

## **7.4 Explanation of rules**

### **7.4.1 Hangatahua (Stony) River catchment**

#### **Rule 1: Taking and use of surface water (domestic, stock-watering, fire-fighting)**

Section 14(3) of the Act allows a person to take and use water for reasonable domestic and stock water needs, and for fire-fighting purposes. Rule 1 allows for the taking and use of surface water in the Hangatahua (Stony) River catchment, provided that the three stated conditions can be met. These conditions have been adopted to ensure that the taking and use does not have an adverse effect on the environment. This is also a requirement of section 14(3) of the Act.

#### **Rule 2: Taking and use of surface water (agricultural and horticultural activities)**

Rule 2 provides for the taking and use of surface water in the Hangatahua (Stony) River catchment for agricultural and horticultural activities, but requires that a resource consent be obtained. This requirement ensures that adverse effects on the environment will be avoided, remedied or mitigated, and also allows the conditions relating to the combined quantity of the takes and the assessment of alternative sources of water to be enforced. The conditions reflect the requirements of the Local Water Conservation (Stony (Hangatahua) River) Notice 1985, which was part of the Transitional Plan. The first two conditions have been included to limit the amount of water that an individual can take, in order to retain the quantities, flows and levels of water as far as practicable in their natural state. This is a requirement of the Local Water Conservation Notice.

#### **Rule 3: Taking and use of surface water which is not otherwise provided for in Rules 1 and 2**

The taking and use of surface water from the Hangatahua (Stony) River for any purposes other than those allowed by Rules 1 and 2 is a prohibited activity. This rule continues the intent of the Local Water Conservation Notice which stated that (subject to some exemptions) no water right should be granted and no general authorisation made in respect of the Hangatahua (Stony) River catchment where the effect of doing so would be that the provisions of the Notice could not remain in force without change or variation. The fourth provision of the Notice stated that the quantity and rate of flow in the Hangatahua (Stony) River and its tributaries, and the quantity and level of natural water in the ponds and tarns that form part of the protected waters, were to be retained in their natural state. The only way to ensure that this provision remains in effect without change or variation is to prohibit taking and use of surface water for purposes other than those listed in Rules 1 and 2.

#### **Rule 4: Damming of water**

Rule 4 prohibits the damming of water in the Hangatahua (Stony) River catchment. This rule is consistent with the fifth provision of the Local Water Conservation Notice, which stated that a right to dam any river or stream that formed part of the protected waters would not be granted.

#### **Rule 5: Diversion of water which is not otherwise provided for in Rules 12 and 13**

The diversion of water from the Hangatahua (Stony) River catchment is a prohibited activity unless the diversion is for the purposes of river and flood control (these types of diversions are addressed under Rules 12 and 13). Diversions of water would have the effect of altering the natural state of the quantity and rate of flow of water in the catchment, and would therefore go against the fourth provision of the Local Water Conservation Notice.

#### **Rule 6: Discharge of contaminants or water to water**

The discharge of contaminants or water to water within the Hangatahua (Stony) River catchment is a prohibited activity in order to continue the intent of the Local Water Conservation Notice. The third provision of the Notice stated that the protected waters

included and provided for regionally important fisheries and angling features, scenic characteristics and recreational features, and cultural, historical and educational features. Allowing the discharge of contaminants or water to water would be inconsistent with protecting these features.

**Note:** The discharge of contaminants to land will be controlled by the relevant rules in the Discharge of Contaminants to Land and Water section of rules.

**Rule 7: Maintenance of existing or authorised structures**

Rule 7 provides for the maintenance of existing or authorised structures in the bed of the Hangatahua (Stony) River catchment as a permitted activity, as long as the stated conditions can be met. The conditions have been adopted to ensure any adverse effects on the environment will be minor. This rule continues the intent of provision 6(2)(iii) of the Local Water Conservation Notice.

**Rule 8: Construction, placement and use of specified structures, and maintenance which cannot meet the conditions of Rule 7**

Rule 8 makes the construction, placement and use of pipelines, roads and bridges a discretionary activity. This continues the intent of provision 6(2)(iii) of the Local Water Conservation Notice, while also recognising that construction, placement and use of these structures can have adverse effects on the regionally important characteristics of the catchment. Rule 8 also provides that where maintenance of existing or authorised structures cannot meet the conditions of Rule 7 it will be a discretionary activity and require a resource consent.

**Rule 9: Use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure not otherwise provided for by Rules 7, 8, 10 or 11**

The use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure that is not provided for by Rules 7, 8, 10 or 11 is a prohibited activity. Rules 7, 8, 10 and 11 provide for structures that were recognised as exemptions in the Local Water Conservation Notice. Other structures are likely to have adverse effects on the regionally important characteristics and features listed in the third provision of the Notice.

**Rule 10: River and flood control activities**

Rule 10 permits any activity that is restricted under section 13(1) of the Act, and is undertaken by or on behalf of the Taranaki Regional Council for the purposes of river and flood control, provided that the stated conditions can be met. Provision 6(2)(iv) of the Local Water Conservation Notice provided that water rights could be granted and general authorisations made for activities undertaken for river and flood control purposes pursuant to the Soil Conservation and Rivers Control Act 1941. Rule 10 therefore continues this provision, with conditions that are the same as those contained in the relevant rule in the Uses of River and Lake Beds section of the Plan.

**Rule 11: River and flood control activities**

Where activities undertaken under section 13(1) of the Act for the purposes of river and flood control cannot meet the conditions of Rule 10, the adverse effects on the environment of the activity are likely to be more than minor, and the activity should be controlled by means of a resource consent. Requiring a resource consent for these activities will allow for the regionally important characteristics and features listed in the Local Water Conservation Notice to be protected.

**Rule 12: Diversion of water for the purposes of river and flood control**

Provision 6(2)(ii) of the Local Water Conservation Notice provided that water rights could be granted and general authorisations made for diversions associated with the extraction of aggregate from the bed or flood plain of the Hangatahua (Stony) River provided that the extraction was for river control purposes. Provision 6(2)(iv) provided for activities for the purposes of river and flood control. Rule 12 continues these provisions as permitted activities, provided that the diversion of water is undertaken by or on behalf of the Taranaki Regional Council and the stated conditions can be met.

The conditions have been made to ensure that adverse effects on the environment are minor, and are much the same as the conditions on diversions in other catchments in the region.

**Rule 13: Diversion of water for the purposes of river and flood control that cannot meet the conditions of Rule 12**

Those diversions for river and flood control purposes that cannot meet the conditions of Rule 12 are likely to have more than minor adverse effects on the regionally important characteristics and features that were listed in the Local Water Conservation Notice. For this reason, it is appropriate that the Taranaki Regional Council control the activity by requiring a resource consent.

**Rule 14: Prohibited activities**

Section 13(1) of the Act restricts a variety of activities in river and lake beds unless a Plan or a resource consent allows the activity. Because of the regionally important characteristics and features that were listed in the Local Water Conservation Notice (and which have been listed in Appendix IA), and in order to continue the protection of the waters of the Hangatahua (Stony) River catchment, the activities that are restricted by section 13(1) of the Act, and have not been provided for in other rules, are prohibited.

**7.4.2 Taking, use, damming and diversion of surface water**

**Rule 15: Taking and use of surface water**

Rule 15 is to provide for minor takes of water without the need for a resource consent, provided that the stated conditions are met. The conditions limit abstractions to small takes with a restriction on the proportion of flow that may be taken, to ensure that there will be no significant adverse effects on the environment. There is no restriction on the purposes for which water may be taken, and the conditions are designed to allow takes for reasonable domestic and stock water needs. The volume of abstraction is the total volume that is allowed for a property described on a particular certificate of title.

**Rule 16: Taking and use of surface water which does not meet the conditions of Rule 15**

Rule 16 is to enable all other takes of water (with the exception of takes from those rivers and streams listed in Policy 6.1.1) which do not meet the conditions of Rule 15, to be considered on a case-by-case basis. These will be for larger takes which exceed the conditions in Rule 15. In considering takes under Rule 15, and whether or not to grant consent and the conditions that may be imposed, the Taranaki Regional Council will have regard to the policies in the Plan.

**Rule 17: Taking and use of surface water from water bodies listed in Policy 6.1.1, where the taking and use is not otherwise provided for**

Rule 17 is to prohibit the taking and use of surface water from those catchments or water bodies listed in Policy 6.1.1, which are not otherwise provided for in Rule 15. Small or minor or temporary takes are permitted by Rule 15, but larger takes have been prohibited to retain the quantity and rate of flow in these water bodies, as far as possible in their natural state. This extends the protection of the waters of the Hangatahua (Stony) River provided for in the Local Water Conservation Notice to those water bodies listed in Policy 6.1.1.

**Rule 18: Damming or diversion of water from a river or stream**

Rule 18 allows minor diversions or damming of water from a river or stream. If the stated conditions are met the work is likely to be of a minor nature and therefore will have only minor adverse effects on the environment, and can be permitted. The activity of damming does not allow the consumptive use of water. If water is being taken and the dam structure enables this abstraction, then the activity is either permitted (under Rule 15) or a resource consent is required, to ensure that a residual flow is maintained

below the dam structure. The conditions of Rule 18 are the same of those that will apply to the structure itself, so that both parts of the activity are dealt with consistently.

**Rule 19: Damming or diversion of water for the purposes of river and flood control**

Rule 19 controls the damming or diversion of water for the purposes of flood or erosion control. Other activities such as placement and use of river control works are permitted activities as long as they are undertaken by or on behalf of the Taranaki Regional Council and it is therefore appropriate that the damming or diversion of water associated with these works also be permitted. The conditions of the activity are to ensure that adverse effects on the environment are minor.

**Rule 20: Damming or diversion of water from a river or lake which does not meet the conditions of Rules 18 and 19**

The damming or diversion of water from a river or lake which does not meet the conditions of Rules 18 or 19, has the potential to significantly affect the functioning of the aquatic ecosystem and have other significant adverse effects. For this reason the activity has been made discretionary. The policies listed will assist the Taranaki Regional Council to set conditions to avoid, remedy or mitigate adverse effects.

**7.4.3 Discharge of contaminants to land and water**

**Rule 21: Discharge of water into water**

This rule addresses discharges of water into surface water. This covers minor discharges that are unlikely to have adverse effects provided that they comply with the stated conditions. Reasonable mixing is defined in Section 2 in order to provide greater clarity and certainty to resource users.

**Rule 22: Discharge of contaminants from on-site domestic wastewater treatment systems**

Rule 22 provides for the large number of on-site domestic wastewater discharges that have no or only minor adverse effects on the environment. In accordance with Rule 22, the owner of the on-site domestic wastewater treatment system is not required to obtain a resource consent from the Taranaki Regional Council so long as the activity can comply with the conditions of the rule. The Taranaki Regional Council is satisfied that on-site domestic wastewater treatment systems that comply with the conditions of this rule will generally avoid contamination of soils, groundwater and waterways.

The conditions of Rule 22 primarily relate to the siting and proper operation of on-site domestic wastewater treatment systems. The first and second conditions preclude discharges being permitted if surface ponding, runoff or direct discharge of any contaminants to surface water occurs. The third and fourth conditions set the distance for a system to be sited from surface water and groundwater in order to avoid contaminants discharging into water and affecting water quality.

The final condition precludes discharges being permitted if that discharge is noxious, offensive or objectionable to such an extent that it has or is likely to have a significant adverse effect on the environment. In such circumstances, the system is quite clearly not operating effectively and measures must be undertaken to address any problems before the discharge can once again qualify as a permitted activity. The Taranaki Regional Council considers that if the wastewater treatment system is designed, constructed, operated and maintained in accordance with the New Zealand manual of alternative wastewater treatment and disposal systems, referred to in the note at the foot of the rule table, then that system will meet the conditions of Rule 22. This advisory note is included to promote integrated management with the functions of territorial authorities under the Building Act 1991 when granting building consent for on-site domestic wastewater treatment systems.

**Rule 23: Discharge of stormwater**

Rule 23 provides for the large number of stormwater discharges that have no or only minor adverse effects on the environment. A resource consent is not required for stormwater discharges to either land or water so long as the discharge can comply with the conditions of this rule. The first condition restricts discharges from industrial or trade premises that are over 0.5 hectares in area, unless the site has a means of ensuring that stormwater will not be contaminated [a roofed site is a good example of this]. The reference to the 'active area' of the site refers to that part of the site where industrial and trade activity is taking place, including areas on site where goods, products, hazardous substances or other materials are stored, used or potentially spilt, but does not include areas that are grassed; landscaped; or roofed; or carparks which are used exclusively for non-goods vehicles.

Any sites storing and/or using hazardous substances must either ensure that the stormwater cannot be contaminated [for example if the site is roofed] or that an interceptor system is designed and managed so that contaminated stormwater is diverted to trade waste or captured and contained and/or treated so that the contamination is removed and reduced. In this regard the bunding of hazardous substances and the capture and treatment of stormwater would enable the discharge of stormwater from sites under 0.5 hectares to be a permitted activity. The condition also requires that a contingency Plan be maintained and regularly updated for the site.

The third condition restricts the discharge of stormwater from any industrial or trade premises where the movement of rock and other earth material is taking place, other than the types of minor works outlined in the condition. This is consistent with other rules in the Plan relating to stormwater discharges from soil disturbance activities.

Rule 23 also contains conditions relating to the receiving environment to ensure that adverse effects are avoided, remedied or mitigated. Conditions relate to both water quality [by specifying discharge limits and receiving water effects] and the quantity of water that is being discharged [to avoid erosion, scour or deposition].

**Rule 24: Discharge of stormwater**

Rule 24 addresses those stormwater discharges that cannot comply with the conditions of Rule 23. Discharges which cannot meet the conditions of Rule 23 have the potential to have significant adverse effects on the receiving environment and it is appropriate to require a resource consent before the activity can be undertaken. A stormwater management Plan will address the effects on the environment as a result of the activity and ensure that they are avoided, remedied or mitigated. The matters over which the Council has reserved its control will enable further consent conditions to be imposed to address any effects of the discharge on the receiving environment.

**Rule 25: discharges of stormwater and sediment from soil disturbance activities of 1ha or less**

Rule 25 provides for discharges of stormwater and sediment that arise from soil disturbance activities of 1 hectare or less as permitted activities provided that the stated conditions can be met. The conditions all relate to the effects that the discharge will have on water quality, and have been designed to ensure that any effects are avoided, remedied or mitigated.

**Rule 26: discharges of stormwater and sediment from soil disturbance activities between 1 and 8ha**

Rule 26 recognises that discharges of stormwater and sediment from soil disturbance activities that are larger than those provided for in Rule 25 have the potential to have greater adverse effects on water quality. For this reason conditions have been included in the rule to limit the times of the year when the discharge may take place, and to control discharges in defined urban catchments. The conditions contained in Rule 26 relate to the effects that the discharge will have on water quality, and have been designed to ensure that any effects are avoided, remedied or mitigated.

**Rule 27: Discharges of stormwater and sediment from soil disturbance activities that do not come within or comply with Rules 25 or 26**

Discharges of stormwater and sediment from soil disturbance activities that do not come within or comply with Rules 25 or 26 will have sufficient potential adverse effects on the environment that it is appropriate to require a resource consent. The site erosion and sediment control management plan will address these effects and ensure that they are avoided, remedied or mitigated.

**Rule 28: Discharge of leachate from closed landfills**

The discharge of leachate from closed landfills is a permitted activity provided that the stated conditions can be met. Due to past management practices, discharges of leachate from closed landfills have the potential for adverse effects on the environment. However, if the discharge can meet the conditions set out in the rule, the adverse effects will be minor and are therefore permitted by this rule. If the adverse effects are more than minor, Rule 43 will apply.

**Rule 29: Discharge of contaminants from industrial and trade premises onto or into land**

There are a number of small industrial and trade premises throughout the region that discharge contaminants to land. Under section 15(1)(d) of the Act these discharges are prohibited unless they are allowed by a rule in a regional plan or a resource consent. Many of these discharges have only minor effects on the environment, and therefore it is appropriate that, subject to conditions, the discharge be allowed. The stated conditions seek to ensure that no contaminants enter surface water, or interfere with potable water supplies. The final condition is included to ensure that the discharge does not have any significant adverse effects on the land to which it is discharged.

**The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 introduced standards for electricity transmission activities that prevail over plan rules. Accordingly Rule 29 does not apply to activities relating to existing transmission lines as specified in regulation 4 of the National Environmental Standards for Electricity Transmission Activities and as covered by that National Environmental Standard. Appendix X contains the rules for the discharge of contaminants to water that will apply to Electricity Transmission Activities regulated by the National Environmental Standards for Electricity Transmission Activities.**

**Rule 30: Discharge of on-farm waste materials**

This rule applies to offal pits, leachate from silage pits and feedlots, and waste disposal sites on farms. Provided that they are suitably sited and do not pose a threat to either human or animal health, these sites will have minimal impact and should be provided for as permitted activities.

**Rule 31: Discharge of fertiliser**

The discharge of fertiliser to land is likely to have only minor effects and the conditions proposed should control these effects. The third and fourth conditions are intended to avoid the direct discharge of fertiliser to water, and in situations where this is impractical, to make certain that effort is made to ensure that the effects of the discharge are remedied or mitigated.

**Rule 32: Discharge of aquatic herbicides**

The use of aquatic herbicides has the potential to adversely affect both water bodies and downstream water users and for this reason the stated conditions have been imposed. If the conditions are complied with the adverse effect should be minor and therefore the activity has been classified as permitted. Appendix VI of the Plan contains guidelines that provide information on the best practicable option for the application of aquatic herbicides.

**Rule 33: Discharge of agrichemicals by land-based application methods**

This rule relates to the numerous discharges of agrichemicals which occur throughout the region in residential and rural areas. The conditions have been set in such a way that minor activities will be permitted (as they will not have adverse effects) and more major activities will require a consent. Appendix VI of the Plan contains guidelines that provide information on good agrichemical spray management practises.

**Rule 34: Discharge of agrichemicals by aerial application methods**

Rule 34 permits the discharge of agrichemicals by aerial application methods, provided that the stated conditions are met. The aerial spray application of agrichemicals is excluded from this rule as it is addressed in the Regional Air Quality Plan for Taranaki (1997). The stated conditions have been adopted in order to avoid, remedy or mitigate adverse effects on the environment. Appendix VI of the Plan contains guidelines that provide information on good agrichemical spray management practises.

**Rule 35: Discharge of farm dairy effluent onto or into land**

Rule 35 relates to the discharge of farm dairy effluent to land, which is a controlled activity. Farm dairy effluent has value as a fertiliser and therefore the discharge to land should be encouraged. The matters over which the Taranaki Regional Council has reserved its control are necessary to ensure that there are no adverse effects on the environment. Guidelines for best management practices can be found in Appendix VIIA.

**Rule 36: Discharge of treated farm dairy effluent to water**

Rule 36 relates to the discharge of treated farm dairy effluent to water where a dilution rate of 1:100 can be maintained at all times. This dilution rate is to be measured at the point of discharge. Limits have been set for unionised ammonia (expressed as nitrogen) and BOD. These limits have been shown to result in no adverse effects on the environment. The Taranaki Regional Council has reserved its control over a number of matters, including the design and operation of the treatment system, and the definition and delineation of a mixing zone, in order to ensure that adverse effects on the environment are avoided, remedied or mitigated. Guidelines for best management practices can be found in Appendix VIIB.

**Rule 37: Discharge of piggery or poultry effluent or poultry washdown water**

The discharge of piggery or poultry effluent or poultry washdown water onto or into land is a controlled activity due to the high ammonia content of the effluent and the potential for the discharge to result in adverse effects on local water bodies. This approach maintains consistency with the rules for farm dairy effluent. Both piggery and poultry effluent have value as a fertiliser and therefore the discharge to land should be encouraged. If this option was not available, it is likely that there would be greater environmental effects from inappropriate disposal. Appendix VIIC and Appendix VIID contain guidelines for best management practices.

**Rule 38: Discharge of treated poultry washdown water to surface water**

The discharge of treated poultry washdown water to surface water is a controlled activity. A dilution rate of 1:100 is to be maintained at all times. This dilution rate is to be measured at the point of discharge. Limits have been set for unionised ammonia (expressed as nitrogen), BOD, and suspended solids. The Taranaki Regional Council has reserved its control over a number of matters, including the design and operation of the treatment system, and the definition and delineation of a mixing zone, in order to ensure that adverse effects on the environment are avoided, remedied or mitigated. This approach also maintains consistency with the rules for farm dairy effluent. Appendix VIIC and Appendix VIID contain guidelines for best management practises.

**Rule 39: Discharge of treated farm dairy, piggery and poultry effluent to surface water**

Where a discharge of farm dairy effluent cannot maintain a dilution rate of 1:100 in the receiving water, or where piggery or poultry effluent is to be discharged to water, the Taranaki Regional Council reserves the discretion to refuse to grant consent for the

operation. These types of operations are more likely to have significant adverse effects on the environment.

**Rule 40: Discharge of untreated farm dairy, piggery or poultry effluent to surface water**

The discharge of untreated farm dairy, piggery or poultry effluent to surface water is a prohibited activity due to the unacceptable adverse environmental effects of this type of discharge. Untreated effluent from farm dairies, piggeries or poultry operations has very high levels of nutrients and bacteria and can therefore have significant adverse effects on water quality. It is not acceptable to use a river or stream as a treatment system for waste.

**Rule 41: Discharge of hydrocarbon exploration wastes to surface water**

The discharge of surplus drill water and production water to surface water is a controlled activity due to the minor potential for adverse effects on the receiving water if the conditions are complied with. These conditions have been developed from resource consents issued to the hydrocarbon exploration industry over the past decade. The extent of the mixing zone will be determined by the Taranaki Regional Council on a case-by-case basis.

**Rule 42: Discharge of hydrocarbon exploration wastes to land**

Drilling muds, cuttings and wastes are disposed of to land during exploration and production activities. They have the potential for adverse effects on the environment which can be controlled by the imposition of appropriate conditions. The third condition relates to the contaminants that are found in drilling wastes, and sets an appropriate limit derived from consent conditions that have proven to be effective over the last decade. Other conditions relate to ensuring that there is no adverse effect on water in the vicinity of the discharge.

**Rule 43: Discharge of contaminants or water to surface water that does not comply with Rules 21-42**

Discharges of contaminants or water into surface water that cannot comply with Rules 21-42 have the potential for adverse effects on the environment and should be treated as discretionary activities.

**Rule 44: Discharge of contaminants onto or into land that does not comply with section 15(1)(b) or section 15(1)(d) of the Act, or with Rules 21-42**

Discharges of contaminants onto or into land that cannot comply with the specified sections of the Act, or that are covered by Rules 21-42 but cannot comply with the stated conditions, have the potential for adverse effects on the environment and should be treated as discretionary activities.

**Rule 45: Discharge of untreated municipal sewage to water**

The discharge of untreated municipal sewage to water is a prohibited activity due to the unacceptable adverse environmental effects of this type of discharge. Discharge of untreated sewage is culturally offensive to a lot of people. It is not acceptable to use a river or stream as a treatment system for this type of waste.

#### 7.4.4 Groundwater

**Rule 46: Drilling and/or construction of a well, bore, piezometer or seismic survey into and under land**

The drilling and/or construction of a well, bore, piezometer or seismic survey is a permitted activity provided that the potential for the bore to cause water contamination is avoided by the use of casing and sealing as appropriate. Bore completion logs must be submitted to the Taranaki Regional Council within four weeks of any bore for water supply purposes or piezometer being completed. Bore completion logs are not required for wells or seismic surveys. Bores or wells must be located at least 50 metres from

any potential contaminant source to avoid the potential of drawing contaminated groundwater. Seismic surveys must be located at least 100 metres from any bore, well or spring used for water supply purposes in order to avoid the potential contamination of the water supply.

**Rule 47: Drilling and/or construction of a well, bore, piezometer or seismic survey that does not meet the conditions of Rule 46**

Where the drilling and/or construction of a well, bore, piezometer or seismic survey cannot meet the conditions of Rule 46, there are likely to be more than minor adverse effects on the environment, and it is appropriate that the activity be made discretionary.

**Rule 48: Taking and use of water from a well or bore**

The daily volume of water that may be taken without a resource consent is set at 50m<sup>3</sup> and at a rate not exceeding 1.5l/s. The effects, individual and cumulative, are considered minor at these rates and the volume is sufficient to meet reasonable farm use.

A bore used for water supply purposes shall be located at least 500 metres from the sea or adjacent bores. At the highest transmissivity observed from pump tests of any confined aquifer in Taranaki, the drawdown of the aquifer at 500 metres distance from the bore is negligible at a maximum rate of 1.5l/s for 24 hours. The drawdown cone of influence is such that saltwater intrusion and bore interference are both unlikely, if this distance is maintained.

A well shall be located at least 25 metres from the sea, adjacent bores or surface water bodies. An abstraction at the rate and volume specified, has minor adverse effects and is not likely to cause saltwater intrusion, well or bore interference or a reduction of water levels in an adjacent surface water body under these conditions.

The well or bore shall be located not less than 50 metres from potential sources of contaminants, in order to avoid contamination of the water. This distance is consistent with the distances contained in the rules relating to point-source discharges of contaminants to land or water.

**Rule 49: Taking and use of water from a bore or well which does not meet the conditions of Rule 48**

The taking of water at a daily volume or rate which exceeds the limits in Rule 49, is a controlled activity provided that there is no saltwater intrusion and only minor interference with adjacent bores. The Taranaki Regional Council considers that a 10% reduction in water-level by bore interference is acceptable.

**Rule 50: Taking and use of water from a well or bore which does not meet the standards and terms of Rule 49**

Where the taking and use of groundwater cannot meet the standards and terms of Rule 49, the adverse effects on the environment are likely to be more than minor, and it is therefore appropriate that the Taranaki Regional Council have the discretion to refuse the consent.

**Rule 51: Discharge of contaminants to water by deepwell injection**

The Taranaki Regional Council will continue to exercise discretion over the discharge of contaminants, normally produced waters and waste drilling fluids, to ensure that there is a negligible risk of contamination of groundwater resources which may be used for consumptive purposes.

#### **7.4.5 Uses of river and lake beds**

**Rule 52: Use of existing structures**

The use of structures that are not specifically provided for by other rules in the Plan is a permitted activity, provided that the structure was lawfully established and in use at

the time of notification of the Plan. The stated conditions with respect to the effects that the use of the structure may have on the environment must also be met. This rule is consistent with the existing use philosophy of the Act.

**Rule 53: Maintenance, repair, alteration, reconstruction or minor upgrading of a structure**

This rule allows activities to do with the maintenance of structures that would otherwise be restricted by the Act. The stated conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act. As long as the conditions are met there will be no adverse effects on the environment.

**Rule 54: Maintenance, repair, alteration, reconstruction or minor upgrading of an existing structure that does not meet the conditions of Rule 53**

This rule controls those activities that do not meet the conditions of Rule 53, and are therefore more likely to have an adverse effect. The matters listed over which the Taranaki Regional Council has retained control will allow conditions to be set on resource consents that avoid, remedy or mitigate adverse effects. The policies listed will aid in the setting of conditions on the resource consent.

**Rule 55: Removal, demolition or decommissioning of a structure**

Rule 55 allows for the removal, demolition or decommissioning of a structure provided that the stated conditions can be met. The conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act. The condition relating to the timing of the works has been included to allow for the spawning periods of trout and other native fish species. The conditions have been set to avoid, remedy or mitigate adverse effects, and allow an activity that would otherwise be restricted by the Act.

**Rule 56: Removal, demolition or decommissioning of a structure that does not meet the conditions of Rule 55**

Removal, demolition or decommissioning of a structure that does not meet the conditions of Rule 55 is covered by Rule 56. The activity has been classified as controlled due to the potential adverse effects. The matters listed over which the Taranaki Regional Council has retained control will allow conditions to be set on resource consents that avoid, remedy or mitigate adverse effects. The policies listed will aid in the setting of conditions on resource consents.

**Rule 57: Construction, placement and use of a culvert, ford or bridge**

This rule covers the construction, placement and use of access structures such as culverts, fords and bridges. Placement and use of these structures is restricted by the Act, and it is appropriate that, if the effects on the environment are minor, the activity should be permitted. The stated conditions have been set to ensure that there are no significant adverse effects on the environment. The conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act. The condition relating to the timing of the works has been included to allow for the spawning periods of trout and other native fish species.

**Rule 58: Construction, placement and use of culverts within defined urban catchments**

Rule 58 recognises the significant adverse effects that inappropriately designed and constructed culverts can have in urban areas, and requires the obtaining of resource consents for these activities. The standards, terms and conditions, in combination with the matters over which the Taranaki Regional Council has reserved its control, will ensure that adverse effects are avoided, remedied or mitigated. Defined urban catchments to which this rule applies are contained in Appendix IX.

**Rule 59: Construction, placement and use of a dam, weir, bed level control or silt retention structure**

Rule 59 permits the construction, placement and use of barrier structures, provided that the stated conditions are met. The conditions set will allow small structures with minimal effects to be constructed, while ensuring that the adverse effects on the environment are no more than minor. The conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act. The condition relating to the timing of the works has been included to allow for the spawning periods of trout and other native fish species.

**Rule 60: Construction, placement and use of structures for the purpose of river and flood control**

This rule covers the construction, placement and use of minor structures for the purpose of flood and erosion control, that will have no significant adverse effects on the environment. The stated conditions will ensure that any minor adverse effects are avoided, remedied or mitigated. The conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act.

**Rule 61: Construction, placement and use of other structures**

Rule 61 sets out the conditions under which the construction, placement and use of structures that are not covered by the preceding rules in the Plan may take place. There are a large variety of structures within the region and it is more administratively efficient to cover all of these structures in one rule rather than a number of rules. The conditions that have been imposed under Rule 61 of the Plan are designed to ensure that there are no significant adverse effects on the environment from the construction, placement or use of the structure. The conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act. The condition relating to structures for the conveyance of stormwater provides a size limit for the structures, in order to ensure that the structures and the discharges from them do not have significant adverse effects on the environment. The condition relating to the timing of the works has been included to allow for the spawning periods of trout and other native fish species.

**Rule 62: Construction, placement and use of structures for the purpose of river and flood control that does not meet the conditions of Rule 60**

This rule classifies those structures that do not meet the conditions of Rule 60 as controlled activities. If the construction, placement and use of structures for the purpose of flood and erosion control does not meet the conditions of Rule 60, the adverse effects on the environment are likely to be more than minor, and it is thus appropriate that the Taranaki Regional Council retain control over the activity.

**Rule 63: Construction, placement and use of stormwater structures within defined urban catchments that do not meet the conditions of Rule 61**

Stormwater structures in defined urban catchments that do not meet the conditions of Rule 61 are a controlled activity, provided that the stated conditions can be met. The classification of this activity as controlled recognises the expertise of the organisations that are likely to be undertaking this type of work. Maps of the defined urban catchments can be found in Appendix IX. The structure must be no more than 900mm in diameter, to ensure that adverse effects on the environment can be avoided, remedied or mitigated. The conditions relate to the adverse effects that could potentially arise from the activity, and cover the components of the activity (such as disturbance of the bed) that are restricted under section 13 of the Act.

**Rule 64: Construction, placement and use of any structure that does not meet the standards, terms and conditions of Rules 52-63**

The construction, placement and use of any structure that does not meet the standards, terms and conditions of Rules 52-63 will have more than minor adverse

effects on the environment, and it is therefore classified as a discretionary activity. The policies listed will aid the Taranaki Regional Council in setting conditions on the resource consent.

**Rule 65: Removal of vegetation**

The removal of vegetation for the purposes of avoiding or mitigating the adverse effects of flooding or erosion is a permitted activity, provided that the stated conditions are met. These types of activities have only minor effects on the environment and the positive benefits of the work outweigh any other effects.

**Rule 66: Trimming or clearance of vegetation in association with the safe and efficient operation of bridges, pipelines, cableways, and transmission and telecommunication lines**

The trimming or clearance of vegetation associated with the safe and efficient operation of bridges, pipelines and transmission lines is a permitted activity provided that the stated conditions are met. These types of activities have only minor effects on the environment and it is therefore appropriate that they are permitted.

**Rule 67: Removal of vegetation from the bed of human-made lakes**

Rule 67 provides for the removal of vegetation from the bed of human-made lakes as a controlled activity. The rule allows the activity to proceed provided the standards listed in the rule can be met. The matters over which the Taranaki Regional Council has reserved its control are necessary to ensure that there are no significant adverse effects on the environment.

**Rule 68: Planting, introduction or removal of vegetation that is not provided for or does not meet the conditions of Rules 65-67**

Planting and introduction of plants, or the removal of vegetation that does not meet the conditions of Rules 65-67 is likely to have more than minor effects on the environment, and is therefore classified as a discretionary activity. The policies listed will aid the Taranaki Regional Council in setting conditions on the resource consent.

**Rule 69: Clearance and removal of debris**

Clearance and removal of debris can fulfil a useful function in river and flood control, by removing obstructions from flow courses. As long as the stated conditions are met there will be only minor effects on the environment and the activity can be permitted.

**Rule 70: Extraction of sand or gravel for domestic or on-farm purposes**

Extraction of sand or gravel is restricted under the Act. If the conditions of the rule can be met, the small quantities of gravel and sand extracted for domestic and on-farm purposes will have only minor effects, and it is appropriate that the activity be permitted.

**Rule 71: Extraction of sand, gravel, aggregate or rocks or bed recontouring for river and flood control purposes**

Extraction of material or bed recontouring for river and flood control purposes is a permitted activity, provided that the activity is carried out by or on behalf of the Taranaki Regional Council. The standards stipulated must be met to ensure that adverse effects are avoided, remedied or mitigated.

**Rule 72: Extraction of sand, gravel, aggregate or rocks that is not provided for**

Rule 72 covers the extraction of bed material from the bed of a lake that is not provided for or cannot meet the conditions of Rule 71, and also covers the extraction of bed material from a river that does not meet the conditions of Rules 70 and 71. These activities have been classified as discretionary due to their potential for significant adverse effects on the environment. The policies listed will aid the Taranaki Regional Council in setting conditions on resource consents.

**Rule 73: Extraction of sand, gravel, aggregate or rocks for purposes other than those in Rules 70 and 71**

Because of past practices and current Taranaki Regional Council Policy, extraction of material from river beds, other than for the purposes outlined in Rules 70 and 71, is prohibited. Historically, gravel extraction from Taranaki river beds has caused significant bed degradation. The Taranaki Regional Council considers that gravel extraction directly from river beds causes unacceptable adverse effects on water quality, aquatic life and channel morphology. There are frequently adequate sources of material outside river beds.

**Rule 74: Realignment or modification of a stream or river**

The realignment or modification of a stream or river covered by Rule 74 relates to small areas of land and minor realignments. As long as the stated conditions are met there will only be minor adverse effects.

**Rule 75: Disturbance of the beds of human-made lakes by dredging**

Rule 75 provides for the disturbance of human-made lake beds by dredging as a controlled activity. Since Rule 75 is likely to have more than minor effects on the environment, the conditions set by the Taranaki Regional Council must be adhered to so that any actual or potential effect on the environment arising from any disturbance activities will be prevented or minimised.

**Rule 76: Other section 13 activities**

Rule 76 covers those other activities that are less frequent in Taranaki but are restricted by section 13 of the Act. These activities have the potential to have adverse effects on the environment, and because of their infrequent occurrence there is little known about the scale of these effects. It is therefore appropriate that they be made discretionary activities.

**7.4.6 Land Drainage**

**Rule 77: Diversion of water for the purpose of land drainage**

Land drainage is a common activity within Taranaki. When the area to be drained is small, and the amount of water to be diverted is not great, then the effects on the environment will be minor and the activity should be permitted. The stated conditions are written to ensure that any adverse effects are avoided, remedied or mitigated. This rule excludes the diversion of water from wetlands listed in Appendix II, which is covered under Rules 80 to 87. The conditions of Rule 77 require that no wetland over 5 hectares in area, or any wetland listed in Appendix III is to be drained. The drainage of these wetlands is covered under Rule 79.

**Rule 78: Construction, use and maintenance of drainage channels**

Where drainage channels are associated with drainage activities permitted under Rule 77, the effects on the environment will be of a similar scale to those in Rule 77, and the activity should be permitted.

**Rule 79: Other land drainage activities**

Land drainage activities that are not provided for in Rules 77-78 or cannot meet the conditions of these rules are discretionary activities due to the increased potential for adverse effects on the environment from these activities.

**7.4.7 Wetlands**

**Rule 80: Diversion of water from a regionally significant wetland listed in Appendix IIB**

Wetlands perform important functions within fresh water ecosystems. There are few regionally significant unprotected wetlands left within the Taranaki region, and therefore the diversion of water from these wetlands is a discretionary activity.

**Rule 81: Drainage or reclamation of a regionally significant wetland listed in Appendix IIB**

There are few regionally significant unprotected wetlands left within the Taranaki region, and therefore drainage and reclamation of these wetlands is a discretionary activity.

**Rule 82: Planting, introduction or removal of vegetation from regionally significant wetlands listed in Appendix IIB**

There are few regionally significant unprotected wetlands left within the Taranaki region, and therefore planting, introduction or removal of vegetation from these wetlands is a discretionary activity.

**Rule 83: Discharge of contaminants or water into a regionally significant wetland listed in Appendix IIB**

There are few regionally significant unprotected wetlands left within the Taranaki region, and therefore the discharge of contaminants or water into these wetlands is a discretionary activity.

**Rule 84: Diversion of water from a regionally significant wetland listed in Appendix IIA**

The regionally significant wetlands listed in Appendix IIA are those that are protected under mechanisms such as the National Parks Act 1980, the Reserves Act 1977, the Conservation Act 1987, or the Queen Elizabeth the Second National Trust Act 1977. In order to be consistent with this protection, the diversion of water from these wetlands is prohibited.

**Rule 85: Drainage or reclamation of regionally significant wetlands listed in Appendix IIA**

The regionally significant wetlands listed in Appendix IIA are those that are protected under mechanisms such as the National Parks Act 1980, the Reserves Act 1977, the Conservation Act 1987, or the Queen Elizabeth the Second National Trust Act 1977. In order to be consistent with this protection, the drainage or reclamation of these wetlands is prohibited.

**Rule 86: Planting, introduction or removal of vegetation from regionally significant wetlands listed in Appendix IIA**

The regionally significant wetlands listed in Appendix IIA are those that are protected under mechanisms such as the National Parks Act 1980, the Reserves Act 1977, the Conservation Act 1987, or the Queen Elizabeth the Second National Trust Act 1977. In order to be consistent with this protection, the planting, introduction or removal of vegetation from these wetlands is prohibited.

**Rule 87: Discharge of contaminants or water into regionally significant wetlands listed in Appendix IIA**

The regionally significant wetlands listed in Appendix IIA are those that are protected under mechanisms such as the National Parks Act 1980, the Reserves Act 1977, the Conservation Act 1987, or the Queen Elizabeth the Second National Trust Act 1977. In order to be consistent with this protection, the discharge of contaminants or water into these wetlands is prohibited.