the distance between the intake and the outlet of any diversion, and the intermediate flow of the water body.</p> <p data-bbox="161 356 544 383">c) any effects of the diversion on water users.</p>	<p data-bbox="842 197 927 224">FWr.13.5</p> <p data-bbox="842 226 1442 300">Temporary diversions of water are a method to avoid sedimentation of downstream water during works that involve disturbance of the river bed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.14</b>  <b>Take, use, or diversion of groundwater</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.14.1</p> <p>The take, use, or diversion of groundwater for:</p> <p>a) reasonable domestic use, or</p> <p>b) stock drinking water, or</p> <p>c) pump testing limited to a duration cumulatively no longer than 48 hours for any one bore, is permitted if:</p> <p>i) the relevant conditions of Ap28.3 are met, and</p> <p>ii) the volume of the water take does not exceed 1 m<sup>3</sup> per residential unit per day (plus 300L per bedroom for visitor accommodation), and</p> <p>iii) the rate of the water take does not exceed 0.5 l/s, and</p> <p>iv) the bore or well is not located closer than 50m to any coastal marine area or any adjacent bore, and</p> <p>v) the bore or well is not located closer than 25m to any surface waterbody, and</p> <p>vi) the bore or well is not located closer than 50m of any effluent treatment pond, septic tank, sewage treatment or disposal area, or silage stack or pit, and</p> <p>vii) the Council's reticulated water supply is not available to the site.</p> <p>d) The take of groundwater for dewatering a site during construction or earthworks is permitted if:</p> <p>i) the take does not lower groundwater to more than 8 m below the ground level of the site, and</p> <p>ii) the take does not create a significant risk of subsidence.</p> <p>e) The take or use of groundwater for fire fighting is permitted.</p>	<p>FWr.14.2</p> <p>not applicable</p>	<p>FWr.14.3</p> <p>a) The take or use of underground water, for uses other than those listed as permitted, and</p> <p>b) Any activity specified as permitted which contravenes any of the permitted conditions is discretionary</p> <p><b>Prohibited</b></p> <p>Any take from groundwater in the Maitai catchment which is downstream from the NCC urban water supply intake in the Maitai River, or within the reach of the Roding River that is within the NCC boundary, and which did not exist prior to 9 October 2004, is prohibited.</p>

Assessment Criteria	Explanation
<p>FRw.14.4</p> <ul style="list-style-type: none"> <li>a) the volume of the water take.</li> <li>b) the likely depletion effect on nearby streams, springs and wetlands.</li> <li>c) the effect of the take on existing water users.</li> <li>d) measures to minimise the rate of take, and the feasibility of the take being uniformly distributed over 24 hours.</li> <li>e) the risk of contamination due to water takes, uses or diversion.</li> <li>f) the distance between the intake and the outlet of any diversion, and the intermediate flow of the water body.</li> <li>g) the appropriateness of the water measuring device to be used.</li> <li>h) Appendix 28.3</li> <li>i) alternative water sources.</li> </ul>	<p>FWr.14.5</p> <p>The lack of information on groundwater resources means that it is important for the potential effects of groundwater abstractions to be carefully assessed. The link between groundwater and surface flows should be given particular consideration. Where the outcome of a proposed groundwater take is unknown or there is insufficient information to enable a reasonable assessment, the take should be avoided.</p> <p>Unless there is information to the contrary, groundwater takes adjacent to or near potentially affected rivers listed in Appendix 28.4 should be assumed to have a one to one effect on river flows, for the purposes of water allocation and implementing water restrictions.</p> <p>Failure to comply with the permitted activity conditions may result in the Council requiring the installation of meters and enforcement of the 1m<sup>3</sup> allocation limit.</p> <p>The following policies set out the process to be followed for water abstraction from groundwater:</p> <ul style="list-style-type: none"> <li>DO18.2.1 (managing underground abstractions)</li> <li>DO18.3.2 (monitoring water abstraction)</li> <li>DO18.3.3 (expiry and duration of water permits)</li> <li>DO18.3.5 – DO18.3.8 (allocation limits)</li> <li>DO18.3.9 (water restrictions)</li> <li>DO18.4.10 (permitted abstractions)</li> <li>DO18.4.12 (monitoring fee)</li> <li>DO18.4.1 (diversion of water)</li> </ul>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.15</b> <b>Take or use of water from ponds, reservoirs or dams</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.15.1 The take or use of water from an out-of-stream lawfully constructed pond, reservoir, or dam is permitted if the take or use from those sources does not reduce the flow in any natural water body.</p>	<p>FWr.15.2 Not applicable.</p>	<p>FWr.15.3 The take or use of water from an out-of-stream lawfully constructed pond, reservoir, or dam that contravenes the permitted condition is discretionary.</p>
<p><b>FWr.16</b> <b>Transfer of water permits for any water take</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.16.1 Not applicable.</p>	<p>FWr.16.2 Not applicable.</p>	<p>FWr.16.3 <b>Restricted discretionary</b> The transfer of water permits for any water take from one site to another site within the same catchment is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i) the effects of the water take at the new site, and</li> <li>ii) efficiency of water use, and</li> <li>iii) reasonable need for water, and</li> <li>iv) water metering requirements, and</li> <li>v) the volume of water allocated.</li> </ul> <p>In this rule, applications for restricted discretionary activities will be notified, the written approval of affected persons will be necessary, and notice of the application will be served on affected persons.</p> <p><b>Non-complying</b> The transfer of water permits for any water take from one catchment to another is a non-complying activity.</p>

Assessment Criteria	Explanation
<p>FWr.15.4 Conditions for water intake structures in Appendix 28.3</p>	<p>FWr.15.5 Rainwater storage and use, or out of stream dams, is encouraged.</p> <p>The benefits of rain water usage are:</p> <ul style="list-style-type: none"> <li>• reduced demand for mains water and corresponding reduction in usage, storage and treatment costs, and</li> <li>• reduced peak stormwater flows by roof water detention, thereby reducing the risks of property damage caused by flooding, and</li> <li>• reduced ground infiltration intensity to streets without stormwater and therefore reduced likelihood of sewer overflows, and</li> <li>• hydrologically neutral developments which maintain the natural water balance as much as possible.</li> </ul>
<p>FWr.16.4</p> <ol style="list-style-type: none"> <li>a) the rate and volume of the water take.</li> <li>b) the effect on river flows and the consequential effects on the existing classification and values identified in Appendix 28.4 and Appendix 6.</li> <li>c) the effect of the take on other water users.</li> <li>d) the appropriateness of the water measuring device to be used.</li> <li>e) Appendix 28.3.</li> </ol>	<p>FWr.16.5</p> <p>Monitoring of Nelson's water permits has highlighted that there may be a demand for the transfer of these types of water permits. Restricting discretion in the resource consent process (and therefore simplifying the process) for transfers may provide an incentive for self-management of water allocation and improved efficiency.</p> <p>Note that section 136(1) of the Act provides for a holder of a water permit for damming or diverting water to transfer the whole of the permit to any owner or occupier of the site in respect of which the permit is granted, but may not transfer the permit to any other person, or from site to site.</p> <p>The following district wide policy is relevant to this rule: DO18.3.4 (transfer of water permits).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.17 Drilling of a bore or well</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.17.1 Not applicable</p>	<p>FWr.17.2</p> <p>The drilling or construction of any bore or well is controlled if:</p> <p>a) the bore or well is not located closer than 50m to any coastal marine area or any adjacent bore or well, and</p> <p>b) the bore or well is not located closer than 25m to any surface water body, and</p> <p>c) the bore or well is not located closer than 50m to any effluent treatment pond, septic tank, sewage treatment or disposal area, or silage stack or pit, and</p> <p>d) the head works of the bore or well incorporates a backflow prevention device to prevent contaminants entering the structure, and</p> <p>e) the drilling or construction of the bore complies with NZS 4411:2001 (Environmental Standard for Drilling of Soil and Rock), and</p> <p>f) the driller and/or supervising engineer or geologist forwards a drilling log to the Council which includes all the information required by the Standard NZS 4411: 2001 within one month of construction.</p> <p>Control is reserved over:</p> <p>i) method of drilling, and</p> <p>ii) casing material, and</p> <p>iii) method of backflow prevention.</p> <p>In this rule, applications for controlled activities will not be notified, the written approval of affected persons will not be necessary, and notice of the application need not be served on any persons.</p>	<p>FWr.17.3</p> <p>Drilling of any bore or well which does not comply with any of the standards specified for the controlled activity is discretionary.</p>

Assessment Criteria	Explanation
<p>FWr.17.4</p> <ul style="list-style-type: none"> <li>a) the risk of contamination of groundwater.</li> <li>b) distance from the sea.</li> <li>c) distance from other bores.</li> <li>d) effects on other users.</li> <li>e) effects on ecosystems, including surface flows and wetlands</li> </ul>	<p>FWr.17.5</p> <p>The reason for making the drilling of a bore a controlled activity, with required separation distances, is to avoid water contamination and to avoid contaminated water being drawn from the bore in future.</p> <p>Bores should be a certain distance away from the sea to avoid saltwater intrusion. They should be a sufficient distance from other bores to avoid interference with that bore, and away from surface water bodies to avoid a reduction of water levels in adjacent surface waters.</p> <p>Sinking bores can create pathways for contaminants to migrate from the land surface into aquifers, or create a pathway for contaminants in shallower aquifers to be drawn down into deeper aquifers. Sinking a bore can also reduce the upward pressure gradient in confined aquifers, adversely affecting existing groundwater supplies. For these reasons, it is necessary for Council to monitor the effects of the activity.</p> <p>The New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001) sets out the minimum national environmental performance requirements for drilling of soil and rock, the design, construction, testing and maintenance of bores, the decommissioning of holes and bores, and record keeping. The Standard was developed in order to be references in contracts and in resource consents and plans developed pursuant to the Resource Management Act 1991. Copies of the Standard are available from the Council, on request.</p> <p>The following district wide policy is relevant to this rule: DO18.2.1 (managing underground abstractions).</p> <p>The following rule is relevant: FWr.19 (abandonment or decommissioning of a bore or well).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.18</b>  <b>Investigative drill holes</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.18.1</p> <p>The construction of any exploratory drill hole for monitoring purposes or to obtain geotechnical information, is permitted, if:</p> <p>a) the activity is carried out in accordance with Environmental Standard for Drilling Soil and Rock (NZS 4411:2001)</p> <p>b) the drill hole is secured and backflow prevention measures are provided to ensure that no foreign material is allowed to enter the ground and in particular any aquifer, or the drill hole is backfilled with material of similar composition and properties to the surrounding land, and</p> <p>c) the driller and/or supervising engineer or geologist forwards a drilling log to the Council which includes all the information required by the Environmental Standard NZS 4411:2001 within one month of construction, and</p> <p>d) decommissioning and sealing of the drill hole is carried out within six months so that:</p> <p>i) the bore or well is backfilled and sealed at the surface, and</p> <p>ii) the bore or well is sealed to prevent vertical movement of groundwater and to confine the groundwater to the specific zone in which it originally occurred, and</p> <p>iii) decommissioning complies with NZS 4411:2001 (Environmental Standard for Drilling of Soil and Rock), and</p> <p>iv) materials used for backfill are of similar composition and properties to the surrounding land and no less than two metres of the drill hole near the surface is sealed with a cement grout.</p>	<p>FWr.18.2</p> <p>Not application.</p>	<p>FWr.18.3</p> <p>The construction of any exploratory drill hole for monitoring purposes or to obtain geotechnical information, that contravenes a permitted condition, is discretionary.</p>

Assessment Criteria	Explanation
<p data-bbox="161 197 245 224">FWr.18.4</p> <p data-bbox="161 226 528 253">a) the risk of contamination of groundwater.</p>	<p data-bbox="842 197 927 224">FWr.18.5</p> <p data-bbox="842 226 1442 371">Investigative drill holes, for purposes other than abstraction of groundwater, include activities such as testing levels of contamination, groundwater pressure gradients, and geotechnical investigations, are a permitted activity because they do not have the same potential to cause adverse effects as permanent bores, used for groundwater abstraction.</p> <p data-bbox="842 374 1447 573">The New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001) sets out the minimum national environmental performance requirements for drilling of soil and rock, the design, construction, testing and maintenance of bores, the decommissioning of holes and bores, and record keeping. The Standard was developed in order to be referenced in contracts and in resource consents and plans developed pursuant to the Resource Management Act 1991. Copies of the Standard are available from the Council, on request.</p> <p data-bbox="842 602 1323 658">The following district wide policy is relevant to this rule: DO19.2.1 (effects of land use activities on groundwater).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.19</b> <b>Abandonment or decommissioning of a bore or well</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.19.1 Not applicable</p>	<p>FWr.19.2 Abandonment or decommissioning of a bore or well is controlled if:</p> <ul style="list-style-type: none"> <li>a) the bore or well is backfilled and sealed at the surface, and</li> <li>b) the bore or well is sealed to prevent vertical movement of groundwater and to confine the groundwater to the specific zone in which it originally occurred, and</li> <li>c) decommissioning complies with NZS 4411:2001 (Environmental Standard for Drilling of Soil and Rock).</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) materials used for sealing, and</li> <li>ii) method of sealing, and</li> <li>iii) materials used for backfilling.</li> </ul>	<p>FWr.19.3 Abandonment or decommissioning of any bore or well which does not comply with any of the standards specified for the controlled activity is discretionary.</p>


Assessment Criteria	Explanation
FWr.19.4 a) the risk of future contamination of groundwater. b) potential for leakage from the surface.	FWr.19.5 When a bore is abandoned or decommissioned it is important to avoid ongoing issues with contamination of groundwater. For this reason, it is necessary for Council to monitor the effects of the activity.  The following district wide policy is relevant to this rule: DO18.2.1 (managing underground abstractions).

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWR.20</b>  <b>Point source discharges to freshwater bodies (other than stormwater)</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWR.20.1</p> <p>Any discharge to water is permitted if:</p> <p>a) after reasonable mixing it meets Appendix 28.7 and Class A water quality standards (see Appendices 28.5 to 28.7), or</p> <p>b) it is a discharge of dye or tracer material for investigative purposes, or</p> <p>c) it is a discharge of water from the testing or emptying of pipelines, tanks or bunds if no welding residues or other contaminants contained within the pipeline will be discharged to the receiving water body, or</p> <p>d) it is a discharge of overflow bore water to surface water bodies, if the rate of discharge is no more than five litres per second and the discharge has not been contaminated prior to discharge, or</p> <p>e) it is a discharge from a swimming pool (excluding swimming pool filter backwash water) which is free of chemicals, algae, leaves, dirt or other debris. (Any discharge with these contaminants must be discharged to the sewerage system) Swimming pool water is considered free of chemical contaminants when it has been left open to sunlight for 14 days, the level of chlorine does not register on any home testing kit, and no smell of chlorine remains.</p>	<p>FWR.20.2</p> <p>a) Any discharge which, after reasonable mixing, meets Class B water quality standards (see Appendices 28.5 to 28.7), and</p> <p>b) any discharge of wastewater or wash water into water bodies arising from the maintenance and repair of buildings and structures,</p> <p>is controlled if:</p> <p>i) the discharge does not, after reasonable mixing, cause:</p> <ul style="list-style-type: none"> <li>- the production of conspicuous oil or grease, film, scum, or foam, or floatable or suspended material, or</li> <li>- any conspicuous change in colour or visual clarity, or</li> <li>- any objectionable odour, or</li> <li>- any significant adverse effects on aquatic life, and</li> </ul> <p>ii) all practicable measures (eg oil separation, screening, filtering or settlement devices, or diversion to the sewerage system or a combination of these options), are taken at source to ensure that the contamination of stormwater is avoided.</p> <p>Control reserved over:</p> <p>i) the volume and level of contamination, and</p> <p>ii) the method of discharge and effects arising from the method chosen, and</p> <p>iii) the provision and adequacy of equipment for the collection, treatment and disposal of any discharge.</p>	<p>FWR.20.3</p> <p><b>Restricted discretionary</b></p> <p>Any discharge which, after reasonable mixing, meets Class C water quality standards (Appendices 28.5 to 28.7) is a restricted discretionary activity if it is not a discharge into Class A or B water bodies (see Appendix 28.4).</p> <p>Discretion restricted to:</p> <p>i) classification of the water body (see Appendix 28.4), and</p> <p>ii) a reasonable mixing zone.</p> <p><b>Discretionary</b></p> <p>Any discharge that contravenes the conditions for permitted or standards for controlled or restricted discretionary activities, is discretionary.</p> <p><b>Non-complying</b></p> <p>Any discharge not specified as permitted, controlled, discretionary or prohibited is non-complying</p> <p>Note: see rule FWR.21 for the rule on raw sewerage discharges from the public sewerage system.</p> <p><b>Prohibited</b></p> <p>Any discharge of:</p> <p>a) untreated sewage to a water body (other than as an emergency work pursuant to section 330 of the Act), and</p> <p>b) untreated stock effluent to a water body, and</p> <p>c) liquid wastes or hazardous substances directly into groundwater, and</p> <p>d) hazardous substances into surface water, and</p> <p>e) solid waste into surface water</p> <p>is prohibited.</p>

Assessment Criteria	Explanation
<p data-bbox="164 197 244 219">FWr:20.4</p> <p data-bbox="164 226 837 280"><b>Assessment matters (for controlled, restricted discretionary and discretionary activities):</b></p> <p data-bbox="164 286 837 383">a) whether the discharge has a reasonable potential to result in a loss of sensitive or important habitat, substantially interfere with the existing or characteristic uses of the water body, result in damage to the ecosystem, or adversely affect public health.</p> <p data-bbox="164 389 837 459">b) whether the discharge will create a barrier to the migration or movement of native species and trout to a degree that has the potential to cause damage to the ecosystem.</p> <p data-bbox="164 465 837 515">c) the classification of the water body and the priority for its enhancement (see Appendix 28.4).</p> <p data-bbox="164 521 547 544">d) the sensitivity of the receiving environment.</p> <p data-bbox="164 551 837 620">e) in the case of wetlands, whether it is naturally occurring or artificially created. If it was artificially created, the purpose for which it was created (eg stormwater management or wastewater treatment).</p> <p data-bbox="164 627 837 674">f) provision for review of consent conditions if the discharge has unforeseen effects on water quality</p> <p data-bbox="164 680 837 728">g) whether the discharge will contribute to a waterbody continuing to have a Class D or E water quality standard.</p> <p data-bbox="164 757 611 779"><b>Assessment criteria for non-complying activities</b></p> <p data-bbox="164 786 837 808">a) methods of prevention, control and treatment appropriate to the discharge</p> <p data-bbox="164 815 579 837">b) siting, technological, and management options</p> <p data-bbox="164 844 488 866">c) loss of sensitive or important habitat</p> <p data-bbox="164 873 762 896">d) interference with the existing or characteristic uses of the water body</p> <p data-bbox="164 902 743 925">e) any damage to the ecosystem, or adverse effects on public health</p> <p data-bbox="164 931 592 954">f) whether the discharge existed prior to notification</p> <p data-bbox="164 960 837 1008">g) whether the volume of water in the effluent is providing a greater benefit to the existing or characteristic uses of the water body due to flow augmentation</p> <p data-bbox="164 1014 837 1061">h) whether the exceedance is necessary to accommodate important economic or social development.</p>	<p data-bbox="845 197 925 219">FWr:20.5</p> <p data-bbox="845 226 1447 295">The water quality of Nelson's rivers has been assessed and classified into five categories from Class A (excellent) to Class E (very degraded).</p> <p data-bbox="845 331 1447 479">Detail of the qualities and values of these classes is in Appendix 28.5. The 2002 classification of Nelson waterways is in Appendix 28.4. Where a water body is not listed in Appendix 28.4, its water quality classification should be determined by assessing a range of physical, chemical and biotic parameters as described in Cawthron Report No. 774 (October 2002).</p> <p data-bbox="845 515 1447 633">In order to set clear management objectives for each water body it is necessary to establish the current water quality of Nelson's rivers and streams and then set minimum standards for maintaining that level of water quality. Classification standards provide a "baseline" below which water quality should not be degraded.</p> <p data-bbox="845 669 1447 716">Control of discharges is necessary to work towards Policy DO19.1.5, which is that no water bodies should be of a quality less than Class C.</p> <p data-bbox="845 752 1447 844">Note: swimming pool water is considered free of chemicals when a pool has been left open to sunlight for 14 days, the level of chlorine does not register on any home testing kit, and no smell of chlorine remains.</p> <p data-bbox="845 880 1334 902">The following district wide policies are relevant to this rule:</p> <p data-bbox="845 909 1265 931">DO19.1.1 – DO19.1.5 (policies for classes A to E)</p> <p data-bbox="845 938 1270 960">DO19.1.11 (new and existing discharges to water)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.21</b> <b>Discharges from the public sewerage system to freshwater bodies</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.21.1 Not applicable.</p>	<p>FWr.21.2 Not applicable.</p>	<p>FWr.21.3</p> <p><b>Discretionary</b></p> <p>1) Any reasonably foreseeable discharge from the sewerage system to freshwater (via the stormwater system, discharged to land or directly to freshwater) as outlined in the NCC Wastewater Asset Management Plan is a discretionary activity if there are:</p> <ul style="list-style-type: none"> <li>a) no more than 10 discharges in any 12 month period, and</li> <li>b) no more than five individual discharges in any single event, and</li> <li>c) the medical officer of health, the Divisional Manager Planning and Consents and the public are formally notified of the discharge, including its location, within four hours of the emergency response officer first being notified of the discharge.</li> </ul> <p>2) The following information must be provided in the discharge application:</p> <ul style="list-style-type: none"> <li>a) identification of the source of contamination, and</li> <li>b) the frequency of occurrence of discharges, and</li> <li>c) identification of the known and potential effects of the discharge, including: <ul style="list-style-type: none"> <li>i) public health risks, and</li> <li>ii) aesthetic and odour adverse effects, and</li> <li>iii) receiving environment water quality degradation (both freshwater and coastal), and</li> <li>iv) adverse effects on freshwater and coastal ecology, and</li> <li>d) the proposed methods to avoid, remedy or mitigate the actual and potential effects, and</li> <li>e) the effective measures designed to prevent effluent discharging to surface water or onto land where it may enter surface water, from the network in the event of a system failure or overloading the system beyond its design capacity. Together with the contingency planning and system design to provide temporary storage, and back up systems for pumps and power supplies in the event of maintenance, system failure, or a natural event, and</li> <li>f) how the emergency response to blocked sewers will be managed, and</li> <li>g) an integrated catchment management plan and a wastewater network environmental management plan which must propose methods to reduce <u>risk</u>, and</li> <li>h) the prioritised programme for implementation of the methods, and</li> <li>i) the monitoring and reporting to be carried out.</li> </ul> </li> </ul> <p>In accordance with s330 of the RMA, the Divisional Manager Planning and Consents must <b>also</b> be notified of individual discharges within seven working days of each event.</p> <p><b>Non-complying</b></p> <p>Any discharge from the sewerage system to freshwater (via the stormwater system, discharge to land or directly to freshwater) which contravenes the conditions for a discretionary activity is non-complying.</p>

Assessment Criteria	Explanation
<p>FWr:21.4</p> <ul style="list-style-type: none"> <li>a) risk to public health and the environment</li> <li>b) the sensitivity of the receiving environment</li> <li>c) effects on existing uses of any waterbody affected by the discharge</li> <li>d) practicable methods to decrease the potential for discharges</li> </ul>	<p>FWr:21.5</p> <p>Sewage discharges to freshwater can occur from a sewage system overflow from a stormwater system, a discharge to land, or directly to freshwater. This rule applies to <u>all</u> of these overflow discharges.</p> <p>Discharge of raw sewerage to waterbodies is unacceptable for public health, cultural and environmental reasons. However, overflows sometimes occur during heavy rain events due to inflow or infiltration of stormwater into the sewerage system, and when sewers block.</p> <p>In this rule wastewater network discharges are a discretionary activity in recognition of the fact that they do happen, that it is an expensive problem to avoid, to provide certainty of conditions and the ability to prioritise works.</p> <p>The following district wide objective and policy are relevant to this rule:  Objective: DO19.1 (highest practicable water quality)  Policy: DO19.1.5 (minimum quality)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.22</b> <b>Point source stormwater discharges to water</b></p> <p>[note that this rule is a regional rule]</p> 	<p>FWr.22.1</p> <p>Point source stormwater discharges directly to a river are permitted if:</p> <p>a) the discharge is from the roof of a residential property, and</p> <p>b) the discharge does not</p> <p>i) contain any chemicals, paint, oil, grease, pesticides, fertiliser, tannins, detergent, grass clippings, rubbish, litter, or heavy metals that are, or are likely to be, toxic to the aquatic ecosystem, or</p> <p>ii) cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or</p> <p>iii) cause a conspicuous change of colour or visual clarity, or</p> <p>iv) cause an emission of objectionable odour, or</p> <p>v) cause adverse effects on aquatic life, or</p> <p>vi) contain suspended solid concentrations in excess of 100g/litre, or</p> <p>vii) contain any hazardous substances, waste water or trade wastes</p>	<p>FWr.22.2</p> <p>1) Nelson City Council's point source stormwater discharges to water are a controlled activity if a reticulated stormwater quality improvement plan is provided in the discharge application which outlines how best practicable options will be used to control discharges to Council's stormwater infrastructure.</p> <p>2) Point source stormwater discharges directly to a river which are not from the Council's stormwater infrastructure, and are not a permitted activity, are controlled if</p> <p>a) they do not:</p> <p>i) contain any chemicals, paint, oil, grease, pesticides, fertilizer, tannins, detergent, grass clippings, rubbish, litter, or heavy metals that are, or are likely to be, toxic to the aquatic ecosystem, or</p> <p>ii) cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or</p> <p>iii) cause a conspicuous change of colour of visual clarity, or</p> <p>iv) cause an emission of objectionable odour, or</p> <p>v) cause adverse effects on aquatic life, or</p> <p>vi) contain suspended solid concentrations in excess of 100mg/litre, or</p> <p>vii) contain any hazardous substances, waste water or trade wastes, or</p> <p>b) the best practicable option (eg oil separation, screening, filtering or settlement devices, or diversion to the sewerage system or a combination of these options) is taken at source to ensure that contamination of stormwater is minimised.</p> <p>Compliance with the NCC Stormwater Bylaw 2006 will be deemed to be complying with condition b) of this rule, with the exception that the bylaw will be administered as a guide, and approval will be through the Consents process rather than through authorisation by the Manager Infrastructural Assets.</p> <p>Control reserved over:</p> <p>i) the volume and level of contamination, and</p> <p>ii) the method of discharge and effects arising from the method chosen, and</p> <p>iii) the provision and adequacy of equipment for the collection, treatment and disposal of any discharge.</p>	<p>FWr.22.3</p> <p>A point source stormwater discharge directly to a river that contravenes a permitted or controlled condition is discretionary.</p>


Assessment Criteria	Explanation
<p>FWr.22.4</p> <p>a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section XI: erosion and sediment control, in the NCC Engineering Standards. A site assessment will have to be supplied when an application is made for a discretionary activity to discharge stormwater to a river. This assessment must include:</p> <ul style="list-style-type: none"> <li>i) detail of how and why the stormwater discharge contravenes the permitted or controlled conditions, and</li> <li>ii) a plan showing the site layout that identifies all actual and potential sources of stormwater pollution, and</li> <li>iii) identification of best practicable options to ensure that actual and potential contamination of stormwater is minimised at source.</li> </ul> <p>b) whether the best practicable option has been used. This means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:</p> <ul style="list-style-type: none"> <li>i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects (see Appendix 28.4), and</li> <li>ii) the financial implications, and the effects on the environment, of the option when compared with other options, and</li> <li>iii) the current state of technical knowledge and the likelihood that the option can be successfully applied.</li> </ul> <p>c) whether the discharge has a reasonable potential to result in a loss of sensitive or important habitats, substantially interfere with the existing or characteristic uses of the water body, result in damage to the ecosystem, or adversely affect public health.</p> <p>d) whether the discharge will create a barrier to the migration or movement of native species and trout to a degree that has the potential to cause damage to the ecosystem.</p> <p>e) the classification and sensitivity of the receiving water body and the priority for its enhancement (see Appendix 28.4)</p> <p>f) application of technical publications on stormwater treatment devices and low impact design.</p> <p>g) in the case of discharges from the Council's stormwater system, level of implementation of the Council's Reticulated Stormwater Quality Improvement Plan.</p> <p>h) provision for review of consent conditions if the discharge has unforeseen effects on water quality.</p>	<p>FWr.22.5</p> <p><b>Scope of this rule:</b> This rule covers all point source stormwater discharges directly entering waterways.</p> <p>Stormwater discharges into the Council's stormwater pipes are not covered by this rule but are permitted in terms of FWr.25 (discharge to land) if they comply with the NCC Stormwater Bylaw 2006.</p> <p>Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).</p> <p>Specific water quality standards have not been set for stormwater discharges in recognition of the complexity of diffuse and wide-ranging sources of stormwater contamination.</p> <p>The development of a reticulated stormwater quality improvement plan (RSQIP) is a condition of a Council consent for its own stormwater discharges. The RSQIP is a strategic plan which sets out the framework for the following programmes:</p> <ul style="list-style-type: none"> <li>i) the stormwater bylaw, which will control the quality of discharges to the Council's stormwater infrastructure. It also provides guidelines for 'best practicable option' for discharges to natural water</li> <li>ii) installation of interceptors (or equivalent low impact design methods) on Council's stormwater discharges from identified 'hot spots' on Council land, such as car parks, to comply with the stormwater bylaw</li> <li>iii) an education programme with the aim of preventing contaminants entering residential stormwater.</li> </ul> <p>The following district wide policies are relevant to this rule:</p> <ul style="list-style-type: none"> <li>DO19.1.8 (stormwater discharges)</li> <li>DO19.1.9 (improvements to stormwater discharges)</li> <li>DO19.1.10 (new development)</li> </ul> <p>In residential areas, stormwater drains frequently receive soapy water from washing cars, residues from cleaning paint brushes and oil split during oil changes. Process wastes or industrial chemicals may be illegally discharged into stormwater drains servicing industrial or trade premises. These waterbodies are often small streams where the impacts can be greater than if greater mixing capacity was available.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.23</b>  <b>Discharge of agrichemicals in and near waterbodies</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.23.1  Discharge of agrichemical to air or land near water is permitted if:</p> <p>a) it is not discharged directly into a water body, and</p> <p>b) it complies with the mandatory requirements of NZS8409:2004 Management of Agrichemicals, and</p> <p>c) it complies with the requirements of Rule AQR:56 and Appendix AQ7 in the Nelson Air Quality Plan.</p>	<p>FWr.23.2</p> <p>1) A direct discharge of an agrichemical into a water body for the purposes of pest plant or fish control is controlled if:</p> <p>i) the discharge does not exceed the quantity, concentration or rate required for that purpose, and</p> <p>ii) the agrichemical, and any associated additive, is authorised for aquatic use in New Zealand, and is used in accordance with the authorisation, and</p> <p>iii) the discharge is carried out in accordance with any manufacturer's directions and is carried out by a person who is a registered chemical applicator, and</p> <p>iv) no lawful take of water will be adversely affected as a result of the discharge, and</p> <p>v) the discharger notifies every household taking water for domestic supply, and every holder of a water permit within 1km downstream of the proposed discharge, at least one week before commencing the discharge.</p> <p>2) Control is reserved over the following matters:</p> <p>i) location and area of discharge</p> <p>ii) timing of discharge</p> <p>iii) signage requirements</p> <p>iv) adverse effects on non-pest or non-target freshwater organisms.</p>	<p>FWr.23.3</p> <p>Any discharge of agrichemicals in and near waterbodies that contravenes a permitted condition or a controlled standard is discretionary.</p>

Assessment Criteria	Explanation
<p>FWr.23.4</p> <p>a) whether the discharge can be done effectively without risk to human health or the environment.</p> <p>b) the experience and track record of the discharger.</p> <p>c) compliance with NZS8409:1999 Management of Agrichemicals.</p>	<p>FWr.23.5</p> <p>Agrichemicals can be toxic to aquatic animals and indigenous plants, and are a risk to humans and stock if they enter drinking water supplies. Agrichemicals also have the potential to degrade groundwater.</p> <p>The following district wide policy is relevant to this rule: DO19.1.7 (effect of land use activities on surface water bodies)</p> <p>The following district wide method is relevant to this rule: DO19.1.7.vi (advice on fertiliser and agrichemical use)</p> <p>Note: In all cases for the application of agrichemicals Rule AQr.56 in the Nelson Air Quality Plan must also be complied with.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.24</b> <b>Fertiliser discharges to land and air where it may enter water</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.24.1 Discharge of fertiliser onto land is permitted if:</p> <p>a) the fertiliser is registered in New Zealand at the time of application under the Agricultural Compounds and Veterinary Medicines Act 1997, and</p> <p>b) all practicable steps are taken to ensure that fertiliser applied by ground-based methods does not enter any river or lake, or the bed of any river or lake, either directly or via overland runoff, and</p> <p>c) the application complies with the Code of Practice for Fertiliser Use (2002)</p>	<p>FWr.24.2 Not applicable.</p>	<p>FWr.24.3 <b>Restricted discretionary</b> Any discharge of fertiliser onto land that contravenes a permitted condition is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>a) type and volume of fertiliser, and b) nature and sensitivity of receiving environment, and c) cumulative effects of fertiliser use.</p>

Assessment Criteria	Explanation
<p>FWr:24.4</p> <p>a) type and volume of fertilizer.</p> <p>b) nature and sensitivity of receiving environment</p> <p>c) current levels of phosphate and nitrate in the receiving water body as recorded in the Council's water monitoring programme.</p>	<p>FWr:24.5</p> <p>Fertiliser entering waterways, either directly or through runoff, can increase growth of algae and decrease oxygen levels in water. At high levels, fertiliser can be toxic to all freshwater organisms.</p> <p>The following district wide policy is relevant to this rule: DO19.1.7 (effect of land use activities on surface water bodies)</p> <p>The following district wide method is relevant to this rule: DO19.1.7.vi (advice on fertiliser and agrichemical use)</p> <p>Note: In all cases for the application of agrichemicals (including fertiliser) Rule AQR:56 in the Nelson Air Quality Plan must also be complied with.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.25</b> <b>General discharges to land where it may enter water</b></p> <p>[note that this rule is a regional rule]</p> 	<p>FWr.25.1</p> <p>a) Discharge of water from swimming pools, and</p> <p>b) discharge of swimming pool filter backwash water where discharge to the sewerage system is not practicable, and</p> <p>c) discharge of dead animals, offal and household organic waste to offal pits in the Rural Zone, and</p> <p>d) discharge of grey water or sediment-laden water to land is permitted if:</p> <p>i) the discharge does not result in surface ponding or runoff of any contaminant into a surface water body, and</p> <p>ii) there is no direct discharge of any contaminant into any surface water body, and</p> <p>iii) the discharge is not within 25m of a surface water body or within any Flood Overlay, and</p> <p>iv) the discharge is not within 50m of any bore, well, or spring used for water supply, and</p> <p>v) the discharge is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have a significant adverse effect on the environment, and</p> <p>vi) the water is contained on the site so that there are no adverse effects on adjoining properties</p> <p>e) The discharge of water from a sediment treatment pond or impoundment area onto land where it may enter a surface water body is permitted if:</p> <p>i) there is no point source discharge of any contaminant into any water body, and</p> <p>ii) the water is not discharged onto adjoining properties.</p> <p>f) Discharge of point source stormwater to land is permitted if:</p> <p>i) the discharge is not within 25m of a surface water body, and</p> <p>ii) the discharge is not within 50m of any bore, well or spring used for water supply, and</p> <p>iii) the discharge is not noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment, and</p> <p>iv) the water is not discharged onto adjoining properties.</p> <p>g) Discharges into the Council's stormwater infrastructure are permitted if they comply with:</p> <p>i) the conditions in the NCC Stormwater Bylaw 2006, and</p> <p>ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and</p> <p>iii) all other stormwater management requirements in the Plan.</p>	<p>FWr.25.2</p> <p>Not applicable.</p>	<p>FWr.25.3</p> <p><b>Discretionary</b></p> <p>Any discharge that contravenes a permitted activity, and is not listed as a non-complying or prohibited activity, is discretionary.</p> <p><b>Non-complying</b></p> <p>Discharge of dead stock, offal and inorganic household waste within:</p> <p>i) any zone other than the Rural Zone, or</p> <p>ii) 25m of a river or lake in the Rural Zone is non-complying.</p> <p><b>Prohibited</b></p> <p>Discharge of untreated sewage is prohibited unless it is a discharge from the public sewerage system (see rule FWr.21)</p>

Assessment Criteria	Explanation
<p>FWr:25.4</p> <p>a) location and area of discharge.</p> <p>b) risk of contamination of surface or groundwater.</p> <p>c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering Standards. A site assessment will have to be supplied when an application is made for a discretionary activity to discharge stormwater into the Council's stormwater infrastructure.</p> <p>This assessment must include:</p> <p>i) detail of how and why the stormwater discharge contravenes the permitted conditions, and</p> <p>ii) a plan of the site layout that identifies all actual and potential sources of stormwater pollution, and</p> <p>iii) identification of best practicable options to ensure that actual and potential contamination of stormwater is minimised at source.</p>	<p>FWr:25.5</p> <p>This rule aims to minimise and, as far as possible, avoid the potential for contamination of surface water bodies and groundwater from leaching liquid contaminants. It is important to maintain existing water quality to provide for the existing and potential uses of that water.</p> <p>In other areas of New Zealand discharges to a stormwater pipe have been regarded as a discharge to land, and regulated under section 15(1)(b) of the RMA. Nelson City Council intends to primarily use bylaws under the Local Government Act to control the quality of discharges to stormwater infrastructure. However, it is necessary to include discharges to stormwater infrastructure in this rule, as a permitted activity, in order to clearly signal how the bylaw and the Nelson Resource Management Plan will work together to manage stormwater discharges and avoid duplication of process.</p> <p>The following district wide policy is relevant to this rule: DO19.1.7 (effect of land use activities on surface water bodies).</p>