


5.2 Discharges to land and water

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon: 

~~Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.~~

Note

The rules relating to the discharge of contaminants to water, do not apply to the discharge of contaminants to water in relation to an existing **National Grid** line (existing at 14 January 2010) that forms part of the **National Grid**. These activities are covered by Regulations 28 and 29 of the *Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009*.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

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5.2.1 Discharges to land and water other methods



The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M6, M7, M8, M9, M10, M11, M12, M14, M15, M17, M18, M19, M20, M21, M23, M26, M27, M32, M33, M34 and M35.

5.2.2 Discharges of water and contaminants

Rule R43: Water to water – permitted activity



The discharge of water into water is a permitted activity, provided the following conditions are met:

- (a) the discharge is to the same water body or area of coastal water it was taken from, and
- (b) the quality of the discharged water is the same as or better than the quality of the water body or area of coastal water it was taken from, and

- (c) the discharge shall not cause a change in temperature of more than 2°C in the receiving water after the **zone of reasonable mixing**, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

Rule R44: Pool and spa pool water – permitted activity



The discharge of water into water, or onto or into land where it may enter water from a swimming pool, or spa pool, on a residential **property** is a permitted activity provided the following conditions are met:

- (a) the discharge does not enter a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural ~~significant~~ wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation) and
- (b) the discharge shall not contain any filter backwash water, copper chemicals or flocculants, including, but not limited to, aluminium salts, and
- (c) the swimming pool or spa pool is not covered for a period of 14 days, and has not been treated within the previous 14 days with a pool sanitising agent, including, but not limited to, chlorine, bromine or polyhexamethylene biguanide, and
- (d) if the discharge enters fresh water, the discharge is not from a saltwater pool, and
- (e) the discharge shall not result in water or contaminants discharging onto another **property**.

Rule R45: Potable water – permitted activity



The discharge of potable water, including scouring water, into water, or onto or into land where it may enter water, for the purpose of draining pipelines or water reservoirs for inspection, repair, maintenance or **upgrade** is a permitted activity provided the following conditions are met:

- (a) if the discharge is to a tidally-influenced environment, the discharge occurs during the time between three hours before and three hours after high tide, unless the discharge occurs directly into open water without disturbing sediment, and
- (b) the discharge shall not contain backwash water from a water treatment plant, and
- (c) the concentration of free or combined residual chlorine
 - (i) in the discharge shall not exceed 0.3g/m³, or

- (ii) for significant rivers (Schedule F1 rivers or streams with high macroinvertebrate health) shall not exceed 0.0004 g/m³, or 0.003 g/m³ for all other fresh water bodies, after the **zone of reasonable mixing**, and
- (d) the concentration of fluoride in the discharge shall not exceed 1.5g/m³, and
- (e) the discharge shall not cause any conspicuous change in the colour or visual clarity in the receiving water after the **zone of reasonable mixing**, and
- (f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

Rule R46: Dye or salt tracer – permitted activity



The discharge of dye or salt tracer, excluding radioisotope tracers, into water or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:

- (a) the discharge is not into a water body within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41 or Map 42, and
- (b) the dye or salt tracer shall not exceed:
 - (i) 20L of dye in solution, or
 - (ii) 10kg of salt, or
 - (iii) 100L of salt solution, and
- (c) the dye or salt tracer is not a hazardous substance in accordance with the Hazardous Substances and New Organisms Act 1996, and
- (d) the Wellington Regional Council is notified prior to the dye or salt tracer being discharged, including details of the:
 - (i) persons responsible for the discharge, including contact details, and
 - (ii) nature of the tracer (including type, colour, product name or description), and
 - (iii) location, timing and duration of the discharge, and
 - (iv) purpose of the tracer programme.

Rule R47: Other dye or salt tracer – controlled activity



The discharge of salt or dye tracer, including radioisotope tracers, into water, or onto or into land where it may enter water, not permitted by Rule R46 is a controlled activity.

Matters of control

1. Duration and timing of the discharge
2. Volume, concentration and type of the tracer
3. Effects on **aquatic ecosystem health** and **mahinga kai**
4. Effects on **community drinking water supply** water quality
5. Effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity) or Schedule H1 (contact recreation)

Notification

In respect of Rule R47 applications are precluded from public notification (unless special circumstances exist).

5.2.3 Stormwater

Rule R48: Stormwater from an individual property – permitted activity



The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, from an individual **property** is a permitted activity, provided the following conditions are met:

- (a) the discharge does not originate from industrial or trade premises where **hazardous substances** are stored or used unless:
 - (i) **hazardous substances** cannot enter the **stormwater** system, or
 - (ii) the **stormwater** contains no **hazardous substances** except petroleum hydrocarbons, and the **stormwater** is passed through an interceptor and the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons prior to release, and
- (b) the discharge is not from, onto or into **SLUR Category III land**, unless ~~(i)~~ the **stormwater** does not come into contact with **SLUR Category III land**, and
- (c) the discharge is not from a local authority **stormwater network**, a port, airport or state highway, and

- (d) the discharge shall not contain **wastewater**, and
- (e) the concentration of total suspended solids in the discharge shall not exceed:
 - (i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural significant wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or
 - (ii) 100g/m³ where the discharge enters any other water, and
- (f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (g) the discharge shall not give rise to the following effects beyond the **zone of reasonable mixing**:
 - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in the colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the fresh water is unsuitable for consumption by farm animals, or
 - (v) any significant adverse effects on aquatic life.

Note

In respect of the discharge of sediment from **earthworks** activities refer to Rules R101 and R105.

Rule R49: Stormwater from new subdivision and development – permitted activity



The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, including through an existing local authority or state highway stormwater network, from:

- (a) a new urban subdivision or new urban development associated with **earthworks** up to a total area of 3,000m² per **property** per 12 month period, or
- (b) a new or redeveloped state highway associated with **earthworks** up to a total area of 3,000 m², or

- (c) a new urban subdivision or new urban development, or new or redeveloped state highway in an area where a **stormwater management strategy** in accordance with Schedule N (stormwater strategy) applies

is a permitted activity provided the following condition is met:

- (d) the discharge shall comply with the conditions of Rule R48 except condition R48(c).

Rule R50: Stormwater from new subdivision and development –
restricted discretionary activity



The discharge of **stormwater** from a new urban subdivision or new urban development, or new or redeveloped state highway into water, or onto or into land where it may enter a **surface water body** or coastal water, including through an existing local authority or state highway stormwater network, that is not permitted by Rule R49 is a restricted discretionary activity.

Matters for discretion

1. Measures to **minimise** the adverse effects of **stormwater** discharges in accordance with Policy P83, including the extent to which **water sensitive urban design** measures are employed
2. Measures to manage runoff volumes and peak flows in accordance with Policy P84
3. Requirements of any relevant local authority **stormwater network discharge consent, including those set out in any relevant stormwater management strategy developed in accordance with Schedule N (stormwater strategy)**


Rule R51: Stormwater to land – permitted activity



The discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, is a permitted activity provided the following conditions are met:

- (a) the discharge is not from, onto or into **SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and**
- (b) the discharge shall not cause or exacerbate the flooding of any other **property, and**
- (c) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and
- (d) the discharge does not originate from industrial or trade premises where **hazardous substances** are stored or used unless:

- (i) **hazardous substances** cannot enter the **stormwater** system, or
- (ii) the **stormwater** contains no **hazardous substances** except petroleum hydrocarbons, and the **stormwater** is passed through an interceptor and the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons prior to release.

Rule R52: Stormwater from a local authority or state highway network ~~at plan notification~~ – controlled activity 

The discharge of **stormwater**, including **stormwater** that may be contaminated by **wastewater** into water, or onto or into land where it may enter water, from a local authority or state highway **stormwater network** is a controlled activity, provided the following condition is met:


- (a) the resource consent application is received prior to 31 December 2021 ~~within six months of this rule becoming operative~~.

Matters of control

1. Requirements to monitor and report on the quality of **stormwater** discharges to fresh and/or coastal water, including ~~of stormwater~~ **network** discharges containing **wastewater**
2. Management of acute effects of **stormwater** on human health detected during monitoring
3. Duration of consent up to a maximum of five years
4. Timeframes for the development of a **stormwater management strategy** in accordance with Schedule N (stormwater strategy)

Notification

In respect of Rule R52 applications are precluded from public notification (unless special circumstances exist) and are precluded from limited notification.

Rule R53: Stormwater from a local authority or state highway network with a stormwater management strategy – restricted discretionary activity 

The discharge of **stormwater**, including **stormwater** that may be contaminated by **wastewater**, into water, or onto or into land where it may enter water, from a local authority or state highway **stormwater network** that is not provided for by Rule R52 is a restricted discretionary activity, provided the following condition is met:

- (a) the resource consent application includes a **stormwater management strategy** in accordance with Schedule N (stormwater strategy).

Matters for discretion

1. The contents and implementation of the **stormwater management strategy** in accordance with Schedule N (stormwater strategy)
2. Development and implementation of methods, such as catchment-specific **stormwater** management plan(s), in accordance with any relevant objectives identified in this plan, including any relevant **whaitua**-specific objectives
3. Management of adverse effects, including cumulative effects, on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**
4. Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)
5. Management of adverse effects on human health

Rule R54: Stormwater from a port, or airport ~~or state highway~~ – restricted discretionary activity



The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, including through a local authority **stormwater network**, from a port, or airport ~~or state highway~~ is a restricted discretionary activity.

Matters for discretion

1. The management of the adverse effects of **stormwater** capture and discharge, including cumulative effects, of **stormwater** on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**
2. The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)
3. **Minimisation** of the adverse effects of **stormwater** discharges ~~through progressive improvements over time~~
4. Requirements of any relevant local authority **stormwater network** discharge consent

Rule R55: All other stormwater – discretionary activity



The discharge of **stormwater**, including **stormwater** that may be contaminated by **wastewater** into water or onto or into land where it may enter water that is not permitted by Rules R48, R49 or R51, or controlled by Rule R52, or a restricted discretionary activity under Rules R50, R53, or R54 is a discretionary activity.

5.2.4 Water races and pumped drainage schemes

Rule R56: Water races – discretionary activity

The discharge of water or contaminants from a **water race** shown on Map 44 into water is a discretionary activity.

Rule R57: Existing pumped drainage schemes – permitted activity

The discharge of water or contaminants into a **surface water body**, or coastal water from an existing **pumped drainage scheme**, established ~~before~~before the date of 31 July 2015, is a permitted activity provided the following conditions are met:

- (a) the discharge shall not cause any erosion of the channel or banks of the receiving water body or coastal marine area, and
- (b) the concentration of total suspended solids in the discharge shall not exceed:
 - (i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua, Schedule F1 (rivers/lakes), Schedule F3 (identified natural significant wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation),
 - (ii) 100g/m³ where the discharge enters any other water,
- (c) the discharge shall not cause the concentration of *E.coli* in a **significant contact recreation fresh water body** to exceed the limits in Table 3.1, or
- (d) the discharge shall not give rise to the following, after the **zone of reasonable mixing**:
 - (i) the daily minimum dissolved oxygen concentration of less than 4mg/L, or
 - (ii) the 7-day mean minimum dissolved oxygen concentration of less than 5mg/L, or
 - (iii) a change in the pH of ±0.5 pH unit, or
 - (iv) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (v) any conspicuous change in the colour or visual clarity, or
 - (vi) any emission of objectionable odour, or
 - (vii) fresh water is unsuitable for consumption by farm animals, or

- (viii) any significant adverse effects on aquatic life.

Rule R58: All other pumped drainage schemes – discretionary activity



The discharge of water or contaminants into a **surface water body**, or coastal water, from a **pumped drainage scheme** established after the date of 31 July 2015, or from a **pumped drainage scheme** that is not permitted by Rule R57, is a discretionary activity.

5.2.5 On-site domestic wastewater

Rule R59: Pit latrine – permitted activity

The discharge of domestic **wastewater** from a **pit latrine** onto or into land where a contaminant may enter water and the associated discharge of odour to air is a permitted activity, provided that the following conditions are met:

- (a) the **pit latrine** is not located:
 - (i) within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, or
 - (ii) within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41 or Map 42, or
 - (iii) where a sewer connection is available, and
- (b) the **pit latrine** shall be located in silty or clay soils, and
- (c) the bottom of the **pit latrine** shall be 0.6m above the seasonally highest water table, and
- (d) **stormwater** is prevented from entering the **pit latrine**, and
- (e) domestic **wastewater** in the **pit latrine** shall not accumulate to a level less than 0.3m of the original ground surface, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

Rule R60: Composting toilets – permitted activity

The discharge of domestic **wastewater** from a **composting toilet** onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a permitted activity, provided the following conditions are met:

- (a) the discharge shall occur on the **property** where the **composting toilet** is located, and
- (b) the discharge has been aerobically composted for more than 12 months from the last addition of raw domestic **wastewater**, and
- (c) the discharge is not within 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, and
- (d) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of the discharge under other legislation or bylaws.

Rule R61: Greywater – permitted activity

The discharge of **greywater** onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a permitted activity, provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the discharge rate of **greywater** shall not exceed a maximum daily volume of 2,000L, and
- (c) the discharge is not located within:
 - (i) 20m of a **surface water body** or the coastal marine area, or **bore** used for water abstraction for potable supply, and
 - (ii) 20m of the boundary of the **property**, unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set back is 5m, and
- (d) the discharge shall not pond on the surface of the ground or runoff from the discharge area, and
- (e) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

Rule R62: Existing on-site domestic wastewater systems – permitted activity

The discharge of domestic **wastewater** onto or into land where a contaminant may enter water, and the associated discharge of odour to air from an **on-site domestic wastewater treatment and discharge system** that existed at the date of 31 July 2015 is a permitted activity provided the following conditions are met:

- (a) the **on-site domestic wastewater treatment and discharge system** has not been modified from that established at the time the system was constructed, other than through routine maintenance or building consent approvals for the system or related changes to the connected building, and
- (b) the volume of the discharge has not been increased as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system, and
- (c) the **on-site domestic wastewater treatment and discharge system** is:
 - (i) operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of the *New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
 - (ii) the system is performing effectively, including the **sludge** and scum layers not occupying more than one half of the system primary tank volume, and
- (d) the volume of domestic **wastewater** to be discharged from any one system shall not exceed 1,300L/day (calculated as a weekly average), and
- (e) there is no direct discharge to groundwater, a **surface water body** or above ground level, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

Rule R63: New or modified on-site domestic wastewater systems – permitted activity

The discharge of domestic **wastewater** onto or into land where a contaminant may enter water, and the associated discharge of odour to air from an **on-site domestic wastewater treatment and discharge system** installed or modified after the date of 31 July 2015 is a permitted activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
 - (i) 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, or 50m from a **bore** used for water abstraction for potable supply when the discharge is from an **on-site domestic wastewater treatment and discharge system** installed after 31 July 2019, or
 - (ii) 20m of the boundary of the **property** unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set-back is 5m, or
 - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, or
 - (iv) a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41 or Map 42, or
 - (v) a **property** where there is a **wastewater network** available, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management*, and

- (g) the discharge shall not exceed 14,000L/week and a maximum daily volume of 2,000L, and
- (h) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (i) the system is performing effectively, including the **sludge** and scum layers not occupying more than one half of the system primary tank volume, and
- (j) the following reserve areas shall be provided:
 - (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
 - (ii) for pressure compensating drip **irrigation** systems, no reserve area is required, or
 - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

Rule R64: New or modified on-site domestic wastewater systems within community drinking water supply protection areas – controlled activity

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour to air from a new or modified **on-site domestic wastewater treatment and discharge system** within a **community drinking water supply protection area** that is not permitted by Rule R63 is a controlled activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is

provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and

- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
 - (i) 20m of a **surface water body**, coastal marine area, gully or **bore** used for water abstraction for potable supply, or
 - (ii) 20m of the boundary of the **property** unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set-back is 5m, or
 - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management*, and
- (g) the discharge does not exceed 14,000L/week and a maximum daily volume of 2,000L, and
- (h) the system is performing effectively, and the **sludge** and scum layers are not occupying more than one half of the system primary tank volume, and
- (i) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (j) the following reserve areas shall be provided:
 - (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
 - (ii) for pressure compensating drip **irrigation** systems, no reserve area is required, or
 - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**, and

- (l) there is no **wastewater network** available to the **property**.

Matters of control

1. Type and concentration of the contaminants in the discharge, and effects on **community drinking water supply** water quality
2. Travel time and path of contaminants from source to any **community drinking water supply** abstraction point
3. Treatment, design, maintenance and frequency of monitoring and maintenance inspections
4. Sampling of the discharge, on at least an annual basis, for biochemical oxygen demand, total suspended solids and *E.coli*
5. Risk of accident or an unforeseen event causing significant adverse effects on water quality

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

5.2.6 Wastewater

Rule R65: Wastewater discharges to coastal and fresh water – discretionary activity



The discharge of **wastewater**:

- (a) into coastal water, or
- (b) that is an **existing wastewater discharge** into fresh water and meets the following conditions:
 - (i) the volume of the discharge is reduced from that previously consented, and
 - (ii) ~~the volume or concentration of contaminants is reduced~~ the loads of the contaminants monitored under the previous consent are reduced, and or
 - (iii) ~~the range of contaminants in the discharge is not increased~~
- (c) that is an existing wastewater discharge into fresh water as a result of a heavy rainfall event overflow, and the application is accompanied by a management plan to demonstrate how the frequency and/or volume of the discharge will be progressively reduced,

is a discretionary activity.

Notification

Any resource consent application arising from Rules R65 and R66 may be publicly notified; but shall be notified to the relevant iwi authority where their written approval has not been obtained.

Rule R66: ~~New~~ Discharges of wastewater to fresh water – non-complying activity

The discharge of **wastewater** into fresh water that is:

- (a) an **existing wastewater discharge** into fresh water that does not comply with Rule R65(b) or (c), or
- (b) a **new wastewater discharge** into fresh water

is a non-complying activity.

Rule R67: Discharge of wastewater from an industrial or trade process – controlled activity

The discharge of **wastewater** or **sludge** from an industrial or trade process, excluding **wastewater** or **sludge** from a **wastewater network**, onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air, is a controlled activity, provided the following conditions are met:

- (a) the volume of the discharge does not exceed 20m³ per day, and
- (b) the discharge is not of **hazardous waste**, or contains:
 - (i) a **hazardous substance**,
 - (ii) a substance likely to cause infectious disease in humans or other animals, or
 - (iii) human sewage, and
- (c) the discharge is not:
 - (i) directly to fresh or coastal water, or within 20m of a **surface water body**, a **bore**, the coastal marine area, or the **property boundary**, and
 - (ii) within a **Community Drinking Water Supply Protection Area** set out in Map 39; Map 40, Map 41 or Map 42, and
 - (iii) onto or into land with **high risk soils**, and
 - (iv) onto or into **SLUR Category III land**.

Matters of control

1. Location, design and management of the discharge system
2. Effects on quality of soils, groundwater, surface water and air
3. Impacts on **mana whenua** cultural values and sites of significance
4. Discharge rates and volume, including in relation to the infiltration rate and water storage capacity of the soil
5. Contaminant loading rates on land
6. Design, volume, construction and maintenance of the **wastewater** collection (including **stormwater** collection) and storage system
7. **Wastewater** storage volume to allow for the deferred discharge during periods of prolonged wet weather
8. Procedures for desludging the system and applying **sludge** to land
9. Odour mitigation methods
10. Contingency plans for prolonged wet weather, mechanical failure or other emergencies
11. Monitoring and reporting

Rule R68: Discharge of treated wastewater from a wastewater network – restricted discretionary activity

The discharge of treated **wastewater** from a **wastewater network** onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a restricted discretionary activity.

Matters for discretion

1. Effects on wetlands, groundwater and surface water quality, including a community drinking water supply, group drinking water supply or domestic water supply ~~quality~~
- ~~2. Effects on domestic and group drinking water supplies~~
- ~~3. The proportion of trade waste the discharge contains~~
2. The quality of the discharge, including limits on:
 - (i) biological oxygen demand (five day), ~~and~~
 - (ii) total suspended solids, ~~and~~
 - (iii) *Escherichia coli* (*E.coli*), and

- (iv) other contaminants
3. **Wastewater** discharge method, hydraulic loading rate, discharge depth and ~~hydraulic connectivity~~ nitrogen and phosphorus loading rates
 - ~~6.~~ ~~Nitrogen and phosphorus loading rates~~
 4. Set back distances from waterbodies, the coastal marine area, water supply **bores, property** boundaries and other sensitive environments
 - ~~7.~~ ~~Depth to ground water below the point of irrigation~~
 5. Measures to **minimise** spray drift to prevent impacts on any sensitive area or sensitive activity, ~~human or animal health, or offensive and objectionable odours beyond the boundary of adjacent to the~~ **property**
 6. Suitability of the ~~soil~~ land to receive treated **wastewater** and potential effects on soil condition (including potential cumulative adverse effects) and ~~management of the land discharge area~~
 7. ~~Design of the discharge system based on the soil characteristics~~ Management of the land discharge area (including the management of the farm system) and management of discharges of any other wastes, or fertilisers or agrichemicals
 - ~~12.~~ ~~Soil water holding capacity~~
 - ~~13.~~ ~~Mapping of soil unit boundaries, soil textural and structural changes, and high risk soils~~
 - ~~14.~~ ~~Details of existing soil concentrations of nutrients and metals and an assessment of the potential cumulative effects of the proposed wastewater application discharge including the addition of any wastes or fertilisers~~
 8. The contents and implementation ~~Provision~~ of an Operation and Management Plan covering ~~Provision of a M~~ monitoring and R eporting requirements including in relation to **emerging contaminants** ~~Plan~~
 - ~~7.~~ ~~Measures for monitoring~~ **emerging contaminants**
 9. Effects on **mana whenua** cultural and spiritual values and sites of significance identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or a site

identified in a planning document recognised by an iwi authority and lodged with a local authority

10. Effects of improved surface water and coastal water quality, including potential improvements in **aquatic ecosystem health, Māori customary use, mahinga kai** and contact recreation values arising from the adoption of discharge to land in preference to direct discharge to freshwater or coastal water

Notification

In respect of Rule R68, applications are precluded from public notification (unless special circumstances exist); except that the relevant iwi authority/ies ~~as is an affected party person~~ under RMA s95E ~~where when a discharge may have activities risk having~~ a minor or more than minor adverse effect on **mana whenua** cultural or spiritual values, ~~ngā huanga o Ngā Taonga Nui a Kiwa~~ or on the significant values of a Schedule C site which is located downstream.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

5.2.7 Drinking water treatment plant waste

Rule R69: Drinking water treatment plant supernatant waste – controlled activity



The discharge of supernatant from a drinking water treatment plant onto or into land where a contaminant may enter water, is a controlled activity, provided the following conditions are met:

- (a) the discharge is not located within 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) the base of the **disposal** area shall be 0.6m above the seasonally highest water table.

Matters of control

1. Effects on groundwater and **surface water bodies**
2. Discharge rate(s) of the supernatant

Notification

In respect of Rule R69, applications are precluded from public notification (unless special circumstances exist).

5.2.8 Biosolids

Rule R70: Discharge of biosolids to land – permitted activity

The discharge of **biosolids** onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a permitted activity, provided the following conditions are met:

- (a) the **biosolids** comply as Grade Aa in the *Guidelines for the Safe Application of Biosolids to land in New Zealand 2003*;
- (b) **biosolids** discharge rates shall not exceed a three-year average of 200kg total N/ha/year, or 600kg N/ha/year with no repeat within three years, and
- (c) soil pH where the **biosolids** are discharged is not less than pH 5.5, and
- (d) the discharge is not located within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (e) the discharge is not located within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, or Map 42, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Rule R71: Discharge of biosolids to land – restricted discretionary activity



The discharge of **biosolids** onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a restricted discretionary activity, provided the following conditions are met:

- (a) the **biosolids** comply as Grade Ab, Ba or Bb under the *Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003*, and
- (b) the discharge is not located within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, or Map 42, and
- (c) the discharge shall not result in the creation of contaminated land.

Matters for discretion

1. Discharge rate, volume and location including in relation to:
 - (i) presence of subsurface drainage
 - (ii) nutrient capacity of the soil
2. Effects on soil health

3. Storage period and volume for deferred discharge during periods of prolonged wet weather
4. Effects on groundwater quality
5. Set back distances from **surface water bodies**, coastal marine area, and water supply **bores**
6. Discharge of odour
7. Methods for the incorporation of **biosolids** into soil
8. Effects on soil pH
9. Nitrogen loading rate

Notification

In respect of Rule R71 applications are precluded from public notification (unless special circumstances exist).

5.2.9 Fertiliser and animal effluent

Rule R72: Discharge of fertiliser from ground-based or aerial discharge – permitted activity

The discharge of **fertiliser** onto or into land where a contaminant may enter water, or into air is a permitted activity, provided the following conditions are met:

- (a) the discharge from ground-based application is not directly onto or into a **surface water body**, and
- (b) all reasonably practicable steps must be taken to prevent the discharge by a commercial operator undertaking from aerial application is not directly onto or into a **surface water body** river with an **active bed**, lake, **natural wetland**, **water race** or an estuary outside the coastal marine area, and
- (c) the discharge does not cause an offensive or objectionable effect beyond the boundary of the **property**, and
- (d) the discharge by a commercial operator is in accordance with the *Fertiliser Quality Control Council's Code of Practice for the Placement of Fertiliser in New Zealand 2018*, and
- (e) the discharge by a non-commercial operator using groundspreading equipment, is in accordance with the *Fertiliser Association of New Zealand's Code of Practice for Nutrient Management (With Emphasis on Fertiliser Use) 2013*.

Note

The discharge of synthetic nitrogen **fertiliser** is also subject to Regulations 33 and 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. These regulations are in effect from 3 September 2020.

Rule R73: Discharge of collected animal effluent onto or into land – controlled activity

The discharge of collected **animal effluent**, including **sludge**, onto or into land where a contaminant may enter water, and the associated discharge of odour to air from:

- (a) dairy farms,
- (b) piggeries,
- (c) poultry farms,
- (d) other premises involving the concentration of animals in a confined area

is a controlled activity, provided the following conditions are met:

- (e) the discharge is not located within:
 - (i) 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, or
 - (ii) 20m of the boundary of the **property**, unless the agreement of the adjacent landowner is obtained, or
 - (iii) a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41 or Map 42, and
- (f) the **animal effluent** collection, storage and treatment facilities (including, sumps and ponds) are sealed. The permeability of the sealing layer shall not exceed 1×10^{-9} m/s, and
- (g) the capacity of the **animal effluent** storage and treatment facilities (including sumps and ponds) shall be sufficient to provide for deferred **irrigation** when the **field capacity** of the soil is exceeded, and
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Matters of control

1. Effluent discharge rates and volume, including in relation to the infiltration rate and water storage capacity of the soil

2. Maximum effluent volume
3. Nutrient loading rates
4. Design, volume, construction and maintenance of the collection (including **stormwater** collection), storage and discharge system
5. Effluent storage volume to allow for the deferred **irrigation** during periods of prolonged wet weather
6. Procedures for desludging the system and applying **sludge** to land
7. Odour mitigation methods
8. Contingency plans for prolonged wet weather, mechanical failure or other emergencies
9. Measures to avoid adverse effects on **mana whenua** values or sites of significance
10. Effects on groundwater and surface water quality

Notification

In respect of Rule R73, applications are precluded from public notification (unless special circumstances exist).

Rule R74: Discharge of collected animal effluent to water – non-complying activity



The discharge of collected **animal effluent** into water is a non-complying activity.

5.2.10 Compost, solid animal waste, silage and refuse

Rule R75: Discharge of compost or solid animal waste to land – permitted activity

The discharge of **compost** or **solid animal waste** onto or into land, where a contaminant may enter water, and the associated discharge of odour to air, is a permitted activity provided the following conditions are met:

- (a) the discharge of **compost** or **solid animal waste** is not located within 5m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) The discharge of **solid animal waste** is not located between 5m and 20m of a **bore** used for a **community drinking water supply**, or within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41 or Map 42, and
- (c) the discharge shall not enter a **surface water body**, and

- (d) nitrogen loading on the discharge area from the discharge is less than 150kg N/ha/year, and
- (e) the **compost** or **solid animal waste** shall be spread evenly on the land, and there shall be no subsequent discharge event until **compost** or **solid animal waste** from a previous discharge event is not visible in the land surface, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

The manufacture and storage of **compost** is controlled by Rule R77.

Rule R76: Discharge of compost or solid animal waste to land – restricted discretionary activity



The discharge of **compost** or **solid animal waste** onto or into land, where a contaminant may enter water, and the associated discharge of odour to air that is not permitted by Rule R75 is a restricted discretionary activity.

Matters for discretion

1. Set-back distances from any **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply
2. Discharges to water-logged or flooded land
3. Effects on water quality
4. Discharge of odour

Rule R77: Manufacture and storage of silage and compost, and storage of solid animal waste – permitted activity

The discharge of contaminants onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air, from the manufacture and storage of **silage** or **compost**, or storage of **solid animal waste** is a permitted activity, provided the following conditions are met:

- (a) the manufacture and storage area shall not be located within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) the discharge does not contain:
 - (i) **hazardous substances**, or
 - (ii) **wastewater, sludge** and other human sewage material, industrial waste, offal or dead animal matter, and

- (c) there shall be no discharge of leachate to water from a manufacturing or storage area, and
- (d) **stormwater** is prevented from entering into the manufacturing or storage area, and
- (e) the walls and floor of a permanent pit or bunker for the storage of **silage** or **solid animal waste** shall have an impermeable lining able to withstand corrosion, and
- (f) the base of a **silage** stack storage area shall be constructed of compacted clay or compacted hardfill to **minimise** seepage of contaminants into land, and the base of the storage area shall be located at least 0.6m above the seasonally highest water table at the site, and
- (g) the manufacture and storage of **compost** at an industrial or trade premise shall be undertaken on an impermeable surface, and
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of other legislation or bylaws.

The discharge of **compost** to land is controlled by Rules R75 and R76.

Rule R78: Farm refuse dumps – permitted activity

The discharge of contaminants onto or into land, or into land where a contaminant may enter water, and the associated discharge of odour to air, from a new **farm refuse dump** is a permitted activity, provided the following conditions are met:

- (a) the contents of the **farm refuse dump** is from the **property** where the **farm refuse dump** is located, and
- (b) the total volume of **farm refuse dump** capacity available on a **property** at any time shall not exceed 50m³, and
- (c) the **farm refuse dump** is located:
 - (i) on a **property** that is over 20ha, or
 - (ii) in a hole excavated in silty or clay soils, or
 - (iii) where no kerbside community collection is available or the **property** is located more than 20km by road from a transfer station, and

- (d) the **farm refuse dump** is not located within:
 - (i) an area prone to flooding or ponding, or
 - (ii) 50m of a **surface water body**, coastal marine area, gully, **bore** used for water abstraction for potable supply, or boundary of the **property**, or
 - (iii) a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, or Map 42, and
- (e) the base of the **farm refuse dump** is 0.6m above the seasonally highest water table, and
- (f) the discharge does not contain:
 - (i) **hazardous substances**, or
 - (ii) **wastewater**, and
- (g) there is no burning of the contents of a **farm refuse dump**, and
- (h) the size and location is recorded, using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information made available to the Wellington Regional Council upon request, and
- (i) the **farm refuse dump** is re-contoured and re-vegetated to a condition that is compatible with the surrounding land within six months of completion, and
- (j) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Rule R79: Offal pit – permitted activity

The discharge of contaminants onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air, from a new **offal pit** is a permitted activity, provided that the following conditions are met:

- (a) the **offal pit** shall only contain dead animal matter from the **property** where the **offal pit** is located, and
- (b) the **offal pit** shall not be located within:
 - (i) 50m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
 - (ii) an area prone to flooding or ponding, and
- (c) the **offal pit** shall be located in silty or clay soils, and

- (d) the bottom of the **offal pit** is 0.6m above the seasonally highest water table, and
- (e) **stormwater** is prevented from entering the **offal pit**, and
- (f) the location is recorded, by GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request, and
- (g) the **offal pit** is re-contoured and re-vegetated to a condition that is compatible with the surrounding land within six months of completion, and
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**, and
- (i) the **offal pit** is not located in a **community water drinking water protection area** as shown on Map 39, Map 40, Map 41, and Map 42.

5.2.11 Cleanfill material

Rule R80: Cleanfill material – permitted activity

The discharge of **cleanfill material** onto or into land, or onto or into land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) the **cleanfill material** is not located within 20m of a **surface water body**, or **bore** used for water abstraction for potable supply, and
- (b) the **cleanfill material** is located to avoid being undermined or eroded by **natural processes** or being inundated from coastal or river flooding, and
- (c) the **cleanfill material** shall be 0.6m above the seasonally highest water table, and
- (d) the **cleanfill material** shall be managed (siting, design and operation) in accordance with Sections 5-8 in *A Guide to the Management of Cleanfills (2002)*, and
- (e) the volume of **cleanfill material** deposited at a **property** shall not exceed 400m³ per 12 month period, and
- (f) the volume and origin of the **cleanfill material** and the date the material has been deposited on this **property**, is recorded using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request, and

- (g) the **cleanfill material** shall be **stabilised** and re-vegetated within six months of completion of the activity.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

Rule R27 is applicable for the associated discharge to air from **cleanfill material**.

5.2.12 Contaminated land and hazardous substances

Rule R81: Detailed site investigation – permitted activity

The use of land to undertake a detailed site investigation of contaminated land and any associated discharge into air is a permitted activity, provided the following conditions are met:

- (a) the investigation is undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)*, and
- (b) the investigation is reported in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011)*, and
- (c) a copy of the report is provided to the Wellington Regional Council within two months following the completion of the investigation.

Rule R82: Discharges from contaminated land – permitted activity

The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:

- (a) a detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R81, and
- (b) the results of the detailed site investigation report concludes indicate that the discharge does not pose unacceptable risks to human health or the environment – on-site or off-site is highly unlikely to be a risk to human health or the environment at present or in the future, or
- (c) the discharge from **SLUR Category III land** or SLUR Category IV land does not, or is not likely to, result in:
 - (i) ~~ground~~water quality exceeding the maximum acceptable value (MAV) in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)* or 50% of the MAV in a **community drinking water supply protection area** shown on Maps 26, 27a, 27b or 27c at the following locations:

1. at the **property** boundary, or within 50m from the source of the discharge, whichever is the lesser distance, or
 2. in an existing **bore** within the **property** boundary or within 50m from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring,
- (ii) water quality in a **surface water body** within the **property** boundary or within 50m from the source of the discharge, whichever is the lesser distance, exceeding a value in Schedule V the Australian and New Zealand Environment and Conservation Council Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.
- (d) ~~The water quality exceeding 50% of the maximum acceptable value in the Drinking Water Standards New Zealand 2005 (Revised 2008) where the **SLUR category III land** is located within a **community drinking water supply protection area** shown on Maps 26, 27a, 27b, or 27c.~~

Rule R83: Investigation of, or discharges from contaminated land – discretionary activity

The use of land to undertake a detailed site investigation of contaminated land that is not permitted by Rule R81, or the discharge ~~of a contaminant~~ from **SLUR Category III land** or **SLUR Category IV land** where a contaminant may enter water, that is not permitted by ~~Rule R54~~ or Rule R82 is a discretionary activity.

~~Rule R57: Discharge of hazardous substances – non-complying activity~~

~~The discharge of a hazardous substance into water, onto land or into or onto land where it may enter water, that is not provided for as a permitted, controlled, restricted discretionary or discretionary activity is a non-complying activity.~~

5.2.13 Vertebrate toxic agents

Rule R84: Land-based discharge of vertebrate toxic agents – permitted activity

The discharge of **vertebrate toxic agents (except rotenone)**, onto or into land, or onto or into land where ~~a contaminant~~ it may enter water, via land-based methods is a permitted activity, provided the following conditions are met:

- (a) the substance and discharge technique or method is approved for use by the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval, and

- (b) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply, and
- (c) where the **vertebrate toxic agent** is applied to public land, signs shall be placed for the duration of any residual effects of the pesticide at all public lines of approach to the discharge area. The signs shall identify the pesticide(s) applied, the date of discharge and the precautions, if any, that people using the area should take.

Note

This rule does not apply to any **vertebrate toxic agent** that is exempt from section 15 of the RMA under the *Resource Management (Exemption) Regulations 2017*.

Rule R85: Aerial discharge of vertebrate toxic agents – controlled activity

The discharge of a **vertebrate toxic agent** (except rotenone) onto or into land, or onto or into land where ~~and where~~ it may enter water, and the associated discharge into water, by aerial discharge is a controlled activity, provided the following conditions are met:

- (a) the substance and the discharge technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval, and
- (b) the discharge is not onto a roof or other structure used to collect drinking water.

Matters of control

1. Advice and information to people and authorities in and adjacent to the discharge area, including flight paths and accidental discharge into water
2. Discharge methods, systems and management processes to prevent fugitive discharges and the recording of discharge areas
3. Navigational guidance systems

Notification

In respect of Rule R85, applications are precluded from public notification (unless special circumstances exist).

Note

The rule does not apply to any **vertebrate toxic agent** that is exempt from section 15 of the RMA under the *Resource Management (Exemption) Regulations 2017*.

Rule R86: Discharge of rotenone - discretionary activity

The discharge of **rotenone** into water or onto land where it may enter water, including in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetland), Schedule F4 (coastal sites) or Schedule H1 (contact recreation) for the control of invasive aquatic organisms by the Department of Conservation, or any person authorised in writing for that purpose by the Director General of Conservation, is a discretionary activity.

Notification

In respect of Rule R86, applications are precluded from public notification (unless special circumstances exist). For any applications affecting sports fish¹ resources the statutory manager of those resources, the Wellington Fish and Game Council shall be determined to be an affected party.

Note

The rule does not apply to a discharge of **rotenone** that is exempt from section 15 of the RMA under the *Resource Management (Exemption) Regulations 2017*.

5.2.14 Wastewater from ships and offshore installations, and biofoul cleaning

Rule R87: Wastewater from ships and offshore installations – permitted activity

The discharge of **wastewater** into coastal water from a ship greater than 500 tonnes, or an offshore installation outside the **harbour and pilotage limit** as shown on Map 68 is a permitted activity.

Note

Also see the requirements of the *Resource Management (Marine Pollution) Regulations 1998* in sections 11, 12 and 12A in relation to the discharge of **wastewater** from ships and offshore installations into coastal water.

Rule R88: Wastewater from ships and offshore installations – non-complying activity

The discharge of **wastewater** into coastal water from a ship greater than 500 tonnes, or an offshore installation, inside the **harbour and pilotage limit** shown on Map 68, and not controlled by sections 12 or 12A of the *Resource Management (Marine Pollution) Regulations 1998*, is a non-complying activity.

Rule R89: In-water biofoul cleaning – permitted activity

The discharge of contaminants and biological material (including process water to which no contaminants have been added and which has been UV treated or filtered to 50 microns maximum) into coastal water from **in-water cleaning of biofouling** from a vessel, moveable structure or navigation aid, in the coastal marine area, is a permitted activity provided the following conditions are met:

¹ Sports fish are defined in Schedule I of the Freshwater Fisheries Regulations 1983

- (a) the **anti-foul coating** on the vessel, moveable structure or navigation aid shall not have exceeded its planned service life as specified by the manufacturer, and
- (b) the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations, and
- (c) the cleaning of **microfouling** and goose barnacles may occur without capture, and
- (d) for **macrofouling** less than or equal to 2 on the Level of Fouling Rank the cleaning shall ensure minimal release, using best available technology, capture any biological material greater than 50µm in diameter, with any captured cleaning debris disposed of at an approved landfill, and
- (e) for **macrofouling** not within (d) the cleaning shall capture any biological material greater than 50µm in diameter, with any captured cleaning debris disposed of at an approved landfill, and
- (f) if any person suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pests under the Biosecurity Act 1993) are to be found, that person shall take the following steps:
 - (i) any cleaning activities commenced shall cease immediately, and
 - (ii) the Wellington Regional Council Harbourmaster and the Ministry of Primary Industries shall be notified without unreasonable delay, and
 - (iii) the cleaning may not recommence until notified by the Wellington Regional Council to do so.

Notes

1. For the purposes of Rule R89 any terms not defined in Section 2 of the Natural Resources Plan, guidance is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.
2. International vessels arriving in New Zealand waters will have additional obligations under the *Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014)*.

Rule R90: In-water biofoul cleaning – discretionary activity



The discharge of contaminants and biological material into coastal water from **in-water cleaning of biofouling** from a vessel, moveable structure or navigation aid that is not permitted by Rule R89 is a discretionary activity.

Note

For the purposes of Rule R90, guidance is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.

5.2.15 All other discharges

Rule R91: Minor discharges – permitted activity



The discharge of a contaminant into water, or onto or into land where it may enter water that is not specifically provided for by any other rule in this Plan is a permitted activity provided the following conditions are met:

- (a) the discharge is not a restricted discretionary activity, discretionary activity or non-complying activity under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020,
- (b) the discharge does not or is not likely to result in the Drinking-Water Standards New Zealand 2005 (Revised 2018) to be being exceeded in a community drinking water supply protection area as shown on Map 39, Map 40, Map 41, or Map 42, and
- (c) where the discharge is ~~into or onto~~ or into land, or ~~into or onto~~ or into land where a contaminant may enter groundwater, the discharge:
 - (i) ~~the discharge~~ is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and
 - (ii) if a point source discharge, shall not cause an adverse effect beyond the boundary of the **property**, and
 - (iii) shall not result in the creation of contaminated land, and
 - (iv) is not from, onto or into SLUR Category III land, unless the discharge:
 - 1. does not come into contact with SLUR Category III land, or
 - 2. results from the performance or exercise of Fire and Emergency New Zealand's emergency functions, duties or powers.
- (d) where the discharge is a point source discharge and may enter a **surface water body** or coastal water,
 - (i) the concentration of total suspended solids in the discharge shall not exceed:
 - 1. 50g/m³, where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1

(rivers/lakes), Schedule F3 (~~significant~~ identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), or

2. 100g/m³, where the discharge enters any other water, and

(ii) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and

(iii) the discharge shall not give rise to the following effects after the **zone of reasonable mixing** or within a Schedule C (mana whenua) site:

1. a change in the pH of ± 0.5 pH unit, or

2. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or

3. any conspicuous change in the colour or visual clarity, including

- in Schedule A and Schedule F1 surface water bodies a decrease in water clarity of no more than 20%, or

- in any other **surface water body** a decrease in water clarity of no more than 30%, or

4. a change in temperature of no more than:

- 2°C in **river classes 1 or 2**, or

- 2°C in any river or lake identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or

- 3°C in any other **surface water body**, and

5. any emission of objectionable odour, or

6. the fresh water is unsuitable for consumption by farm animals, or

7. any significant adverse effects on aquatic life, and

(iv) after the **zone of reasonable mixing**, the discharge shall not cause:

1. a value in Schedule V for the protection of 99% of species to be exceeded in a river identified in Schedule F1(rivers/lakes) as having high macroinvertebrate community health, or
2. a value in Schedule V for the protection of 95% of species to be exceeded in any other river or lake, or coastal water.

Rule R92: Discharges to land from a new pit latrine, a new farm refuse dump, a new ofal pit, ~~or~~ of collected animal effluent or solid animal waste within a community drinking water supply protection area – restricted discretionary activity

The discharge of a contaminant from a new **pit latrine**, a new **farm refuse dump**, or a new **ofal pit**, ~~or~~ of collected **animal effluent** or solid animal waste, onto or into land where a contaminant may enter water, that occurs within a **community drinking water supply protection area**, or is a discharge of solid animal waste that occurs between 5m and 20m of a bore used for a community drinking water supply is a restricted discretionary activity provided the following conditions are met:

- (a) any new **pit latrine** must meet the conditions of Rule R59, except condition (a)(ii)
- (b) any discharge of contaminants from a new **farm refuse dump** must meet the conditions of Rule R78, except condition (d)(iii)
- (c) any new **ofal pit** must meet the conditions of Rule R79, except condition (i)
- (d) a discharge of collected **animal effluent** must meet the conditions of Rule R73, except condition (e)(iii)
- (e) a discharge of **solid animal waste** must meet the conditions of Rule R75, except condition (b).

Matters for discretion

1. Effects on water quality including **community drinking water supply** water quality

Rule R93: All other discharges to sites of significance – non-complying activity



The discharge of water or contaminants into water, or onto or into land where it may enter water:

- (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3

(~~significant~~ identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and

- (b) that is not a permitted, controlled, restricted discretionary, or discretionary activity under any rule in the Plan, or a non-complying activity under Rules R66, R74, ~~R57~~ or R88

is a non-complying activity.

Rule R94: All other discharges – discretionary activity



The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:

- (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (~~significant~~ identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and
- (b) a permitted, controlled, restricted discretionary, or non-complying activity under any other rule in the Plan, or a discretionary activity under Rules R55, R56, R58, R65, R83 or R90,


is a discretionary activity.

5.3 Land use

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1, provisions relevant to the coastal marine area are identified by this icon 

~~Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.~~

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Land use	Page	P	C	RD	D	NC	Pr
Land use other methods	198						
Cultivation and break-feeding	198						
Rule R95: Cultivation of land	198	•					
Rule R96: Break-feeding	199	•					
Rule R97: Cultivation and break-feeding	201				•		
Livestock access	201						
Rule R98: Livestock access to a surface water body or the coastal marine area	201	•					
Rule R99: Livestock access to a surface water body or the coastal marine area (excluding any Category 1 surface water body)	204				•		

Rules – Land use	Page	P	C	RD	D	NC	Pr
Rule 100: Livestock access to any Category 1 surface water body	204					•	
Earthworks and vegetation clearance	204						
Rule R101: Earthworks	204	•					
Rule R102: Construction of a new farm track	205	•					
Rule R103: Construction of a new farm track	206		•				
Rule R104: Vegetation clearance on erosion prone land	207	•					
Rule R105: Vegetation clearance on erosion prone land in accordance with a Freshwater Farm Plan	208	•					
Rule R106: Earthworks and vegetation clearance for renewable energy generation	208			•			
Rule R107: Earthworks and vegetation clearance	210				•		
Land use change and irrigation	<u>210</u>						
Rule R108: Use of rural land irrigated with new water	<u>211</u>		•				
Rule R109: The use of land for pastoral land use, arable land use or horticultural land use irrigated with new water	<u>213</u>				•		
Rule R110: Use of rural land in priority catchments	<u>213</u>	•					
Rule R111: Use of rural land in priority catchments	<u>213</u>		•				
Rule R112: Use of rural land in priority catchments	<u>215</u>				•		

5.3.1 Land use other methods

The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M7, M8, M9, M10, M11, M12, M15, M19, M21, M23, M32, M33, M34 and M35.

5.3.2 Cultivation and break-feeding

Rule R95: Cultivation of land – permitted activity

The use of land for **cultivation** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **cultivation** on land with slope of more than 3 degrees shall not occur within 5m of the bed of a **surface water body** or the coastal marine area, or

- (b) **cultivation** on land with slope of 3 degrees or less shall not occur within 2m of the bed of a **surface water body** or the coastal marine area, and
- (c) the land between the cultivated land and the bed of a **surface water body** or the coastal marine area shall be in pasture or other groundcover vegetation throughout the period of **cultivation**, and
- (d) **cultivation** is undertaken along the contour of the land, where reasonably practicable, and
- (e) a sediment control measure or measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area, and

Note

Guidance on sediment control measures for **cultivation** is available in Section 4 of Horticulture NZ's *Erosion and Sediment Control Guidelines for Vegetable Production (June 2014)*

- (f) where **cultivation** is within 5-10m (land with slope of more than 3 degrees) or 3-10m (land with slope of 3 degrees or less) of a **natural wetland** (as defined in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, if permitted by the Regulations, and
- (g) any discharge from land subject to **cultivation** shall not, outside the **zone of reasonable mixing** in a **surface water body** or the coastal marine area, result in any of the following effects in receiving waters:
 - (i) a conspicuous change in colour or visual clarity,
 - (ii) the rendering of fresh water unsuitable for consumption by animals,
 - (iii) any significant adverse effect on aquatic life.

Note

Regulation 50 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* controls **vegetation clearance, earthworks** or land disturbance (which includes **cultivation**) outside, but within 10m of a **natural wetland** for the purpose of arable or **horticultural land use**. For the avoidance of doubt, **cultivation** for this purpose is subject to Regulation 50.

Rule R96: Break-feeding – permitted activity

The use of land for **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **break-feeding** on land with slope of more than 3 degrees shall not be within 5m of the bed of a **surface water body** or the coastal marine area, and
- (b) **break-feeding** on land with slope of 3 degrees or less shall not be within 2m of the bed of a **surface water body** or the coastal marine area, and
- (c) the land between the land used for **break-feeding** and the bed of a **surface water body** or the coastal marine area shall be in pasture or other groundcover vegetation, and not be grazed or cultivated throughout the period that the land adjacent is used for **break-feeding**, and
- (d) a sediment control measure or measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area, and

Note

Guidance on sediment control measures for break-feeding is available from <http://www.gw.govt.nz/good-management-practice/>

- (e) any discharge to a **surface water body** from land used for **break-feeding** shall not, outside of the **zone of reasonable mixing** in a **surface water body** or the coastal marine area, result in any of the following effects in receiving waters:
 - (i) a conspicuous change in colour or visual clarity,
 - (ii) the rendering of fresh water unsuitable for consumption by animals,
 - (iii) any significant adverse effect on aquatic life.

Note

The activity of break-feeding of winter forage crops and intensive winter grazing by **livestock** is also subject to:

- (i) the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, with regulations to take effect on 01 May 2021, and
- (ii) the *Resource Management (Stock Exclusion) Regulations 2020*, with regulations for break-feeding of cattle beef and deer to take effect on 03 September 2020 for new pastoral systems and 01 July 2023 for existing pastoral systems.

Rule R97: Cultivation and break-feeding – discretionary activity 

The use of land for **cultivation** or **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, that is not permitted by Rule R95 or Rule R96 is a discretionary activity.


5.3.3 Livestock access

Note

Any restrictions in this Plan on **livestock** access to a **water race** do not limit the use of the **water race** for the purpose of providing drinking water for stock, provided **livestock** do not enter the **water race**.

Livestock access to, and exclusion from, a **surface water body** is also subject to:

- (i) the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, with regulations to take effect on 01 May 2021, and
- (ii) the *Resource Management (Stock Exclusion) Regulations 2020*, with regulations to take effect on 03 September 2020 for new pastoral systems and from 01 July 2023 and 01 July 2025 for existing pastoral systems.

Rule R98: Livestock access to a surface water body or the coastal marine area – permitted activity 

Livestock access to a **surface water body** or the coastal marine area, and any associated discharge to water, is a permitted activity provided the following conditions are met:

- (a) From 31 July 2019, there shall be no **livestock** access to a **Category 1 surface water body**, except that sheep may have access to a ~~significant natural wetland listed in Schedule F3 (significant wetlands)~~ if authorised by a resource consent pursuant to Rule R106.
- (b) From 31 July 2022, access by:
 - (i) cattle, farmed deer or farmed pigs ~~livestock~~ to a **Category 2 surface water body**, (except for a Schedule F1 river that is less than 1m wide), and
 - (ii) **dairy cows** to a river that is not a **Category 1 or Category 2 surface water body** and has an **active bed** width of 1metre or wider at the location of the access,C

may occur provided; the access is only at a **stock crossing point** and the cattle (including **dairy cows**), farmed deer or farmed pigs:


- (iii) are supervised and actively driven across the water body, and

- (iv) do not cross the same water body more than twice in any month.
- a. ~~there is no surface water present at the time and location of the access; or~~
- b. ~~if there is surface water present, the access is only at a **stock crossing point** that complies with condition (d).~~
- (c) From 1 July 2025, access by:
- (i) cattle, farmed deer or farmed pigs to a **Category 2 surface water body**, which is a Schedule F1 river that is less than 1m wide), and
- (ii) cattle, farmed deer or farmed pigs to a **Category 2 surface water body** which is within that part of the Huangarua River catchment identified in Schedule I (trout spawning habitat), during the trout spawning season (31 May to 31 August),
- may occur provided, the access is only at a **stock crossing point** and the cattle (including **dairy cows**), farmed deer or farmed pigs:
- (iii) are supervised and actively driven across the water body, and
- (iv) do not cross the same water body more than twice in any month.
- (d) ~~At all times, livestock access to a **surface water body**~~ Access by **livestock**, excluding sheep, to all **surface water bodies** or the coastal marine area shall not result in:
- (i) a conspicuous change in colour or visual clarity of water,
1. in a site with significant **mana whenua** values identified in Schedule C (mana whenua);₂ or
 2. in a ~~natural wetland,~~ lake, estuary or the coastal marine area;₂ or
 3. beyond the **zone of reasonable mixing** in a river;₂ or
- (ii) ~~pugging or devegetation that exposes bare earth; or~~
- (iii) ~~cattle, farmed deer or farmed pigs being left unattended in, or not being actively moved through, a **natural wetland**, estuary or the coastal marine area.~~
- (d) ~~A **stock crossing point** on a river, drain, **water race** or lake shall:~~

- ~~(i) not be more than 20m wide, and~~
 - ~~(ii) be perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the bed or adjoining land, and~~
 - ~~(iii) align with a constricted track or raceway on either side of the **stock crossing point**, and~~
 - ~~(iv) not be used to allow cattle, farmed deer or farmed pigs to be left unattended in, or not actively moved through, the water body, and~~
 - ~~(v) not be used more frequently than twice in any month.~~
 - (ii) more than minor damage in a **natural wetland** provided that:
 1. the **natural wetland** is 0.05 ha or more and is not identified as a **Category 1 surface water body**, or
 2. stock exclusion from the **natural wetland** is not required by the *Resource Management (Stock Exclusion) Regulations 2020*, and
 - (iii) more than minor damage to the water body's bed and banks, including through bank collapse, except at a **stock crossing point** where **livestock** are supervised and actively driven across the water body.
- (e) In the **coastal marine area**:
- (i) access by beef cattle shall not result in more than minor damage, and
 - (ii) beef cattle shall be supervised in, or driven across, land below mean high water springs in a Schedule F5 (coastal habitats) or Schedule J (geological features) site or habitat, and
 - (iii) cattle (other than beef cattle), farmed deer or farmed pigs shall be supervised in, or driven across, land below mean high water springs, and
 - (iv) where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, **livestock** access to the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment must be expressly allowed for in a Freshwater Farm Plan certified under section 271G of the RMA.

Note

Fencing is one method of managing **livestock** access and fencing can be either permanent or temporary as long as it achieves the conditions of the rule.

Rule R99: Livestock access to a surface water body or the coastal marine area (excluding any Category 1 surface water body) – discretionary activity 

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (b), (c), (d) or (e) of Rule R98, is a discretionary activity.

Rule R100: Livestock access to any Category 1 surface water body – non complying

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (a) of Rule R98, is a non complying activity.

5.3.4 Earthworks and vegetation clearance

Notes

Vegetation clearance is also controlled by provisions in district plans and bylaws, and the *Electricity (Hazards from Trees) Regulations 2003*.

The rules in this section do not control any **earthworks**, soil disturbances, **vegetation clearance** or vegetation disturbances covered by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

Earthworks and **vegetation clearance** outside, but within 10 metres of a **natural wetland** on land used for horticulture or **arable land uses** is also controlled by provisions in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*.

Rule R101: Earthworks – permitted activity 

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** up to a total area of 3,000m² per **property** per 12 month period is a permitted activity, provided the following conditions are met:

- (a) soil or debris from **earthworks** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) **earthworks** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** occurs, and

- (c) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
- (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant adverse effect on aquatic life, and
- (d) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and activities permitted by Rule R114 or Rule R115.
- (e) work areas are **stabilised** within six months after the completion of the **earthworks**.

Note

~~Rule R99 does not control any **earthworks** or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.~~

Rule R102: Construction of a new farm track – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** up to a total area of 10,000m² per **property** per 12 month period for the construction of a new **farm track** is a permitted activity, provided the following conditions are met:

- (a) the side cutting height measured vertically is less than 2m, or over 2m for continuous length of no more than 150m, and
- (b) soil or debris from **earthworks** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (c) **earthworks** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** occurs, and
- (d) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or

- (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant adverse effect on aquatic life, and
- (e) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
- (f) work areas must be **stabilised** as soon as reasonably practicable and until the work area is **stabilised**, erosion and sediment control measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area.

Note

Guidance on erosion and sediment control measures is available from <http://www.gw.govt.nz/good-management-practice/>

Rule R103: Construction of a new farm track – controlled activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** for the construction of a new **farm track** that is not permitted by Rules R101 or R102 is a controlled activity, provided the following conditions are met:

- (a) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
- (b) a maximum side cutting height measured vertically is no more than 3m for a continuous length of no more than 100m.

Matters of control

1. The location, duration and timing of the **earthworks**
2. The need for increased **surface water body** setbacks to manage erosion risk and sediment loss
3. The design, suitability, monitoring and maintenance of erosion and sediment control measures
4. Monitoring and reporting requirements
5. Effects on **aquatic ecosystem health** and **mahinga kai**

6. The effects, after the **zone of reasonable mixing**, in receiving waters including:
- (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant adverse effect on aquatic life

Rule R104: Vegetation clearance on erosion prone land – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **vegetation clearance** up to a total area of 2ha per **property** per 12 month period on **erosion prone land** is a permitted activity, provided the following conditions are met:

- (a) any soil or debris from the **vegetation clearance** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) any soil disturbances associated with the **vegetation clearance** shall not after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (c) **vegetation clearance** shall not occur within 5m of a **surface water body** except for **vegetation clearance** undertaken in association with by Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139 activities permitted by Rule R114 or Rule R115.

Rule R105: ~~Earthworks and~~ **Vegetation clearance on erosion prone land** in accordance with a Freshwater Farm Plan – permitted activity
discretionary activity



The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from ~~earthworks not permitted by R99~~ or **vegetation clearance on erosion prone land** that is not permitted by R100 is ~~a discretionary activity~~ is a permitted activity where it is expressly allowed for in a Freshwater Farm Plan certified under section 217G of the RMA.

Note

~~Rule R102 does not control any earthworks or vegetation clearance covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.~~

Rule R106: Earthworks and vegetation clearance for renewable energy generation – restricted discretionary activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks not permitted by Rule R101 or vegetation clearance on erosion prone land that is not permitted by Rule R104 associated with the use, development, operation, maintenance and upgrade of renewable energy generation is a restricted discretionary activity, provided the following conditions are met:

- (a) the earthworks or vegetation clearance and associated discharge are associated with the following construction activities:
 - (i) the formation of access tracks,
 - (ii) the formation of laydown areas and stockpile areas,
 - (iii) the formation of wind turbine platforms, including foundation formation,
 - (iv) foundations for any operations building or transmission line,
 - (v) placement of excess fill associated with any of the activities listed in (i) to (iv) above,
 - (vi) ancillary works necessary to construct or maintain any erosion and sediment control measures associated with (i) to (v) above, and
- (b) the activity does not occur within the coastal marine area, and
- (c) soil or debris from earthworks or vegetation clearance is not placed where it can enter a surface water body or the coastal marine area, and

- (d) the **earthworks** or **vegetation clearance** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** or **vegetation clearance** occurs, and
- (e) work areas are **stabilised** within six months after the completion of the **earthworks**, and
- (f) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (g) the **earthworks** or **vegetation clearance** shall not, occur within 10m of a **surface water body** or coastal marine area.

Matters for discretion

1. The location, area, scale, volume, duration and timing of works
2. The design and suitability of erosion and sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated with
3. Staging of works and progressive **stabilisation**:
4. Adverse effects on:
 - (i) groundwater, **surface water bodies** and their margins, particularly **surface water bodies** within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)
 - (ii) group and **community drinking water supplies**

- (iii) mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species
 - (iv) the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment
 - (v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers
5. The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site
 6. The benefits to be derived from the use and development of renewable energy generation
 7. Monitoring and reporting requirements

Rule R107: Earthworks and vegetation clearance – discretionary activity



The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks, or vegetation clearance on erosion prone land that is not permitted by Rules R101, R102, R104 and R105, and not controlled by Rule R103, or not restricted discretionary by Rule R106 is a discretionary activity.

5.3.5 Land use change and irrigation

Note

In addition to the rules below, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 control the:

- (i) conversion of plantation forestry to pastoral land uses (Regulations 16, 17 and 24)
- (ii) conversion of land on a farm to dairy farm land (Regulations 18, 19 and 24)
- (iii) irrigation of dairy farms (Regulations 20, 21 and 24)
- (iv) use of land for dairy support (Regulations 22, 23 and 24)

Additionally, Regulation 36 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 also requires any

person responsible for a landholding that includes any dairy farm land to provide annually to the Wellington Regional Council information on land use and synthetic nitrogen **fertiliser** as set out in Regulation 36.

Rule R108: Use of rural land irrigated with new water – controlled activity

The use of land for **pastoral land use, arable land use, or horticultural land use**, and the associated discharge of contaminants into water or into or onto land where a contaminant may enter water that is **irrigated with new water** is a controlled activity where:

- (a) 20 ha or more of the **irrigated** land is for **arable land use, pastoral land use or low intensity horticultural use**, or
- (b) 5 ha or more of the **irrigated** land is for **horticultural land use** that is not a **low intensity horticultural use**, or

provided the following conditions are met:

- (c) a **farm environment plan** for the **farm** has been prepared for the land, and
- (d) a **Farm Environment Plan Certifier** certifies in writing that the **farm environment plan** lodged with the application has been prepared in accordance with, and meets the requirements of, Schedule Z, and
- (e) the land use is undertaken in accordance with the **farm environment plan** certified under condition (b), and
- (f) if the use of land receiving the **new water** is the farming of **dairy cattle or dairy support cattle**, the maximum area **irrigated** must not exceed the area **irrigated** before 2 September 2020, and
- (g) if the use of land receiving the **new water** is **commercial vegetable production**, that land must have been used for **commercial vegetation production** at some time in the five years prior to 2 September 2020, and
- (h) full electronic access to any software or assessment tool that models or records diffuse contaminant losses or loss risk for the activity authorised by this rule is granted to the Wellington Regional Council, and if requested, any analysis produced by an approved software or assessment tool is provided to the Wellington Regional Council, and
- (i) seasonal and monthly **irrigation** water balances prepared in accordance with Policy P125 and Schedule P, shall be used to demonstrate that the amount of **irrigation** water applied does not exceed the **irrigation** demand by more than 20%. The **irrigation** water balances must be used to manage water **irrigation** and must be made

available to the Wellington Regional Council on request. The **irrigation water balances** shall specify:

- (i) area of land **irrigated**
- (ii) **farm** type and rotation dates (if applicable)
- (iii) volume of water **irrigated**
- (iv) start and end date of **irrigation** season
- (v) seasonal **irrigation** demand.

Matters of control

1. The assessed annual contaminant loss risk in the period preceding 2 September 2020 taking into account any need to adjust for any poor management practice
2. The content of the **farm environment plan**
3. The actions, management practices and mitigation measures necessary to ensure that discharge of nitrogen, phosphorus, sediment and *E.coli* will not increase beyond that which occurred from that land prior to the land being **irrigated** by **new water**
4. The method, rate, volume and timing of the application **irrigation** water
5. The contents of the seasonal and monthly **irrigation** water balances
6. In terms of condition (e), the determination of the area of land used for **commercial vegetable production** used at any time during the five years preceding 2 September 2020
7. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and **farm environment plan**
8. The time and circumstances under which the resource consent conditions may be reviewed
9. The timing, frequency and requirements for review, audit and amendment of the **farm environment plan**

Notification

In respect of Rule R108, applications are precluded from public and limited notification (unless special circumstances exist).

Rule R109: The use of land for pastoral land use, arable land use or horticultural land use irrigated with new water – discretionary activity

The use of land for **pastoral land use, arable land use, or horticultural land use** and the associated discharge of contaminants into water or into or onto land where contaminants may enter water which is **irrigated with new water** is not otherwise permitted or controlled by Rule R108, is a discretionary activity.

Rule R110: Use of rural land in priority catchments – permitted activity

Until 31 December 2028, in the **priority catchments** listed in Schedule Y the use of:

- (a) 20 ha or more of land for **arable land use, pastoral land use or low intensity horticultural use, or**
- (b) 5 ha or more of land for **horticultural land use** that is not a **low intensity horticultural use,**

is a permitted activity provided the following conditions are met:

- (c) no later than the applicable date specified in Table 1 a **farm environment plan** in respect of the land and associated land use is supplied to Wellington Regional Council, and
- (d) a **Farm Environment Plan Certifier** certifies in writing that the **farm environment plan** supplied to the Wellington Regional Council has been prepared in accordance with, and meets the requirements of, Schedule Z, and
- (e) the land use is undertaken in accordance with the **farm environment plan** certified under condition (d).

Table 1 – Phase-in of priority catchments listed in Schedule Y

<u>Location</u>	<u>Due Date</u>
<u>Land in the Waitawa and Parkvale catchments</u>	<u>30 Dec 2023</u>
<u>Land in the Otukura, Mangatarere, Waipoua catchments</u>	<u>30 Sep 2024</u>
<u>Land in the Kōpuaranga, Makakaha and Taueru catchments</u>	<u>30 June 2025</u>

Rule R111: Use of rural land in priority catchments – controlled activity

In the **priority catchments** listed in Schedule Y the use of:

- (a) 20 ha or more of land for **arable land use, pastoral land use or low intensity horticultural use, or**
- (b) 5 ha or more of land for **horticultural land use** that is not a **low intensity horticultural use,**

and the associated discharge of contaminants into water or into or onto land where contaminants may enter water after 31 December 2028, or that does not meet condition (a) of Rule R110, is a controlled activity provided that the following conditions are met:

- (c) A **farm environment plan** for the **farm** has been prepared for the land, and
- (d) A **Farm Environment Plan Certifier** certifies in writing that the **farm environment plan** lodged with the application has been prepared in accordance with, and meets the requirements of, Schedule Z, and
- (e) The land use is undertaken in accordance with the **farm environment plan** certified under condition (d), and
- (f) Full electronic access to any software or assessment tool that models or records diffuse contaminant losses or loss risk for the activity authorised by this rule is granted to the Wellington Regional Council, and if requested, any analysis produced by an approved software or assessment tool is provided to the Wellington Regional Council.

Matters of control

1. The content of the **farm environment plan** including the actions, management practices and mitigation measures necessary to ensure that the discharge of nitrogen, phosphorus, sediment and *E.coli* is **minimised** and accords with **good management practice**.
2. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and **farm environment plan**
3. The time and circumstances under which the resource consent conditions may be reviewed
4. The timing, frequency and requirements for review, audit and amendment of the **farm environment plan**

Notification

In respect of Rule R111, applications are precluded from public and limited notification (unless special circumstances exist).

Rule R112: Use of rural land in priority catchments – discretionary activity

From the applicable date in Table 1 of Rule R110, the use of land for **pastoral land use, arable land use, or horticultural land use** within a catchment listed in Schedule Y and the associated discharge of contaminants into water or into or onto land where contaminants may enter water that does not meet condition (c), (d) or (e) of Rule R110 or is not comply with Rule R111, is a discretionary activity.