

6 REGIONAL RULES

Users' Guide to Rules

INTRODUCTION

6.1.1.1 Chapter 6 of the Plan contains rules which allow, regulate, or prohibit resource use activities in the Hawke's Bay region (but not within the coastal environment). This Users' Guide has been prepared to assist readers to locate and understand rules of interest. It provides the following:

Section 6.1.2 An explanation of the classification of activities under the RMA.

Section 6.1.3 A guide to understanding how the rules are set out in the tables.

Section 6.1.4 A guide to interpreting the terms 'noxious', 'dangerous', 'offensive' and 'objectionable', which are used in several rules, especially those regulating the discharge of contaminants into air.

6.1.1.2 This Users' Guide provides some information on how to interpret regional rules under the RMA. However, the HBRC can provide more detailed information on interpreting regional rules and consent application processes. HBRC staff should be contacted by anyone who is in doubt about understanding the rules in this Plan or the resource consent process.

RULE CLASSIFICATIONS

6.1.2.1 If an activity is classified in a rule as:

- (a) **Permitted**, it can be carried out without a resource consent provided the conditions in the rule are met.
- (b) **Controlled**, a resource consent is required, but the HBRC must grant the consent if the standards and terms in the rule are met. However, the Council may impose conditions on the consent relating to matters specified in the rule over which control is reserved.
- (c) **Restricted discretionary**, a resource consent is required, and the HBRC will decide whether or not to grant the consent. However, in deciding whether or not to grant consent the HBRC is restricted to exercising its discretion over the list of matters specified in the rule.
- (d) **Discretionary**, a resource consent is required, and the HBRC will decide whether or not to grant the consent. Whether or not the Council grants consent will depend upon how consistent the proposed activity is with provisions of the RMA and the objectives and policies set in this Plan. Particular regard will be had to the "Decision-Making Criteria" contained in Chapter 3.
- (e) **Non-complying**, a resource consent is required, and can only be granted if the adverse effects on the environment will be minor, or granting consent will not be contrary to the objectives and policies of this Plan.
- (f) **Prohibited**, the activity is not allowed under any circumstances.

6.1.2.2 Figure 5 (overleaf) provides an overview of how the activity classifications work.

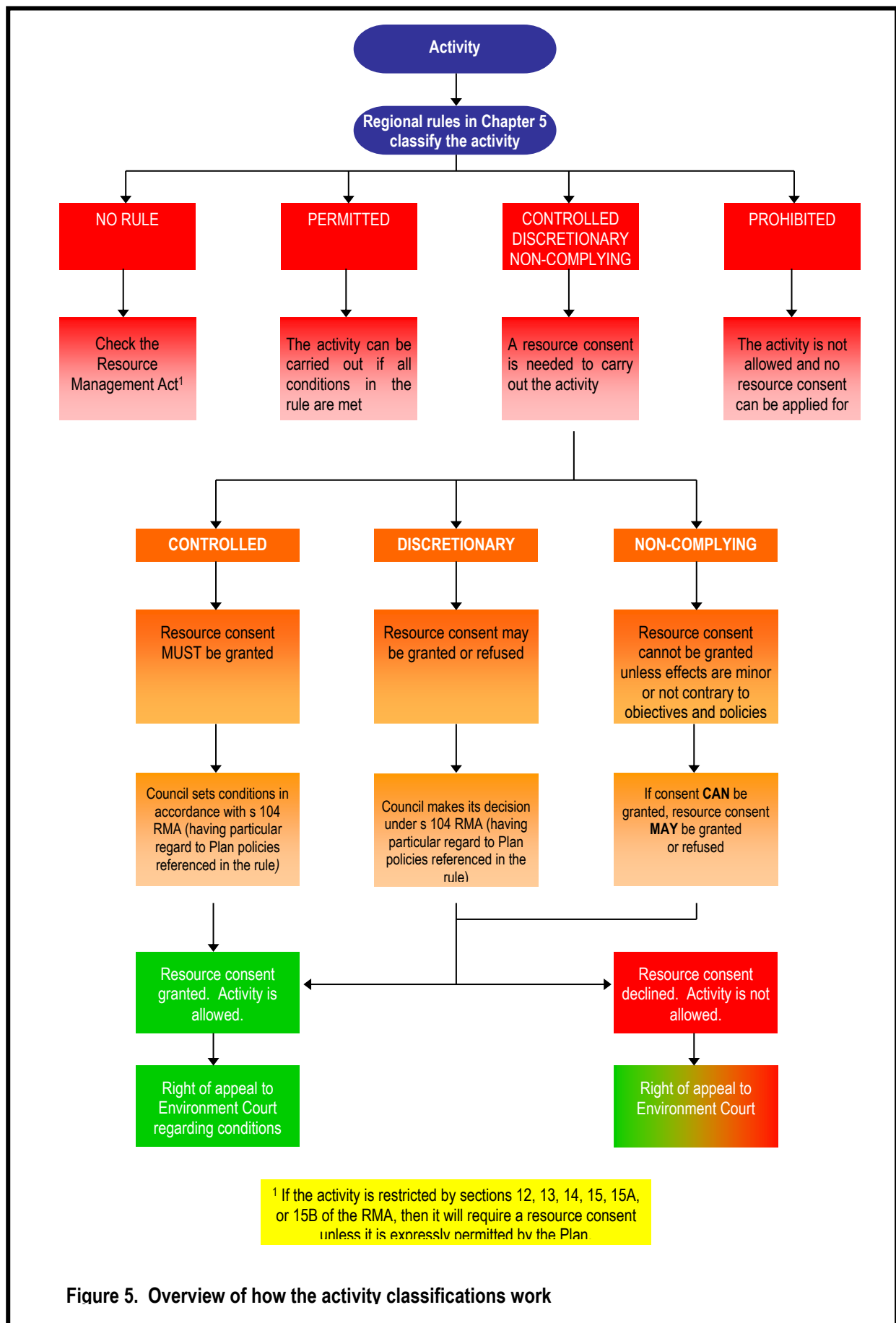


Figure 5. Overview of how the activity classifications work

6.1.3 GUIDE TO RULE TABLES

6.1.3.1 The rules in this Plan are arranged in tables. Within each of the rule tables there are six columns headed as follows:

- (a) **Rule**
This column contains the rule number together with a brief title for the rule.
- (b) **Activity**
The activity column describes the activity to be undertaken. For the activity to be considered under this rule it must be consistent with the description contained in this column, and meet any criteria contained in the conditions/standards/terms column.
- (c) **Classification**
This column contains the classification of the activity, i.e. permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited (activity classifications are explained in section 6.1.2 of this Plan).
- (d) **Conditions/Standards/Terms**
This column contains conditions for permitted activities, and standards and terms for controlled and restricted discretionary activities (note that standards and terms must be stated for controlled activities, but may or may not be stated for restricted discretionary activities). The conditions, standards and terms are ongoing requirements that must be met for as long as the activity is undertaken. Failure to comply with these amounts to a breach of the rule and may be subject to enforcement action. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent.
- (e) **Matters for Control/Discretion**
This column is relevant only for controlled activities and restricted discretionary activities. For controlled activities, this column contains the matters over which the HBRC has reserved its control. For restricted discretionary activities, it contains the matters to which the Council has restricted the exercise of its discretion. When this column is blank, it means that the activity is classified as a permitted, discretionary, non-complying or prohibited activity.
- (f) **Non-notification**
This column is also only relevant for controlled activities and restricted discretionary activities. For each of these activity classifications, the HBRC may state whether a consent application for the activity could be considered without notification, and/or without the need to obtain the written approval of affected persons²¹. It is important to note that a consent application for a discretionary or non-complying activity may also be considered without notification if the consent authority is satisfied that the adverse effect on the environment will be minor, and written approval has been obtained from every affected person (unless it is unreasonable to require this). An affected person is a person who is affected in a manner different from the public generally (an interested party or interest group is not necessarily an affected person).
- (g) **Advisory Notes**
Advisory notes at the foot of most pages contain important information on the status of various activities.

²¹ **Non-notification of restricted discretionary activities** - Note that, for restricted discretionary activities, the rule must state both the standards and terms that the activity shall comply with, and the matters over which the Council restricts its discretion, if it is to include a statement on non-notification.

6.1.4 INTERPRETATION OF NOXIOUS, DANGEROUS, OFFENSIVE AND OBJECTIONABLE EFFECTS

6.1.4.1 Several rules in this Plan use the terms 'noxious', 'dangerous', 'offensive', and 'objectionable', particularly rules relating to the discharges of contaminants into air. These terms are also included in section 17 of the RMA. Whether an activity is 'noxious', 'dangerous', 'offensive' or 'objectionable' depends upon an objective assessment. A Regional Council enforcement officer's views will not be determinative but may trigger further action and will be one factor considered by the Court if formal enforcement action is taken.

6.1.4.2 Reference to the terms 'noxious', 'dangerous', 'offensive' and 'objectionable' are made in the glossary to this Plan. The glossary refers plan users to this section. There is no standard definition of these terms because of the need to take account of case law precedent as it develops, i.e. the Plan cannot override interpretations decided by the judiciary. However, the following notes are intended to provide some guidance for interpreting these terms:

- (a) **NOXIOUS, DANGEROUS** - The Concise Oxford Dictionary defines 'noxious' as "harmful, unwholesome". At the time of writing this Plan, the term 'noxious' did not appear to have been defined or considered in case law pertaining to the RMA. Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans.

'Dangerous' is defined as "involving or causing exposure to harm". Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals.

The Workplace Exposure Standards (Occupational Safety and Health Service, 1994) provide guidelines for those involved in occupational health practice, and can be used for interpreting the terms 'noxious' and 'dangerous'. The concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time weighted average standard on adjacent properties or public land. Although human health cannot be assured by compliance with this guideline, it can be used as a guide for protection of the general population.

- (b) **OFFENSIVE, OBJECTIONABLE** – 'Offensive' is defined as "giving or meant to give offence disgusting, foul-smelling, nauseous, repulsive". 'Objectionable' is defined as "open to objection, unpleasant, offensive". Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:

(i) **Location of an activity and sensitivity of the receiving environment** – For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.

(ii) **Reasonableness** - Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.

(iii) **Existing uses** - It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will be as follows:

- (a) An assessment of the situation will be made by a council officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment will take into

account the FIDOL factors - frequency, intensity, duration, offensiveness, location; and those matters identified as key considerations in 6.1.4.2 (b) (i), (ii), and (iii).

- (b) If the discharge is deemed to be offensive or objectionable by the council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.
- (c) If the discharger disputes the council officer's assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
 - (i) assessments by more council officers
 - (ii) asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours
 - (iii) promoting the use of community working groups and other means of consultation between the affected community and the discharger
 - (iv) using the services of an independent consultant to carry out an investigation, and/or community survey
 - (v) using the services of the Council's odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell
 - (vi) undertaking an odour assessment using an olfactometer, or other appropriate technology
 - (vii) leaving the matter to be determined by the Environment Court.
- (d) If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution, pursuant to the Resource Management Act 1991. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent application to be lodged.

6.2 Summary of Regional Rules

6.2.1 Table 13 (below) provides a summary of the rules for easy reference.

6.2.2 It is important to note that a “permitted activity” as described in the summary in Table 13 may be undertaken without resource consent only if the activity complies with all the conditions/standards/terms column in the permitted activity rule.

Table 13. Summary of Regional Rules

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Rule 3	Unwanted or leaking bores	Non-Complying	123
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6.3.2	Feedlots and feedpads		
Rule 5	Feedlots and feedpads	Permitted	124
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6.4.1	Agrichemicals – discharges to air/land/water		
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Rule 10	Widespread application of agrichemicals	Permitted	128
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Rule 12	Stock feed	Permitted	129
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Rule 14	Animal effluent	Controlled	131
Rule 15	Animal effluent in sensitive catchments	Discretionary	132
Rule 16	Management of solid waste on production land	Permitted	133
6.5	DISCHARGES TO AIR		
6.5.1	Combustion of fuel – discharges to air		
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Rule 18a	Rule 18a has been withdrawn. Withdrawal effective from 1 July 2011	-	137
Rule 18b	Discharge to air from open fires – Napier & Hastings Airsheds	Prohibited	138
Rule 18c	Discharge to air from any small scale solid fuel burner – Hastings Airshed	Permitted	138
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RULE NUMBER AND TITLE		CLASSIFICATION	Page
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6.6	DISCHARGES TO LAND/WATER		
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RULE NUMBER AND TITLE		CLASSIFICATION	Page
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Rule 49	Discharges to land that may enter water	Permitted	172
Rule 50	Disturbance of bed of river/lake by livestock (amended by Plan Change 6)	Permitted	173
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6.7	WATER TAKES, USES & DIVERSIONS		
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6.8	USE OF RIVERS & LAKE BEDS		
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Rule 72	Erection & placement of other structures, including bridges, culverts & other access structures	Permitted	188
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RULE NUMBER AND TITLE		CLASSIFICATION	Page
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Rule TT2A	Use of production land that does not comply with Rule TT2	Non-Complying	191C
Rule TT3	The take and use of surface water and groundwater for spray tanks	Permitted	191D
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6.3 Land Use Activities

For information requirements refer to section 7.3

If any land use activity (such as earthworks, fencing or landscaping) may modify, damage or destroy any known archaeological site(s) an authority from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully.

6.3.1 BORE DRILLING & BORE SEALING

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>1</p> <p>Bore drilling</p> <p>Refer POL 17, 21, 27, 75</p>	The drilling, construction, and alteration of bores. ²²	Controlled	a. The bore shall be cased and sealed to prevent aquifer cross-connection, and leakage from the ground surface into ground water.	<p>a. Bore location, diameter, depth.</p> <p>b. Bore screen slot size, length, depth and diameter.</p> <p>c. Well head completion.</p> <p>d. Backflow prevention.</p> <p>e. Information requirements, including bore logs, hydraulic head levels and aquifer tests.</p> <p>f. Duration of consent.</p> <p>g. Lapsing of consent.</p> <p>h. Review of consent conditions.</p> <p>i. Compliance monitoring.</p>	Applications will generally be considered without notification, without the need to obtain the written approval of affected persons.
<p>2</p> <p>Bore drilling that does not comply with Rule 1</p> <p>Refer POL 17, 21, 27, 75</p>	The drilling, construction, or alteration of bores that does not comply with Rule 1.	Restricted discretionary		<p>a. Bore location diameter, depth.</p> <p>b. Bore screen slot size, length, depth and diameter.</p> <p>c. Bore head completion.</p> <p>d. Backflow prevention.</p> <p>e. Information requirements, including bore logs, hydraulic head levels and aquifer tests.</p> <p>f. Duration of consent.</p> <p>g. Lapsing of consent.</p> <p>h. Review of consent conditions.</p> <p>i. Compliance monitoring.</p>	

²² For the purposes of this Plan, a 'bore' is defined as any pipe, cylinder or hole inserted into the ground that either

- is created for the purpose of accessing underground water, oil or gas, or
- penetrates a confined aquifer, or
- in any way causes the release of water from a confined aquifer, or
- is created for the purpose of exploring water, oil or gas resources.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>3</p> <p>Unwanted or leaking bores</p> <p><i>Refer POL 21</i></p>	<p>The existence of any bore that is no longer wanted or is leaking water, oil or gas.</p>	<p>Non-complying</p>			
<p>4</p> <p>Decommissioning of bores</p> <p><i>Refer POL 75</i></p>	<p>The decommissioning or sealing of bores.</p>	<p>Permitted</p>	<p>a. Decommissioned bores shall be backfilled and sealed at the surface to prevent contamination of groundwater.</p> <p>b. Decommissioned holes and bores intersecting groundwater shall be sealed to prevent the vertical movement of groundwater, and to permanently confine the groundwater to the specific zone (or zones) in which it originally occurred.</p> <p>c. Backfill materials, where used between permanent seals, shall consist of clean sand, coarse stone, clay or drill cuttings. The material shall be non toxic.</p> <p>d. Decommissioning shall be undertaken by a suitably qualified person.</p> <p>e. The Council shall be advised of any bores that are decommissioned.</p>		

6.3.2 FEEDLOTS & FEEDPADS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>5</p> <p>Feedlots & feedpads²³</p> <p><i>Refer POL 71</i></p>	<p>The use of land for the purposes of operating a feedlot²⁴ or feedpad²⁵.</p>	<p>Permitted</p>	<p>a. The land used for the feedlot or feedpad shall be managed in a manner that prevents any seepage of contaminants into groundwater^{26,27}.</p> <p>b. The feedlot or feedpad shall be located no less than 20 m from any surface water body.</p> <p>c. The feedlot or feedpad shall be located no less than:</p> <ul style="list-style-type: none"> i. 150 metres from a residential building or any other building being part of a place of assembly on another site ii. 50 metres from a property boundary, and iii. 20 metres from a public road. <p>d. Runoff from the surrounding catchment area is prevented from entering the feedlot or feedpad.</p>		
<p>6</p> <p>Feedlots & feedpads that do not comply with Rule 5²⁸</p> <p><i>Refer POL 17, 20, 47, 48, 71</i></p>	<p>The use of land for the purposes of operating a feedlot or feedpad, in a manner which does not comply with Rule 5.</p>	<p>Restricted discretionary</p>		<p>a. The conditions which the activity cannot comply with, and the related environmental effects.</p> <p>b. Duration of consent.</p> <p>c. Lapsing of consent.</p> <p>d. Review of consent conditions.</p> <p>e. Compliance monitoring.</p>	

²³ Rule 5 only address the use of land for a feedlot or feedpad (and thus, the effects associated with having a high density of animals on one site). Any discharges of contaminants associated with the operation of a feedlot or feedpad, e.g. the use of stock feed and the management of animal effluent, are addressed under rules in sections 6.4 and 6.6 of this Plan. Any discharge of contaminants associated with the operation of a feedlot or feedpad, such as the disposal of animal wastes and the bedding material or the runoff of manure during heavy rainfall are addressed under Rules in Sections 6.4 and 6.6. Any discharge of contaminants to air are covered in Rule 21.

²⁴ For the purposes of this Plan, a 'feedlot' is defined as an area of land upon which animals are kept and fed, for more than 15 days in any 30 day period, where the stocking density or feedlot structure (e.g. a concrete pad) precludes the maintenance of pasture or ground cover.

²⁵ For the purposes of this Plan, a 'feedpad' is defined as an area of land to which animals are brought for supplementary feeding on a regular basis, where the stocking density or feedpad structure precludes the maintenance of pasture or ground cover.

²⁶ **Sealing** - The Council will accept, as one means of compliance with condition (a), the construction of a sealing layer with a permeability of no greater than 10⁻⁹ m/s (0.000000001 m/s).

²⁷ **Compliance** – At any time Council may request information from the operator of a feedlot or feedpad to confirm compliance with condition (a).

²⁸ Rule 6 only address the use of land for a feedlot or feedpad (and thus, the effects associated with having a high density of animals on one site). Any discharges of contaminants associated with the operation of a feedlot or feedpad, e.g. the use of stock feed and the management of animal effluent, are addressed under rules in sections 6.4 and 6.6 of this Plan. Any discharge of contaminants associated with the operation of a feedlot or feedpad, such as the disposal of animal wastes and the bedding material or the runoff of manure during heavy rainfall are addressed under Rules in Sections 6.4 and 6.6. Any discharge of contaminants to air are covered in Rule 21.

6.3.2 VEGETATION CLEARANCE AND SOIL DISTURBANCE ACTIVITIES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>7</p> <p>Vegetation clearance and soil disturbance²⁹</p> <p><i>Refer to POL 3, 67, 71</i></p>	Vegetation clearance ³⁰ or soil disturbance ³¹ activities.	Permitted	<p>a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body³².</p> <p>b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing.</p> <p>c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to:</p> <p>i. the clearance of plantation forestry established prior to the date of this Plan becoming operative, or</p> <p>ii. the areas identified in Schedule X to this Plan.</p> <p>d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m².</p> <p>e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be:</p> <p>i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or</p> <p>ii. retained in a manner which inhibits soil loss.</p>		

³⁰ "Vegetation clearance" means the cutting, burning, clearing or destruction (including destruction by spraying) of trees, shrubs, or plants.

³¹ "Soil disturbance" means the disturbance of soil by any means including blading, contouring, ripping, discing, root raking, moving, ploughing, removing, cutting and blasting.

Vegetation clearance and soil disturbance exclude:

- The normal maintenance of legally established structures, roads, tracks, railway lines and river beds.
- The clearance of grasses, forest thinning, and agricultural and horticultural crops.
- The clearance of isolated or scattered regrowth on productive pasture.
- The clearance of any indigenous vegetation understorey beneath plantation forests.
- The clearance of noxious weeds covered by the Regional Plant Pest Management Strategy prepared under the Biosecurity Act, 1993.
- Non-motorised soil disturbance activities.
- Thrusting, boring, trenching or mole ploughing associated with cable or pipe laying or a network utility operation.
- Soil disturbance undertaken by a mine or quarry operation which either had a valid mining licence at the date the Proposed Regional Resource Management Plan was publicly notified (15 April 2000) or is lawfully established.
- Cultivation and grazing.
- Foundations works for structures.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>8</p> <p>Vegetation clearance and soil disturbance³³</p> <p><i>Refer to POL 3, 67, 71</i></p>	Vegetation clearance or soil disturbance activities which do not meet the conditions in Rule 7.	Restricted discretionary		<p>a. The conditions, standards or terms which the activity cannot comply with, and the related environmental effects.</p> <p>b. Monitoring and reporting requirements.</p> <p>c. Duration of consent.</p> <p>d. Review of consent conditions.</p>	Applications may be considered without notification, without the need to obtain the written approval of affected persons.

- Construction and maintenance of fences and drains.

³¹ "Soil disturbance" means the disturbance of soil by any means including blading, contouring, ripping, discing, root raking, moving, ploughing, removing, cutting and blasting.

Vegetation clearance and soil disturbance exclude:

- The normal maintenance of legally established structures, roads, tracks, railway lines and river beds.
- The clearance of grasses, forest thinning, and agricultural and horticultural crops.
- The clearance of isolated or scattered regrowth on productive pasture.
- The clearance of any indigenous vegetation understorey beneath plantation forests.
- The clearance of noxious weeds covered by the Regional Plant Pest Management Strategy prepared under the Biosecurity Act, 1993.
- Non-motorised soil disturbance activities.
- Thrusting, boring, trenching or mole ploughing associated with cable or pipe laying or a network utility operation.
- Soil disturbance undertaken by a mine or quarry operation which either had a valid mining licence at the date the Proposed Regional Resource Management Plan was publicly notified (15 April 2000) or is lawfully established.
- Cultivation and grazing.
- Foundations works for structures.
- Construction and maintenance of fences and drains.

³² **Explanation of Rule 7 (a):** In considering whether condition (a) in Rule 7 has been met, Council shall have regard to recognised Industry Codes of Practice, Best Practice Guidelines and Environmental Management Plans relevant to and adopted in carrying out the activity.

NOTE: 10 kg/m² of dry soil is equivalent to 5 mm depth assuming a specific gravity of 2 kg/litre.

³³ Rule 8 does not apply to the trimming, felling, or removing of any tree or vegetation or earthworks, in relation to an existing high voltage electricity transmission lines. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

6.4 DISCHARGES TO AIR/LAND/WATER – AGRICHEMICALS & AGRICULTURAL DISCHARGES

6.4.1 AGRICHEMICALS - DISCHARGES TO AIR/LAND/WATER

For information requirements refer to sections 7.4, 7.5, 7.6

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>9</p> <p>Small scale application of agri-chemicals</p> <p><i>Refer POL 10</i></p>	<p>The discharge of contaminants into air or onto land arising from the use or disposal of:</p> <ul style="list-style-type: none"> any agrichemicals for domestic purposes³⁴ any licensed animal remedies, or any agrichemicals using a hand-held appliance³⁵ <p>excluding the use of any agrichemicals approved for aquatic use.</p>	<p>Permitted³⁶</p>	<p>a. The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions.</p> <p>b. There shall be no discharge or drift of any agrichemical beyond the boundary of the subject property.</p> <p>c. The discharge shall not result in any agrichemical entering a water body.</p> <p>d. Where the agrichemical is used for non-domestic purposes, the discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004)³⁷.</p>		

³⁴ For the purpose of this rule - “domestic purposes” means the use of agrichemicals by a person, group or organisation in a private capacity, who do not use agrichemicals in the course of their business activities.

³⁵ For the purposes of this Plan, a “hand-held appliance” refers to a knapsack sprayer, a non-motorised handgun sprayer, or a sprayer with a rate and volume of application no greater than these devices.

³⁶ If Rule 9 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30 or a discretionary activity under Rule 52, whichever is relevant.

³⁷ Section 2 of the Code deals with the management of agrichemicals (including risk management, user responsibility and identification of most suitable agrichemicals), Section 5 deals with the use of agrichemicals (including handling, mixing, an drift hazard) and Section 6 deals with the disposal of agrichemicals and their containers.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p style="text-align: center;">10</p> <p style="text-align: center;">Widespread application of agrichemicals</p> <p style="text-align: center;"><i>Refer POL 8, 10, 17, 47</i></p>	<p>The discharge of contaminants into air or onto land, or into water, arising from the use or disposal of any agrichemical³⁸, except as provided for by Rule 9.</p>	<p>Permitted³⁹</p>	<p>a. The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions.</p> <p>b. The discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004).</p> <p>c. For the ground based application of agrichemicals the following qualifications shall be held at all times:</p> <ul style="list-style-type: none"> i. Every commercial user shall hold a qualification that meets the requirements of Schedule XI for commercial user or be under direct supervision of a person holding the qualification. ii. Every contractor shall be a GROWSAFE® Registered Chemical Applicator. iii. Every employee of a contractor shall hold or be under training for a valid qualification that meets the requirements of Schedule XI for contractor employees. <p>d. Every pilot undertaking the aerial application of agrichemicals shall hold a GROWSAFE® Pilot Agrichemical Rating Certificate.</p> <p>e. The discharge shall not result in any agrichemical being deposited on any roof or other structure used as a catchment for water supply other than in compliance with condition (f).</p> <p>f. Where the discharge is onto land or onto water for the purpose of eradicating, modifying or controlling unwanted aquatic plants:</p> <ul style="list-style-type: none"> i. Only agrichemicals approved for aquatic use by the Environmental Risk Management Authority may be used. ii. The applications shall not exceed the quantity and concentration required for that purpose. iii. The discharge shall not include disposal to water of any agrichemical. iv. The discharger shall notify: <ul style="list-style-type: none"> ▪ every person taking water for domestic supply within 1 km downstream of the proposed discharge, and 		

³⁸ Rule 10 does not cover the disposal of agrichemical containers.

³⁹ If Rule 10 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<ul style="list-style-type: none"> ▪ every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge at least 1 week before commencing the discharge. g. For aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals within 20 m of: <ul style="list-style-type: none"> i. any continually flowing river which has a bed width of 3 m or more, and ii. any lake or wetland⁴⁰. h. Aerial and ground based discharges shall be notified by the property owner, manager or contractor in accordance with the following requirements⁴¹: <ul style="list-style-type: none"> i. Where the application is on private land, occurs on any land within 50 m of an adjacent property twice in any 12 month period, and occurs in circumstances where spray drift beyond the property boundary cannot be avoided, a property spray plan shall be prepared at the beginning of each year, or spray season, in accordance with Appendix M4 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). The plan shall be given upon request to the owner or occupier of any adjacent property, or to a Council officer. ii. Where the application is on private land, signs shall be used to clearly indicate the use of any agrichemicals: <ul style="list-style-type: none"> • within 10m of public land where there is a shelter belt giving effective protection between the application and the public land, or • within 30m of public land where there is no shelter belt giving effective protection between the application and the public land. 		

⁴⁰ For the purposes of this Plan, the term 'wetland' does NOT include:

- wet pasture
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands created for beautification purposes.

⁴¹ For the avoidance of doubt, the notification requirements set out in condition h(i) **do not** apply to discharges of agrichemicals where there is never any spray drift beyond the property boundary.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			iii. Where the application is on public land notification shall be given in newspapers or by door-to-door advice to land occupiers adjacent to the intended application at the beginning of the spray season, not more than six months prior to application and in any case not less than one month prior to application; and signs shall be used to clearly indicate the agrichemical use. iv. Where the application may affect bee keeping, prior notification shall be given to the affected parties.		

ADVISORY NOTES:

- Vertebrate toxic agents** are covered under the Hazardous Substances and New Organisms Act 1996 and under the Agricultural Compounds and Veterinary Medicines Act 1997.
- Agrichemical spray drift hazard** – Table Y1 from the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004) includes the following guidance chart for assessing agrichemical spray drift hazard. Dischargers should note that adequate notification of those who may be at risk enables them to take precautionary action which can reduce the potential effects of spray drift.

FACTOR	POTENTIAL DRIFT HAZARD SCALE	
	HIGH	LOW
Wind speed	Zero/very low (<1 m/s) or >6 m/s	Steady (1-3 m/s)
Wind direction	Unpredictable	Predictable, and away from sensitive areas
Humidity	Low (delta T>8°C)	High (delta T<4°C)
Atmospheric stability	Inversion layer present	No inversion layer
Maximum height of release	>1.5 m above the target	<0.5 m above the target
Particle (droplet) size	<50 microns diameter	>250 microns diameter
Volatility	High (vapour pressure >10 mPa)	Low (vapour pressure <0.1 mPa)
Sensitive area	Close (<100 m away)	None, or more than 1 km distant
Buffer zone	None	Yes (>100 m)
Shelter belts	No shelter	Live shelter, >3 m high and 1 m thick
Toxicity	Scheduled agrichemicals	Unscheduled agrichemicals

6.4.2 AGRICULTURAL ACTIVITIES & OTHER ACTIVITIES ON PRODUCTION LAND - DISCHARGES TO AIR/LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
11 Fertiliser use <i>Refer POL 69</i>	The discharge of contaminants into air, or into or onto land, arising from the storage, transfer or use of fertiliser ⁴² .	Permitted ⁴³	a. The discharge shall not cause any effects which are noxious, offensive or objectionable. Note: The HBRC will accept, as one means of compliance with condition (a), any discharge of fertiliser undertaken in accordance with the Code of Practice for Fertiliser Use (New Zealand Fertiliser Manufacturers' Research Association, 1998).		
12 Stock feed <i>Refer POL 12, 69, 71, 75</i>	The discharge of contaminants into air, or onto or into land arising from the storage, transfer, treatment, mixing or use of stock feed ⁴⁴ on production land, including silage.	Permitted ⁴⁵	a. Any area in the Heretaunga Plains unconfined aquifer (Schedule Va) or the Ruataniwha Plains unconfined aquifer (Schedule IV) which is used for storing stock feed, including silage, and when there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents such contamination. b. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property. c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner. d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property. e. There shall be no discharge within 20 m of any surface water body. f. There shall be no surface ponding in any area used to store stock feed or feed stock, and no runoff of contaminants into any surface water body. g. There shall be no discharge within 30 m of any bore or well.		

⁴² For the purposes of this Plan, "fertiliser" is defined as any substance used in sustaining or increasing the growth, productivity, or quality of plants by its application to those plants or the soil in which they grow or will grow. Rule 11 does not encompass the use of biosolids, soil conditioners, or animal effluent (See Glossary for further details).

⁴³ If Rule 11 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

⁴⁴ For the purposes of this Plan, "stock feed" means organic material that can be consumed by farmed animals.

⁴⁵ If Rule 12 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>13</p> <p>Use of compost, biosolids & other soil conditioners⁴⁶</p> <p><i>Refer PQL 12, 69, 71, 75</i></p>	<p>The discharge of contaminants into air, or onto or into land, arising from the storage, transfer, treatment, mixing or use of compost, biosolids and other (solid or liquid) organic material for soil conditioning purposes⁴⁷ including:</p> <ul style="list-style-type: none"> • paunch grass • apex meal • stockyard scrapings • grape marc • compost (except as regulated by Rule 28⁴⁸) and • poultry manure (except as regulated by Rule 11 or 14). 	<p>Permitted⁴⁹</p>	<p>a. Any area in the Heretaunga Plains unconfined aquifer (Schedule Va) or the Ruataniwha Plains unconfined aquifer (Schedule IV) which is used for storing organic material and when there is a potential for contamination of ground water by seepage of contaminants, shall be managed in a manner that prevents such contamination.</p> <p>b. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property.</p> <p>c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>e. There shall be no surface ponding in the area used to store, mix or use the organic material, and no runoff of contaminants into any surface water body.</p> <p>f. There shall be no discharge within 30 m of any bore or well.</p> <p>g. The discharge shall occur no less than 600 mm above the winter ground water table.</p> <p>h. Where material is discharged onto grazed pasture, the application rate shall not exceed 150 kg/ha/y of nitrogen.</p> <p>i. Where material is discharged onto land used for a crop, the application rate shall not exceed the rate of nitrogen uptake by the crop.</p>		

⁴⁶ If Council receives complaints about an activity operating under this rule, the Council may request a management plan which sets out how the conditions are being met.

⁴⁷ For the purpose of this rule “soil conditioning purposes” means the application of organic material to improve the structure and quality of the soil

⁴⁸ The composting of more than 100 m³ of compost and raw material per premises is regulated by Rule 28.

⁴⁹ If Rule 13 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>14</p> <p>Animal effluent</p> <p><i>Refer POL 8, 12, 14, 17, 19, 47</i></p>	<p>The discharge of contaminants into air, or onto or into production land, arising from the management of liquid animal effluent⁵⁰, including dairy shed effluent, piggery effluent, and poultry farm effluent⁵¹, including associated sludges (except as provided for by Rules 13 & 15).</p>	<p>Controlled⁵²</p>	<p>a. Any area used for storing animal effluent, where there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents any such contamination.</p> <p>b. Either:</p> <p>i. there shall not be offensive or objectionable odour, or noxious or dangerous levels of gases or other airborne liquid contaminants, beyond the boundary of the subject property, or</p> <p>ii. for discharges of effluent from piggeries, every point of discharge shall be sited so as to meet the requirements of the "Code of Practice - Pig Farming" (New Zealand Pork Industry Board, 1997), in respect of buffer zone distances.</p> <p>c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>d. There shall be no runoff of any contaminant into any surface water body.</p> <p>e. There shall be no discharge within 30 m of any bore or well.</p> <p>f. Where effluent is discharged onto grazed pasture, the nitrogen loading rate from the effluent application shall not exceed 150 kg/ha/y of nitrogen.</p> <p>g. Where effluent is discharged onto land covered by a crop, or to be used for cropping purposes, the application rate shall not exceed the rate of nitrogen uptake by the crop.</p>	<p>a. Amount of effluent per discharge.</p> <p>b. Frequency of discharge.</p> <p>c. Maintenance of vegetative cover.</p> <p>d. Buffer zone requirements.</p> <p>e. Measures to avoid a breach of the environmental guidelines for surface and groundwater quality set out in section 5.4 and 5.6.</p> <p>f. Management of cumulative adverse effects.</p> <p>g. For discharges of effluent from piggeries, use of the best practicable option for minimising discharges of odour beyond the boundary of the subject property.</p> <p>h. Duration of consent.</p> <p>i. Review of consent conditions.</p> <p>j. Compliance monitoring.</p>	<p>Applications may be considered without notification, without the need to obtain the written approval of affected persons, except that written approval of affected neighbours may be required for new consents, but upon renewal the approval of affected neighbours will not be required.</p>

50 For the purposes of this rule, "animal effluent" refers to animal excreta (excluding human waste) that is collected and managed by people, including associated process water and contaminants including associated process water, contaminants and sludges.

51 Rule 14 covers the discharge of poultry effluent from poultry farms on land associated with the poultry farm, where the discharge is for the purpose of disposal.

52 If Rule 14 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>15 Discharge of animal effluent in sensitive catchments <i>Refer POL 8, 17, 19, 20, 47</i></p>	<p>The discharge of contaminants into air, or onto or into production land, arising from the management of liquid animal effluent⁵³, including dairy shed effluent, piggery effluent, and poultry farm effluent in the following catchments as shown in Schedule VIb:</p> <ul style="list-style-type: none"> • Headwaters of Mohaka River • Headwaters of the Ngaruroro River • Maungawhio • Lake Hatuma • Lake Tutira • Heretaunga Plains unconfined aquifer • Ruataniwha Plains unconfined aquifer • Lake Whakaki • Headwaters of the Tutaekuri River • Headwater of the Tukituki River. 	<p>Discretionary</p>			

53 For the purposes of this rule, “**animal effluent**” refers to animal excreta (excluding human waste) that is collected and managed by people, including associated process water and contaminants including associated process water, contaminants and sludges.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>16</p> <p>Management of solid waste on production land</p> <p><i>Refer POL 16</i></p>	<p>The discharge of contaminants into air, or onto or into production land, arising from the storage, transfer, treatment or disposal of solid waste, including:</p> <ul style="list-style-type: none"> the use of farm tips offal holes. 	<p>Permitted⁵⁴</p>	<p>a. The waste shall have been generated on the subject property, or on another property under the same ownership as that used for disposal.</p> <p>b. There shall be no disposal of waste oil or other hazardous substances.</p> <p>c. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property.</p> <p>d. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>e. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>f. There shall be no discharge within 20 m of any surface water body, or over the Heretaunga Plains or Ruataniwha Plains unconfined aquifers as shown in Schedule IV.</p> <p>g. There shall be no ponding in the area used for waste management, and no runoff of contaminants into any surface water body.</p> <p>h. There shall be no discharge within 30 m of any bore or well.</p> <p>i. The discharge shall not cause any contamination of groundwater.</p> <p>j. Any waste disposal shall be no less than 600 mm above the winter groundwater table.</p> <p>k. Any offal holes used shall be securely covered, and shall be constructed in soil with an infiltration rate not exceeding 150 mm/hour⁵⁵.</p>		

ADVISORY NOTES:

1. **Combustion of waste** – The combustion of waste is addressed by Rules in Section 6.5.2 of this Plan.

⁵⁴ If Rule 16 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

⁵⁵ **Soil infiltration rate** – For the purposes of condition (k), the soil type should not comprise gravels, coarse/medium sands, scoria, fissured rock, or other such materials likely to permit free travel of excreta residues away from the offal hole.

6.5 DISCHARGES TO AIR

For information requirements refer to section 7.4

6.5.1 COMBUSTION OF FUEL - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>17</p> <p>Combustion of specified fuels</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of any contaminant into air from any industrial or trade premises or any other source⁵⁶, excluding any moveable source⁵⁷ and any dwellinghouse, arising from the combustion of:</p> <ul style="list-style-type: none"> natural or liquefied petroleum gas; and/or coal, diesel, kerosene, light fuel oil, heavy fuel oil, wood pellet fuel or untreated wood. 	<p>Permitted⁵⁸</p>	<p>a. The maximum heat output shall not exceed:</p> <ol style="list-style-type: none"> 5 MW for natural or liquefied petroleum gas, or 100 kW for coal, light fuel oil, heavy fuel oil, or untreated wood, or 200 kW for wood pellet fuel 2 MW for diesel or kerosene (external combustion) 100 kW for diesel or kerosene (internal combustion) Where more than one fuel type is used on the site the combined heat output shall not exceed the lowest MW threshold of the fuel types used. <p>b. The fuel shall be burned using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.</p> <p>c. At any point beyond the boundary of the subject property or on public land:</p> <ol style="list-style-type: none"> the discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within 5 metres of ground level; The discharge shall not result in any objectionable deposition of particulate matter on land or structure; The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases. <p>d. The fuel shall not comprise any of the waste materials specified in the activity description of Rule 20.</p> <p>e. For external combustion sources the stack shall comply with the requirements of Schedule IX.⁵⁹</p>		

56 Includes the discharge of contaminants into air from any small scale solid fuel burner and open fire on industrial or trade, or commercial premises where the small scale solid fuel burner or open fire is used exclusively for the smoking or cooking of food for wholesale or retail sale.

57 Discharges of contaminants into air arising from the combustion of fuels in moveable sources (including motor vehicles and aircraft but excluding moveable asphalt plants and road burners which are regulated under Section 6.5.4), are not regulated by this Plan and therefore do not require resource consents.

58 If Rule 17 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

59 Schedule IX sets out estimated emission rates of contaminants from the activities provided for by Rule 17.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>18</p> <p>Combustion of specified fuels</p> <p><i>Refer POL 8, 69,69a</i></p>	<p>Except as provided for by Rule 17, the discharge of any contaminant into air from any industrial or trade premises or any other source, excluding any moveable source and any dwellinghouse, arising from the combustion of:</p> <ul style="list-style-type: none"> • natural or liquefied petroleum gas, and/or • diesel or wood pellet fuel. 	Controlled⁶⁰	<p>a. The maximum heat output shall not exceed:</p> <ol style="list-style-type: none"> i. 50 MW for natural or liquefied petroleum gas, or ii. 600 kW for wood pellet fuel in a modified pellet boiler iii. 1.2 MW for wood pellet fuel in a custom designed pellet boiler iv. 5 MW for diesel (external combustion). v. Where more than one fuel type is used on the site the combined heat output shall not exceed the lowest MW threshold of the fuel types used. <p>b. The fuel shall not comprise any of the waste materials specified in the activity description of Rule 20.</p> <p>c. At any point beyond the boundary of the subject property, or on public land:</p> <ol style="list-style-type: none"> i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure; ii. The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases; iii. The discharge shall not result in any smoke that adversely affects traffic safety or reduces visibility within a height of 5 metres above ground level. 	<p>a. Methods used to disperse contaminants, including chimney height, chimney design and emission velocity and direction of exhaust gases. Chimney height will be determined generally in accordance with Schedule IX.</p> <p>b. Duration of consent.</p> <p>c. Lapsing of consent.</p> <p>d. Review of consent conditions.</p> <p>e. Compliance monitoring.</p> <p>f. Contaminant emission rate.⁶¹</p> <p>g. Any measures necessary to: ensure maintenance of fuel burning equipment, the carrying out of measurements, samples, analysis, surveys, investigations or inspections, including the monitoring of: contaminant concentrations and emission rates, the opacity of the discharge, quantity of fuel used, the cumulative effects of the discharge in combination with discharges from other sources, the provision of information to the consent authority at specified times.</p> <p>h. Administrative charges.</p> <p>i. Effects on flight paths and the roading network.</p> <p>j. New technologies available to minimise any discharges or their effects.</p>	<p>Applications will generally be considered without notification, without the need to obtain the written approval of affected persons.</p>
18a	[NOTE: Rule 18A has been withdrawn. Withdrawal effective from 1 July 2011]				

⁶⁰ If Rule 18 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

⁶¹ Schedule IX sets out estimated emission rates of contaminants from the activities provided for by Rule 18.

6.5.1A SMALL SCALE SOLID FUEL BURNERS - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>18b</p> <p>Discharge to air from open fires</p> <p>Napier & Hastings Airsheds</p> <p><i>Refer POL 69, 69a</i></p>	<p>Except as provided for by Rule 18f, the discharge of contaminants into air from a building located within the Hastings or Napier Airsheds resulting from the burning of any solid fuel in any open fire from 1 January 2012, unless:</p> <ul style="list-style-type: none"> the open fire was installed before 10 December 2008, and is located on a property over 2 hectares in size or is located in Airzone 2 of the Hastings or Napier Airsheds. 	Prohibited			
<p>18c</p> <p>Discharge to air from any small scale solid fuel burner - Hastings Airshed</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from a small scale solid fuel burner in a building located within the Hastings Airshed.</p>	Permitted⁶²	<p>a. Any solid fuel burner located on a property less than 2 hectares in size in Airzone 1 of the Hastings Airshed must comply with the requirements in Part A Schedule XII, except where the solid fuel burner:</p> <ul style="list-style-type: none"> was installed before the operative date of this Rule, and meets the requirements of Part B Schedule XII or Part C Schedule XII, or complies with the definition of 'wood fired cooker' in this Plan. <p>b. Any solid fuel burner located in Airzone 2 of the Hastings Airshed or in Airzone 1 of the Hastings Airshed on a property over 2 hectares in size must comply with the requirements in Part B Schedule XII, except where the solid fuel burner was installed before the operative date of this Rule.</p> <p>c. At any point beyond the boundary of the subject property, or on public land:</p> <ol style="list-style-type: none"> The discharge shall not result in any objectionable deposition of particulate matter on any land or structure; The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases. 		

62 If Conditions (b), (c) or (d) of Rule 18c cannot be complied with, then the activity is a restricted discretionary activity under Rule 30. If Condition (a) of Rules 18c cannot be complied with then the activity is prohibited under Rule 18g.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			d. Contaminants discharged may only be derived from the combustion of fuel approved by the manufacturer for use in the solid fuel burner.		
18d Discharge to air from any small scale solid fuel burner - Napier Airshed <i>Refer POL 69, 69a</i>	The discharge of contaminants into air from a small scale solid fuel burner in a building located within the Napier Airshed.	Permitted⁶³	<p>a. Any solid fuel burner located on a property less than 2 hectares in size in Airzone 1 of the Napier Airshed must comply with the requirements in Part B Schedule XII or Part C Schedule XII, except where the solid fuel burner was installed before the operative date of this rule and complies with the definition of 'wood fired cooker' in this plan.</p> <p>b. Any solid fuel burner located in Airzone 2 of the Napier Airshed or in Airzone 1 of the Napier Airshed on a property over 2 hectares in size must comply with the requirements in Part B Schedule XII, except where the solid fuel burner was installed before the operative date of this Rule.</p> <p>c. At any point beyond the boundary of the subject property, or on public land:</p> <p>i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure;</p> <p>ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.</p> <p>d. Contaminants discharged may only be derived from the combustion of fuel approved by the manufacturer for use in the solid fuel burner.</p>		
18e	Number not used				

63 If Conditions (b), (c) or (d) Rule 18d cannot be complied with, then the activity is a restricted discretionary activity under Rule 30. If Condition (a) of Rule 18d cannot be complied with then the activity is prohibited under Rule 18g.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>18f</p> <p>Discharge to air from any small scale solid fuel burner or open fire in a registered historic building</p> <p>Napier & Hastings Airsheds</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from any existing small scale solid fuel burner or open fire that is located within a registered historic building located in the Napier or Hastings Airsheds.</p>	<p>Permitted</p>	<p>a. The small scale solid fuel burner or open fire must be located within a registered historic building.⁶⁴</p> <p>b. Any wood burner installed after 1 September 2005, or any small scale solid fuel burner installed after 10 December 2008, in a building on a property with an allotment size of less than 2 hectares, must comply with the requirements in Schedule XII.</p> <p>c. At any point beyond the boundary of the subject property, or on public land:</p> <p>i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure;</p> <p>ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.</p>		
<p>18g</p> <p>Discharge to air from any small scale solid fuel burner</p> <p>Napier & Hastings Airsheds</p> <p><i>Refer POL 69, 69a</i></p>	<p>Except as provided for by Rules 18c, 18d and 18f the discharge of contaminants into air from any small scale solid fuel burner in a building located in Airzone 1 of the Napier or Hastings Airsheds is prohibited from the following dates:</p> <ul style="list-style-type: none"> • small scale solid fuel burners installed prior to 31 December 1995 are prohibited from use after 1 January 2014; • small scale solid fuel burners installed between 1 January 1996 and 31 August 2005 are prohibited from use after 1 January 2016. • small scale solid fuel burners installed after 1 September 2005 that do not comply with the requirements in Schedule XII are prohibited from use after 1 January 2018 in Airzone 1 of the Hastings Airshed, and after 1 January 2020 in Airzone 1 of the Napier Airshed. 	<p>Prohibited</p>			

⁶⁴ For the purposes of Rule 18f 'registered historic buildings' are buildings that are individually registered on the Historic Places Register and/or in the District Plan.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>18h Discharge to air from any small scale solid fuel burner or open fire at property ownership transfer⁶⁵ – Napier & Hastings Airsheds <i>Refer POL 69, 69a</i></p>	<p>Except as provided for by Rules 18c, 18d and 18f, the discharge of contaminants into air from any existing small scale solid fuel burner or open fire, located within Airzone 1 of the Napier or Hastings Airsheds that:</p> <ul style="list-style-type: none"> • is occurring at any time after the date from which there is a registered transfer of ownership of the property, following this rule becoming operative. 	<p>Prohibited⁶⁶</p>			

⁶⁵ Rule 18h does not apply to a transfer in title in consequence of death of an owner when the title is transferred to the surviving partner, or where the surviving partner continues to occupy the dwelling.

⁶⁶ For the purposes of Rule 18h, the Hawke's Bay Regional Council may require evidence that the small scale solid fuel burner complies with the standards specified in Rules 18c and 18d. Approved models are listed on the website for the Ministry for the Environment (www.mfe.govt.nz).

6.5.2 BURNING OF WASTE - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>19</p> <p>Burning of waste</p> <p><i>Refer POL 69, 69a</i></p>	<p>Except as provided for in Rule 20a, the discharge of contaminants into air arising from the burning of waste.⁶⁷</p>	<p>Permitted⁶⁸</p>	<p>a. The waste shall have been generated on the same property, or on another property under the same ownership, as that used for combustion, except for:</p> <ul style="list-style-type: none"> i. Waste originating from ships, or road or rail reserves, or park reserves ii. Waste originating from river control works iii. Waste to be burned for fire training purposes. <p>b. Except for burning undertaken in accordance with (c) below, any material burnt on, or originating from, industrial or trade premises shall be burned using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.</p> <p>c. The material to be burned shall not contain any animal waste (except animal waste generated on production land), tyres or other rubber, waste oil, any waste products containing hydrocarbons, wood treated with chemicals, painted wood, chip board, plastic, asbestos, medical waste, chemical waste, or any combination of metals and combustible materials or any of the other waste materials specified in the activity description of Rule 20, except where the burning is for the purpose of training fire fighting personnel.</p> <p>d. At any point beyond the boundary of the subject property, or on public land:</p> <ul style="list-style-type: none"> i. The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within a height of 5 metres above ground level, or reduces visibility within recognised flight paths in the vicinity of airports; ii. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure; 		

⁶⁷ Where discharges of contaminants occur as a result of local authorities carrying out their functions by burning waste on public land the above Conditions (a) to (e) apply.

⁶⁸ If Rule 19 cannot be complied with (and the activity is not prohibited by Rule 20), then the activity is a restricted discretionary activity under Rule 30.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>iii The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.</p> <p>e. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.</p>		
<p>19a Burning of vegetative matter, paper, cardboard and untreated wood Refer POL 69, 69a</p>	<p>Except as provided for by Rule 19e and Rule 20a, the discharge of contaminants into air arising from the burning in the open of vegetative matter, paper, cardboard and untreated wood.</p>	<p>Permitted⁶⁹</p>	<p>a. Burning shall only consist of vegetative matter, paper, cardboard and untreated wood generated on the same property, or a property under the same ownership.</p> <p>b. If the property is located within the Hastings or Napier Airsheds the discharge shall not occur during the months of May, June, July or August.⁷⁰</p> <p>c. At any point beyond the boundary of the subject property, or on public land:</p> <p>i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure;</p> <p>ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.</p> <p>d. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.</p>		
<p>19b Outdoor burning for specified purposes Refer POL 69, 69a</p>	<p>The discharge of contaminants into air from outdoor burning of materials for any of the following purposes:</p> <ul style="list-style-type: none"> • fire fighting research or fire fighting training purposes • creating special smoke and fire effects for the purposes of producing films 	<p>Permitted</p>	<p>a. At any point beyond the boundary of the subject property, or on public land:</p> <p>i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure;</p> <p>ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.</p> <p>b. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.</p>		

69 For the avoidance of doubt, the burning of prunings, tree branches, roots, leaves, grass cuttings, seed pods, stalks, stubble (stems) and wood on horticultural or production land is covered by Rule 19a.

70 If Condition b of Rule 19a cannot be complied with, then the activity is non-complying under Rule 19c.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
	<ul style="list-style-type: none"> fireworks display or other temporary event involving the use of fireworks. 		<p>c. Any discharge for the purposes of research or training people to put out fires must take place under the control of the New Zealand Fire Service or other nationally recognised body authorised to undertake fire fighting research or fire fighting activities.</p> <p>d. Any discharge for the purposes of fire fighting research or training purposes, or for the creation of special smoke or fire effects for producing films:</p> <p>(i) Must not occur during the months of May, June, July or August⁷¹ If the property is located within the Hastings or Napier Airsheds; and</p> <p>(ii) Must be notified to the Council at least 2 working days prior to the activity commencing.</p>		
<p>19c</p> <p>Outdoor burning during certain times of the year</p> <p><i>Refer POL 69, 69a</i></p>	<p>Except as provided for in Rules 19, 19d, 19e, 20 and 20a the discharge of contaminants into air in the Hastings and Napier Airsheds from outdoor burning during the months of May, June, July or August.⁷²</p>	<p>Non complying</p>			
<p>19d</p> <p>Discharge to air from frost protection heaters</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from the burning of fuel in any frost protection heater.⁷³</p>	<p>Permitted</p>	<p>a. The discharge shall only take place to prevent frost damage to horticultural production crops.</p> <p>b. The burning of oil⁷⁴ shall only take place in fuel burning equipment that operates with a stack or chimney.</p> <p>c. The fuel shall not comprise any of the specific fuels or waste specified in Rule 20.</p>		

71 If Condition d(i) of Rule 19b cannot be complied with, then the activity is non-complying under Rule 19c.

72 Rule 19c does not override Regulation 10 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 which prohibits burning of oil in the open.

73 Rule 19d does not override Regulation 10 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 which prohibits burning of oil in the open.

74 For the purposes of Condition (b) of Rule 19d oil is defined as: petroleum in any form other than gas, including crude oil, and refined oil products (e.g. diesel fuel, kerosene, motor gasoline), but excludes waste oil which is prohibited from being burnt in the open under Rule 20.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>19e</p> <p>Outdoor burning on horticultural production land during certain times of the year</p> <p>Napier & Hastings Airsheds</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from outdoor burning of vegetative matter on horticultural production land located within the Napier and Hastings Airsheds during the months of May, June, July or August.</p>	<p>Permitted</p>	<p>(a) Burning shall only be undertaken to dispose of vegetative material that has been generated on the property⁷⁵ containing the horticultural production land.</p> <p>(b) Burning shall only be undertaken to dispose of diseased vegetative material, or to dispose of remaining vegetative material from orchard/vineyard redevelopment⁷⁶ where there is no other reasonable or practicable onsite alternative disposal technique (e.g. mulching).</p> <p>(c) The discharge shall not occur when the wind or forecast wind is likely to cause smoke to move towards the urban area (Airzone 1) of the Napier or Hastings Airsheds.</p> <p>(d) The discharge shall not occur if the wind speed measured at 1 metre above the ground is less than 3 metres per second.</p> <p>(e) The burn shall only take place between the months of May – August (inclusive)⁷⁷.</p> <p>(f) At any point beyond the boundary of the subject property or on public land:</p> <p>(i) The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within 5 metres of ground level;</p> <p>ii The discharge shall not result in any objectionable deposition of particulate matter on land or structure;</p> <p>iii The discharge shall not result in any offensive or objectionable smoke or odour.</p> <p>(g) The burn shall be supervised at all times.</p> <p>(h) At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.</p>		

75 For the purposes of Rule 19e 'property' shall include any land under the same ownership or lease.

76 For the purposes of Rule 19e 'orchard/vineyard redevelopment' means the replacement of commercial food production trees with other commercial food production trees, or where shelterbelts need to be removed for redevelopment purposes.

77 If the Activity is taking place outside of the months of May – August (inclusive) then it is permitted under Rule 19a subject to conditions, standards and terms being met.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>20</p> <p>Burning of specified waste in the open & in small scale fuel burning appliances</p> <p>Refer POL 69, 69a</p>	<p>Except as provided for in Rules 19 and 20a the discharge of contaminants into air arising from the burning in the open, and/or in a small scale fuel burner of:</p> <ul style="list-style-type: none"> • any combination of metals and combustible materials, including coated or covered cables, or • animal waste (excluding animal waste generated on production land), tyres and other rubber, waste oil, wood treated with chemicals (except wood pellets which comply with the definition of 'wood pellets' in this Plan), oiled, painted or stained wood, chip board, asbestos, medical waste, pacemakers, biomechanical devices, or chemical waste, or • synthetic material, including but not limited to, motor vehicle parts, foams, fibreglass, batteries, surface coating materials, tar, or any type of plastic, or • peat. 	<p>Prohibited</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for control/discretion	Non-notification
<p>20a</p> <p>Burning of waste for purposes of disease control or quarantine control</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air arising from the burning of waste for the purposes of disease control or quarantine control⁷⁸ in accordance with Section 7A and Part VII of the Biosecurity Act 1993, or where the Hawke's Bay Regional Council has declared a Biosecurity risk.</p>	<p>Permitted</p>	<p>a. At any point beyond the boundary of the subject property, or on public land:</p> <p>i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure;</p> <p>ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases;</p> <p>iii. The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within a height of 5 metres above ground level, or reduces visibility within recognised flight paths in the vicinity of airports.</p> <p>b. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.</p>		

ADVISORY NOTE:

- 1. Territorial authority bylaws** – It is important to note that Rules in Section 6.5.2 do not replace territorial local authority bylaws controlling burning. Persons burning any waste or other materials should ensure that they comply with any relevant bylaws, including prohibited or restricted fire seasons.

⁷⁸ **Disease control and quarantine control** – The Ministry of Agriculture administers disease control and quarantine control requirements.

6.5.2 MANAGEMENT OF WASTE & OTHER MATTER, EXCLUDING INDUSTRIAL & TRADE PREMISES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>21</p> <p>Waste & other matter, excluding industrial & trade premises</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air arising from the storage, use, transfer, treatment or disposal of waste and other matter⁷⁹, excluding:</p> <ul style="list-style-type: none"> • discharges into air from any industrial or trade premises⁸⁰ • discharges into air addressed by other Rules in this Plan • discharges into air from moveable sources. 	<p>Permitted⁸¹</p>	<p>a. Any waste which is disposed of shall have been generated on the subject property or on another property under the same ownership as that used for disposal.⁸²</p> <p>b. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>c. At any point beyond the boundary of the subject property, or on public land:</p> <ul style="list-style-type: none"> i. The discharge shall not result in any visible discharge of any material, including dust; ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases. <p>d. For any discharge into air arising from material sourced from industrial and trade premises, a management plan shall be prepared which sets out how conditions (b) to (d) will be met. A copy of this management plan shall be provided to the Hawke's Bay Regional Council upon request.</p>		

⁷⁹ **Combustion of waste** – The discharge of contaminants into air arising from the burning of waste and other matter, is addressed under Rules 19 and 20.

⁸⁰ **Industrial and trade premises** – The discharge of contaminants into air from industrial or trade premises, arising from the management of waste and other matter, is addressed under Rules 28 and 29.

⁸¹ If Rule 21 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

⁸² Condition (a) of Rule 21 only restricts the source of waste to be disposed of. The source of waste or other matter that is stored, used, transferred or treated is not restricted.

6.5.3 ABRASIVE BLASTING - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>22</p> <p>Wet abrasive blasting⁸³</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from abrasive blasting, using wet abrasive blasting techniques.</p>	<p>Permitted⁸⁴</p>	<p>a. The operator shall so far as is practicable collect and remove all debris and used blasting materials on a daily basis, and when operations are completed.⁸⁵</p> <p>b. At any point beyond the boundary of the subject property, or in relation to public land, the lesser of beyond the boundary of the public land or beyond 50 metres from the discharge:</p> <p>i. There shall be no discharge of water spray or dust;</p> <p>ii. The discharge shall not result in any noxious or dangerous levels of airborne contaminants.</p>		
<p>23</p> <p>Dry abrasive blasting – fixed source⁸⁶</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from dry abrasive blasting, other than from the use of a moveable source.</p>	<p>Permitted⁸⁷</p>	<p>a. All items shall be blasted within an abrasive blasting enclosure.⁸⁸</p> <p>b. There shall be no visible discharge of dust beyond the abrasive blasting enclosure.</p> <p>c. At any point beyond the boundary of the subject property, or any public land:</p> <p>i. There shall be no discharge of water spray or dust;</p> <p>ii. The discharge shall not result in any noxious or dangerous levels of airborne contaminants.</p>		

83 Rule 22 does not apply to the wet or dry abrasive blasting of a transmission line support structures of existing high voltage electricity transmission lines or the preparation of the structure to receive a protective coating. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

84 If Rule 22 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

85 For the purpose of Rule 22(a), the surface to be blasted should not contain any significant levels of hazardous substances, including lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, other heavy metals, and anti-fouling substances. The document "Guidelines for the Management of Lead-based Paint" (Occupational Safety and Health Service and Public Health Commission, 1995) provides comprehensive guidance for the removal of lead-based paints.

86 Rule 23 does not apply to the wet or dry abrasive blasting of a transmission line support structures of existing high voltage electricity transmission lines or the preparation of the structure to receive a protective coating. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

87 If Rule 23 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

88 For the purpose of Rule 23(a), the surface to be blasted should not contain any significant levels of hazardous substances, including lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, other heavy metals, and anti-fouling substances. The document "Guidelines for the Management of Lead-based Paint" (Occupational Safety and Health Service and Public Health Commission, 1995) provides comprehensive guidance for the removal of lead-based paints.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>24</p> <p>Dry abrasive blasting – moveable source⁸⁹</p> <p><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from abrasive blasting, using both dry abrasive blasting techniques and a moveable source.</p>	<p>Discretionary⁹⁰</p>			

ADVISORY NOTE:

1. Where discharges may enter water, then the activity must also meet the requirements of Rule 49; or the requirements of the Regional Coastal Plan where the discharge enters coastal waters.

⁸⁹ Rule 24 does not apply to the wet or dry abrasive blasting of a transmission line support structures of existing high voltage electricity transmission lines or the preparation of the structure to receive a protective coating. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

⁹⁰ **Resource consents for multiple locations** - Nothing in Rule 24 precludes persons from applying for a single permit to cover multiple locations in the Hawke's Bay region.

6.5.4 MOVEABLE SOURCES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>25</p> <p>Moveable aggregate crushing & screening plants</p> <p><i>Refer POL 69, 69a</i></p>	The discharge of contaminants into air from the operation of a moveable aggregate crushing and screening plant.	Permitted⁹¹	<p>a. At any point beyond the boundary of the subject property, or in relation to public land, the lesser of beyond the boundary of the public land or beyond 50 metres from the discharge, there shall be no visible discharge of water spray or dust.</p> <p>b. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.</p>		
<p>26</p> <p>Moveable asphalt plants</p> <p><i>Refer POL 69, 69a</i></p>	The discharge of contaminants into air arising from the operation of a moveable asphalt plant.	Discretionary⁹²			
<p>27</p> <p>Moveable road burners</p> <p><i>Refer POL 69</i></p>	The discharge of contaminants into air arising from the operation of moveable equipment used to treat road surfaces with heat. ⁹³	Non-complying⁹⁴			

91 If Rule 25 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

92 Resource consents for multiple locations - Nothing in Rule 26 precludes persons from applying for a single permit to cover multiple locations in the Hawke's Bay region.

93 Rule 27 does not override Regulation 8 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 which prohibits burning of bitumen on a road.

94 Resource consents for multiple locations - Nothing in Rule 27 precludes persons from applying for a single permit to cover multiple locations in the Hawke's Bay region.

6.5.5 INDUSTRIAL & TRADE PREMISES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>28</p> <p>Miscellaneous industrial & trade premises</p> <p><i>Refer POL 8, 13, 14, 69, 69a</i></p>	<p>The discharge of contaminants into air from any industrial or trade premises arising from any of the following activities, that is not specifically regulated by any other rule within this Plan:</p> <ul style="list-style-type: none"> • waste disposal • composting, where more than 100m³ (in total) of raw material, composting material and compost is held per premises at any one time • combustion of natural or liquefied petroleum gas with a maximum heat output that exceeds 50 MW • combustion of coal, light fuel oil, heavy fuel oil or untreated wood with a maximum heat output that exceeds 100 kW • the manufacture of cement, fertiliser, milk powder, other dried milk derived products, or rubber goods • the manufacture of fibre board, pulp or paper • the mechanical drying of treated timber • rendering, tanning, fellmongering, skin or hide processing, or pet food processing • fumigation processes, except for biosecurity purposes • the manufacture of organic or inorganic chemicals, including pharmaceuticals • crematoria • asphalt plants • hot dip galvanising • manufacture or disposal of radioactive substances • manufacture of soaps or detergents • use of di-isocyanates or organic plasticisers • manufacture of aluminium, steel, fibreglass, glass or frit • sintering, calcining, or roasting of metal ores • smelting of any metal or metal alloy, including scrap metal • carbonisation, gasification, refining, purification, or reforming of natural gas, petroleum oil, shale, coal, wood, or other carbonaceous materials • smelting or burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides • combustion of diesel with a maximum heat output that exceeds 5 MW (external combustion) • Combustion of diesel and kerosene with a maximum heat output that exceeds 100 kW (internal combustion) 	<p>Discretionary</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/ Discretion	Non-notification
	<ul style="list-style-type: none"> • Combustion of kerosene with a maximum heat output that exceeds 2 MW (external combustion) • Combustion of wood pellets with a maximum heat output that exceeds 600 kW (modified pellet boilers) • Combustion of wood pellets with a maximum heat output that exceeds 1.2 MW (custom designed pellet boilers) • materials being burned in fuel burning equipment comprising any of the waste materials specified in the activity description of Rule 20. 				
<p style="text-align: center;">29</p> <p style="text-align: center;">Minor discharges from industrial & trade premises</p> <p style="text-align: center;"><i>Refer POL 69, 69a</i></p>	<p>The discharge of contaminants into air from any industrial or trade premises that is not specifically regulated by any other rule within this Plan, including:</p> <ul style="list-style-type: none"> • discharges of heat to air • discharges of energy to air, including release of energy from sources of electromagnetic radiation, including radio transmitter, television, or cell phones; or release of X-rays from a radioactive source • discharges for the purposes of ventilation or vapour displacements • discharges arising from the use of fumigants for biosecurity purposes • discharges of dust arising from the loading, unloading, and conveyance of goods and materials (including aggregates). 	Permitted⁹⁵	<ol style="list-style-type: none"> a. The opacity of any discharge of smoke when measured at the point of discharge shall not exceed 20%, except that a discharge in excess of this shall be permitted for a period of not more than two minutes continuously or for an aggregate of four minutes in any 60 minute period. b. The discharge shall not result in any airborne liquid contaminant excluding water vapour being carried beyond the boundary of the subject property. c. The discharge shall be located and designed to avoid cross contamination of air intake used for ventilation purposes. d. At any point beyond the boundary of the subject property, or on public land; <ol style="list-style-type: none"> i. The discharge shall not result in any noxious or dangerous levels of airborne contaminants; ii. There shall be no visible discharge of any contaminant, other than smoke from fuel burning equipment or water vapour; 		

⁹⁵ If Rule 29 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<ul style="list-style-type: none"> iii. Any discharge of water vapour shall not result in any plume which adversely affects traffic safety, or reduces visibility within a height of 5 metres above ground level, or reduces visibility within recognised flight paths in the vicinity of airports; iv. The discharge shall not result in any offensive or objectionable odour; v. The dust deposition rate resulting from the discharge shall not raise the ambient dust deposition rate by more than 4g/m² per 30 days; vi. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure. e. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines. 		

6.5.6 NON-COMPLIANCE WITH/NOT REGULATED BY OTHER RULES - DISCHARGES TO AIR

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>30</p> <p>Discharges of contaminants to air not regulated by⁹⁶, or that cannot comply with, Rules 11-19e, 20a -29</p> <p><i>Refer POL 8, 12, 13, 14, 16, 17, 19, 20, 69, 69a, 71, 75</i></p>	<p>The discharge of contaminants into the air that:</p> <ul style="list-style-type: none"> is from an industrial and trade premises and is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity, or does not comply with all relevant conditions on a permitted activity rule, or does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule. 	<p>Restricted discretionary</p>		<p>a. The conditions, standards or terms which the activity cannot comply with, and related environmental effects.</p> <p>b. For activities that would otherwise be permitted or controlled activities (if they complied with all standards and terms of the relevant rule), the conditions/standards/terms or "matters for control" set out in the relevant rule.</p> <p>c. Duration of consent.</p> <p>d. Lapsing of consent.</p> <p>e. Review of consent conditions.</p> <p>f. Compliance monitoring.</p> <p>g. Contaminant emission limits.</p> <p>h. Any measures necessary to: ensure maintenance of fuel burning equipment, the carrying out of measurements, samples, analysis, surveys, investigations or inspections including the monitoring of: contaminant concentrations and emission rates, the opacity of the discharge, quantity of fuel used, the cumulative effects of the discharge in combination with discharges from other sources, and the provision of information to the consent authority at specified times.</p> <p>i. Administrative charges.</p> <p>j. Effects on flight paths and the roading network.</p> <p>k. New technologies available to minimise any discharges or their effects.</p> <p>l. Methods used to disperse contaminants, including chimney height, chimney design and emission velocity. Chimney height will be determined generally in accordance with Schedule IX.</p>	<p>Applications will generally be considered without notification, without the need to obtain the written approval of affected persons.</p>

⁹⁶ All other discharges to air (e.g. from residential properties) which are not specifically regulated by rules in this Plan are regulated by Section 15 of the RMA. NOTE: The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 regulate the installation of woodburners on properties less than 2 hectares in size.

6.6 Discharges to Land/Water

For information requirements refer to sections 7.5, 7.6

6.6.1 WATER - DISCHARGES TO WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>31</p> <p>Discharge of water⁹⁷</p> <p><i>Refer POL, 71, 79</i></p>	<p>The discharge of water (excluding drainage water) into water⁹⁸.</p>	<p>Permitted⁹⁹</p>	<p>a. The discharge shall not cause or contribute to the flooding of any property, unless written approval is obtained from the affected property owner.</p> <p>b. The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge.</p> <p>c. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing¹⁰⁰.</p>		

ADVISORY NOTE:

1. **Discharge of water onto or into land** - Note that the discharge of water onto or into land is not restricted by the RMA.

97 Rule 31 does not apply to the discharge of water into water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

98 Discharges of sediment to surface water bodies as a result of scouring are covered by Rule 49.

99 If Rule 31 cannot be complied with, then the activity is a discretionary activity under Rule 52.

100 See Glossary for definition of "after reasonable mixing".

6.6.2 DRAINAGE WATER - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>32</p> <p>Discharge of drainage water (gravity flow systems)</p> <p><i>Refer POL 71, 72, 79</i></p>	The diversion and discharge of drainage ¹⁰¹ water into water or onto or into land, from a gravity flow system (without pumping).	Permitted ¹⁰²	<p>a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of any discharge from the drainage activity.</p> <p>b. The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>c. The activity shall not adversely affect any wetland¹⁰³.</p> <p>d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing.</p> <p>e. Any discharge of water arising from a drainage system shall be to the same catchment¹⁰⁴ as that to which the water would naturally flow.</p> <p>f. Any suspended solids in the discharge shall comply with Policy 72.</p>		
<p>33</p> <p>Discharge of drainage water (pumped systems)</p>	The diversion and discharge of drainage ¹⁰⁵ water into water or onto or into land, from a pumped system ¹⁰⁶ .	Controlled ¹⁰⁷	<p>a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the drainage activity.</p> <p>b. The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>c. The activity shall not adversely affect any wetland.</p>	<p>a. Location of discharge.</p> <p>b. Rate of pumping.</p> <p>c. Time of pumping.</p> <p>d. Flood mitigation measures.</p> <p>e. Duration of consent.</p> <p>f. Review of consent conditions.</p> <p>g. Compliance monitoring.</p>	Applications will generally be considered without notification or the need to obtain the written approval of affected persons.

¹⁰¹ 'Drainage' means the activity of lowering the water table to achieve productive land use to facilitate stability of land or structures, or to achieve some other resource use activity. This generally involves the diversion of water.

¹⁰² If Rule 32 cannot be complied with, then the activity is a discretionary activity under Rule 52.

¹⁰³ For the purposes of this Plan the term 'wetland' does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

¹⁰⁴ 'Catchment' means the total area from which a single water body collects surface and subsurface runoff.

¹⁰⁵ 'Drainage' means the activity of lowering the water table to achieve productive land use to facilitate stability of land or structures, or to achieve some other resource use activity. This generally involves the diversion of water.

¹⁰⁶ While the discharge of drainage water by gravity flow is a permitted activity, the discharge of drainage water from a pumped system requires a resource consent due to the potential adverse environmental effects of greater water flow, generated by a pumped system. The consent authority may require the ability to control the water flow from time to time, such as through temporary cessation of pumping or other means.

¹⁰⁷ If Rule 33 cannot be complied with, then the activity is a discretionary activity under Rule 52.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
Refer POL 71, 72, 79			<p>d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing.</p> <p>e. Any discharge of water arising from a drainage system shall be to the same catchment¹⁰⁸ as that to which the water would naturally flow.</p> <p>f. Any suspended solids in the discharge shall comply with Policy 72.</p>		

¹⁰⁸ 'Catchment' means the total area from which a single water body collects surface and subsurface runoff.

6.6.3 BORE DRILLING FLUIDS - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>34</p> <p>Discharge of bore drilling fluids</p> <p><i>Refer POL 71</i></p>	<p>The discharge of bore drilling fluids onto or into land, or into water¹⁰⁹, for the purpose of bore construction, maintenance or alteration.</p>	<p>Permitted¹¹⁰</p>	<p>a. There shall be no discharge of contaminants into any surface water body.</p> <p>b. There shall be no discharge of contaminants onto any property other than the subject property, without the consent of the property owner.</p> <p>c. The discharge shall not contain more than 15 g/m³ of oil and grease.</p> <p>d. No discharge to groundwater shall contain more than 100 g/m³ suspended solids and no discharge to land shall contain more than 150 g/m³ suspended solids.</p> <p>e. The discharge shall not cause the natural temperature of any receiving water to change by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing.</p>		

¹⁰⁹ For the purpose of this Rule “into water” refers to the groundwater into which the bore is being drilled, and therefore is concerned only with groundwater-bearing aquifers.

¹¹⁰ If Rule 34 above cannot be complied with, then the activity is a discretionary activity under Rule 52.

6.6.4 DOMESTIC SEWAGE - DISCHARGES TO LAND

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>35 Existing¹¹¹ sewage systems</p> <p><i>Refer to POL 16, 71, 75</i></p>	<p>Except as provided for by Rule 36, the discharge of contaminants onto or into land, and any ancillary discharge of contaminants into air, from any existing sewage system.</p>	<p>Permitted¹¹²</p>	<p>a. The rate of discharge shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>b. The discharge shall not occur over the Heretaunga Plains unconfined aquifer as shown in Schedule Va.</p> <p>c. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>d. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>e. Either:</p> <p>i. The point of discharge shall be no less than 600 mm above the highest seasonal groundwater table; or</p> <p>ii. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 2005 (Revised 2008)) in any groundwater body after reasonable mixing.</p> <p>f. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p> <p>g. Either:</p> <p>i. discharges from pit privies shall be from privies constructed in soil with a soil texture category of 2 to 6 as per AS/NZS 1547 that has an infiltration rate not exceeding 150 mm/h; or</p> <p>ii. all other discharges shall be into a land treatment field that complies with the requirements specified in Figure 6.</p> <p>h. Compliance with any conditions of a resource consent held for the activity.</p> <p>i. The wastewater treatment and land application system shall be maintained in accordance with the manufacturer's instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547, or TP58: On-site Wastewater Systems: Design and Management Manual (Auckland Regional Council Technical Publication No. 58), or other alternative recognised on-site wastewater design manuals. A schedule of</p>		

¹¹¹ Any existing sewage system that is modified or replaced after 1 January 2012 is considered to be a 'new' system and must be assessed in accordance with Rule 37.

¹¹² NOTE: Rule 35 means that once a system has been lawfully established, the system's continued operation is permitted under this rule. No ongoing consent is required for the operation of lawfully established discharges provided the conditions of this rule are met.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</p> <p>j. The discharge shall not be disposed of by way of spray irrigation.</p>		
<p>36</p> <p>Existing high discharge volume sewage systems</p> <p><i>Refer to POL 16, 17, 18, 71, 75</i></p>	<p>The discharge of contaminants onto or into land, and any ancillary discharge of contaminants into air, from any existing sewage-system with a discharge volume exceeding 2m³/day averaged over any 7 day period.</p>	<p>Restricted discretionary</p>	<p>a. The discharge shall not occur over the Heretaunga Plains or Ruataniwha Plains unconfined aquifer as shown in Schedule IV.</p> <p>b. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>c. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>d. Either:</p> <p>i. The point of discharge shall be no less than 600 mm above the highest seasonal groundwater table; or</p> <p>ii. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 2005 (Revised 2008)) in any groundwater body after reasonable mixing.</p> <p>e. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p>	<p>a. Method of treatment.</p> <p>b. Method of disposal.</p> <p>c. Effluent application rate.</p> <p>d. Need for reserve area.</p> <p>e. Buffer zone requirements.</p> <p>f. Duration of consent.</p> <p>g. Review of consent conditions.</p> <p>h. Compliance monitoring</p> <p>i. Proximity to registered drinking water supplies</p> <p>j. Maintenance of system</p>	
<p>37</p> <p>New¹¹³ sewage systems</p> <p><i>Refer POL 16, 71, 75</i></p>	<p>Except as provided for in Rule 35 or Rule 36, the discharge of contaminants (including greywater) onto or into land, and any ancillary discharge of contaminants into air, from a new sewage system.</p>	<p>Permitted</p>	<p>a. Where the wastewater receives no more than advanced primary treatment, the discharge shall be onto or into a property with a land area of no less than 2500m².</p> <p>aA. Where the wastewater receives more than advanced primary treatment then:</p> <p>i. the discharge shall be onto or into a property with a land area of no less than 1000m²; and</p> <p>ii. the net site area to discharge volume ratio shall not be less than 1.5 m² per litre per day ¹¹⁴.</p> <p>b. The rate of discharge of sewage (including greywater) shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>c. The treatment and disposal system shall be designed to cater for the peak daily loading.</p>		

¹¹³ NOTE: New sewage systems include those systems installed after this Plan becomes operative, as well as those lawfully established sewage systems that have been modified or replaced since 1 January 2012.

¹¹⁴ NOTE: The net site area to discharge volume ratio can be calculated by dividing the net site area by the expected daily wastewater volume. If the answer is less than 1.5, the discharge does not comply with this condition. e.g. a 1000 m² property with a three bedroom home on it with maximum daily discharge volume of 1200 L (6 people at 200 L/p/d) has a ratio of 0.83 (1000/1200). This discharge would not comply with this condition.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>d. The discharge shall not occur over the Heretaunga Plains or Ruataniwha Plains unconfined aquifer as shown in Schedule IV.</p> <p>e. The discharge and land treatment field shall not be within 20 m of any surface water body (including any stormwater open drain or roadside drain), or any tile drain or within 1.5 metres of any property boundary.</p> <p>eA. The system shall be designed and installed in accordance with the requirements specified in Figure 6.</p> <p>f. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>g. The discharge shall be distributed evenly over the entire disposal area.</p> <p>h. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>i. At the time of installation and commencement, the discharge shall not occur within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge.</p> <p>j. The point of discharge shall be no less than 600 mm above the highest seasonal groundwater table.</p> <p>k. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 2005 (Revised 2008)) in any groundwater body after reasonable mixing.</p> <p>l. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property or on any public land.</p> <p>m. For discharges using pit privies:</p> <ul style="list-style-type: none"> i. the privy shall be constructed in soil with an infiltration rate not exceeding 150 mm/h, and ii. the privy shall not be the primary wastewater system for any permanently occupied dwelling. <p>n. The system shall be designed, constructed, operated and maintained in a manner which ensures that there is no clogging of the disposal system or soils.</p> <p>nA. The discharge shall not be into a trench or bed disposal system constructed in category 5 or 6¹¹⁵ soil except where wastewater receives at least secondary treatment.</p>		

¹¹⁵ A category 5 soil is a light clay, permeability (K_{sat}) can range generally between 0.5 m/d (strongly structured) and <0.06 m/d (weakly structured or massive) and the soil is poorly drained. Clay content of approximately 35-40%. Category 6 soils are medium to heavy clays that are very poorly drained. The permeability of category 6 soils is generally less than 0.06 m/d. Clay content of over 40%.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>o. Where the wastewater receives secondary treatment or better, the discharge shall not exceed 20 g/m³ of BOD, and 30 g/m³ of suspended solids.</p> <p>p. The wastewater treatment and land application system shall be maintained in accordance with the manufacturer's instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547, or TP58: On-site Wastewater Systems: Design and Management Manual (Auckland Regional Council Technical Publication No. 58), or other alternative recognised on-site wastewater design manuals. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</p> <p>q. The discharge shall not be disposed of by way of spray irrigation.</p> <p>r. The discharge shall not be into a raised bed.</p>		
<p>38</p> <p>Discharge of septage¹¹⁶</p> <p><i>Refer POL 16, 17</i></p>	The discharge of septage onto or into land.	Discretionary			

ADVISORY NOTES TO SECTION 6.6.4:

- 1. Non compliance with rules** - If any of the rules in this section cannot be complied with, then the activity is a discretionary activity under Rule 52.
- 2. Levels of treatment** – For the purposes of the Rules in this section, primary treatment, advanced primary treatment, and secondary treatment are defined as follows:
 - “Primary treatment” – The settlement or separation of sludge, scum and other settleable solids, e.g. a single or double chamber septic tank.
 - “Advanced primary treatment” – Primary treatment with the addition of an effluent filter screen.
 - “Secondary treatment” – Treatment of settled overflow from primary treatment, or advanced primary treatment, by aerobic biological or physical biological processes.

¹¹⁶ ‘Septage’ is defined as the pumped out contents of a primary treatment unit removed during desludging operations, including scum, sludge and tank liquid.

FIGURE 6: Design specifications for sewage systems

6.1 Design Flow Allowances for sewage systems

Source	Minimum wastewater flow allowance in L/person/day	
	On-site roof water tank supply	Reticulated community/bore water supply
Households	180	200
Households (blackwater only)	60	60
Households (greywater only)	90	120
Motels/hotels		
- Guests, resident staff	220	220
- Non-resident staff	30	30
- Reception rooms	20-30	20-30
- Bar trade (per customer)	20	20
- Restaurant (per diner)	25-30	25-30
Community halls		
- Banqueting	20	30
- Meetings	10	15
Tea rooms (per customer)		
-Without restroom facilities	10	15
-With restroom facilities	15	25
School (pupils plus staff)	15-30	15-30
Rural factories, shopping centres	30	50
Camping grounds		
- fully serviced	100	130
-recreation areas	50	65

NOTE: For the purposes of determining building occupancy, Hawke's Bay Regional Council adopts an occupancy of 2 people per room, excluding bathrooms, kitchens, laundries and any other room that cannot feasibly be used as a bedroom

6.2 Irrigation Systems

6.2.1 Maximum design irrigation rates for irrigation systems

Soil category	Soil texture	Design irrigation rate (mm/day)
1	Gravels and sands	5
2	Sandy loams	5
3	Loams	4
4	Clay loams	3.5
5	Light clays	3
6	Medium to heavy clays	2

6.2.2 Design specifications for Irrigation systems

- a) Irrigation lines placed on the surface shall be pinned to the surface and covered with at least 100 mm depth of media.
- b) Subsurface irrigation lines shall be installed at a maximum depth of 200 mm below ground level and covered with at least 100 mm depth of cover.
- c) Maximum spacing of 600 mm in Category 1 and 2 soils and 1000 mm in all other soil categories, as defined by AS/NZS 1547.
- d) Secondary treated wastewater shall be applied evenly across the entire land treatment field.
- e) On sloping ground the design irrigation rate (DIR) shall be decreased to ensure that effluent migration down slope is taken up adequately within the top soil and plant root system. Required reductions according to slope are as follows:
 - i) Flat slopes and up to 10% - no reduction;
 - ii) 10% to 20% - reduction in DIR value of 20%;
 - iii) 20% to 30% - reduction in DIR value of 50%; and
 - iv) >30% - specialist advice required.

6.3 Trenches or Beds

6.3.1 Maximum design loading rates for trenches and beds

Soil category	Soil texture	Structure	Design loading rate		
			Primary treated effluent		Secondary treated effluent (mm/d)
			Conservative rate (mm/d)	Maximum rate (mm/d)	
1	Gravels and sands	Structureless	20 (see note 1)	35 (see note 1)	50 (see note 1)
2	Sandy loams	Weakly structured	20	35	50
		Massive	15	25	50
3	Loams	High/mod structure	15	25	50
		Weakly structured / Massive	10	15	30
4	Clay loams	High/mod structure	10	15	30
		Weakly structured	6	10	20
		Massive	4	5	10
5	Light clays	Strongly structured Mod structured / Massive	Consent required – see Rule 37(nA)	Consent required – see Rule 37(nA)	Consent required – see Rule 37(nA)
6	Medium to heavy clays	Strongly structured Mod structured / Massive	Consent required – see Rule 37(nA)	Consent required – see Rule 37(nA)	Consent required – see Rule 37(nA)

Note 1: The treatment capacity of the soil and not the hydraulic capacity of the soil or the growth of the clogging layer govern the effluent loading rate of category 1 soils. Category 1 soils require special design.

6.3.2 Design specifications for trenches or beds

- a) Trenches must be at least 400 mm deep and 300 mm wide and have a depth of aggregate of 200 mm to 400 mm.
- b) They shall be no longer than 25 m long, and there must be a spacing of at least 1000 mm between adjacent trench walls
- c) Beds must be at least 1000 mm wide, with a minimum spacing of 1000 mm between adjacent bed walls
- d) Multiple distribution lines to be included where beds are more than 1.5 metres in width
- e) Both trenches and beds must be backfilled with distribution media and covered with a minimum 150 mm of topsoil
- f) The discharge shall be pumped, or dosed in fixed quantities so that the wastewater is applied evenly across the entire land treatment field
- g) Gravity drainage to trench and beds is not permitted unless a specifically designed siphon system is used to provide dose loading and distribution over the entire trench or bed area at any one time
- h) Trenches or beds shall not be constructed on slopes of greater than 15 degrees (approximately 27 % slope).

6.6.5 LANDFILLS, TRANSFER STATIONS & WASTE OIL - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>39</p> <p>Discharges from operating landfills & transfer stations</p> <p><i>Refer POL 17, 47</i></p>	<p>The discharge of contaminants onto or into land, or into water, arising from operating landfills and transfer stations.</p>	<p>Discretionary</p>			
<p>40</p> <p>Discharges from closed landfills¹¹⁷</p> <p><i>Refer POL 17, 47</i></p>	<p>The discharge of contaminants onto or into land, or into water, arising from closed landfills.</p>	<p>Controlled</p>	<p>a. Management of the site shall be undertaken in accordance with a Landfill Management Plan approved by the Hawke's Bay Regional Council.</p>	<p>a. Adequacy of protection of the landfill from saltwater and fresh water intrusion.</p> <p>b. The permeability of the compacted capping layer.</p> <p>c. The ability of landfill surfaces to prevent ponding.</p> <p>d. The adequacy of the grass cover.</p> <p>e. Mitigation measures to meet required water quality standards.</p> <p>f. Frequency, location and method of sampling, and the determinants to be measured and method of measurement.</p>	
<p>41</p> <p>Discharge of waste oil</p> <p><i>Refer POL 17</i></p>	<p>The discharge of waste oil¹¹⁸ onto or into land (excluding by way of disposal at a landfill).</p>	<p>Non-complying</p>			

¹¹⁷ "Closed landfill" means any landfill that was no longer operating at the date of public notification of this Plan.

¹¹⁸ See Glossary for a definition of "waste oil"

6.6.6 STORMWATER - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>42</p> <p>Diversion and discharge of stormwater</p> <p><i>Refer POL 15, 16, 17, 47, 49, 71, 75</i></p>	<p>The diversion and discharge of stormwater from any constructed open drainage system or piped stormwater drainage system that:</p> <ul style="list-style-type: none"> • does not drain any industrial or trade premises, or • drains any industrial or trade premises covering an area of less than 2 ha, excluding premises used for the storage of any hazardous substance. 	Permitted	<p>a. The activity shall not cause any permanent:</p> <ol style="list-style-type: none"> reduction of the ability of the receiving channel to convey flood flows. bed scouring or bank erosion of the receiving channel. <p>b. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials in any receiving water body after reasonable mixing.</p>		
<p>43</p> <p>Diversion and discharge of stormwater</p> <p><i>Refer POL 15, 16, 17, 47, 49, 71, 75</i></p>	<p>Diversion and discharge of stormwater except as provided by Rule 42.</p>	Controlled	<p>a. All reasonable measures shall be taken to ensure that the discharge is unlikely to give rise to all or any of the following effects in any receiving water after reasonable mixing:</p> <ol style="list-style-type: none"> The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials. Any conspicuous change in the colour or visual clarity. Any emission of objectionable odour. The rendering of fresh water unsuitable for consumption by farm animals. Any significant adverse effects on aquatic life. 	<ol style="list-style-type: none"> Location of the point of diversion and discharge including its catchment area. Volume, rate, timing and duration of the discharge, in relation to a specified design rainfall event. Effects of the activity on downstream flooding. Contingency measures in the event of pipe capacity exceedence. Actual or likely adverse effects on fisheries, wildlife, 	<p>Applications may be considered without notification and without the need to obtain the written approval of affected persons in accordance with section 94 (1) (b) of the RMA.</p> <p>Applications may however be notified if special circumstances exist in terms of section 94 (5) of the</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
				habitat or amenity values of any surface water body. f. Actual or likely adverse effects on the potability of any ground water. g. Duration of the consent. h. A compliance monitoring programme. i. A bond. j. Administrative charges.	RMA. In considering whether or not special circumstances exist, the Council will include consideration of: 1. The record of compliance with any previous regulations relating to the activity for which a discharge permit is sought. 2. The downstream uses of the receiving water body. 3. The extent of public and tangata whenua interest in the activity and/or its effects.

ADVISORY NOTES:

1. Non-compliance with rules – If the rules in this section cannot be complied with, then the activity is a discretionary activity under Rule 52.
2. For the purposes of clarification, the rules in this section do not apply to the discharge of stormwater into coastal water.

6.6.7 GENERIC DISCHARGES OF CONTAMINANTS - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>47</p> <p>Discharges to surface water¹¹⁹</p> <p>Refer POL 71, 79</p>	<p>The discharge of contaminants into surface water, pursuant to section 15 (1) (a) RMA, except as expressly regulated by other rules in this Plan.</p>	<p>Permitted¹²⁰</p>	<p>a. The rate of discharge shall be no greater than 50 m³/d.</p> <p>b. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the discharge activity.</p> <p>c. There shall be no scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>d. The discharge shall not cause the natural temperature¹²¹ of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing or cause an exceedance of the temperature limit in Table 5.9.1A (Tukituki River catchment).</p> <p>e. The discharge shall not cause the pH to change by more than 0.2 units, or to extend outside the range 6.5 to 9.0 units, after reasonable mixing.</p> <p>f. There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or any emission of objectionable odour, in any receiving water after reasonable mixing¹²².</p> <p>g. There shall be no conspicuous change in the colour or visual clarity of any receiving water after reasonable mixing or cause an exceedance of the water clarity limits in Policy TT3(1) (Tukituki River catchment).</p> <p>h. The discharge shall not cause the biochemical oxygen demand to increase by more than 2 g/m³ in any receiving water body after reasonable mixing or cause an exceedance of the biochemical oxygen demand limit in Policy TT3(1) (Tukituki River catchment).</p> <p>i. The discharge shall not cause any increase in the concentration of pathogenic organisms or cause an exceedance of the <i>E.coli</i> limits in Table 5.9.1A (Tukituki River catchment).</p> <p>j. The discharge shall not cause the concentration of dissolved oxygen in any river or lake to drop below 80% after reasonable mixing or cause an exceedance of the dissolved oxygen limit in Table 5.9.1A (Tukituki River catchment).</p> <p>k. The discharge shall not cause the concentration of ammoniacal nitrogen (NH₄⁺) in any river or lake to exceed 0.1 mg/l after reasonable mixing or</p>		

¹¹⁹ Rule 47 does not apply to the discharge of contaminants into water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

¹²⁰ **Compliance** - Where there is doubt about compliance with the Conditions (a) to (m) of Rule 47 it is the responsibility of the person undertaking the activity to prove to the council that the conditions are being complied with or a resource consent shall be required.

¹²¹ **"Natural temperature"** means the temperature which occurs naturally when the water is not influenced by known discharges or activities which may cause an increase or decrease in the temperature in the water.

¹²² See Glossary for a definition of **"after reasonable mixing"**.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>cause an exceedance of the acute total ammoniacal nitrogen limits in Policy TT3(1) or the chronic ammoniacal nitrogen limits in Table 5.9.1A (Tukituki River catchment).</p> <p>i. The discharge shall not cause the concentration of dissolve inorganic nitrogen (DIN) in any river to exceed 0.8 mg/l as set out in Table 5.9.1B (Tukituki River catchment) after reasonable mixing.</p> <p>m. The discharge shall not cause the concentration of soluble reactive phosphorus in any river or lake to exceed 0.015 mg/l or cause an exceedance of the dissolved reactive phosphorus limits in Table 5.9.1B (Tukituki River catchment) after reasonable mixing.</p> <p>n. The discharge shall not cause the concentration of any other contaminant (including other nutrients, heavy metals, hazardous substances and indicator bacteria), after reasonable mixing, to:</p> <p>i. Increase by more than 5% in any natural or modified receiving water body or 10% in any artificial receiving water body;</p> <p>ii. Exceed the following standards:</p> <p>a. The contact recreation guidelines contained in “Bacteriological Water Quality: Guidelines for Marine and Fresh Water” (Ministry of Health and Ministry for the Environment, December 1998).</p> <p>b. The guidelines for the protection of freshwater aquatic ecosystems contained in the “Australian Water Quality Guidelines for Fresh and Marine Waters” (ANZECC, 1992).</p> <p>iii. Exceed limits for other toxicants in Table 5.9.1A (Tukituki River catchment).</p>		
<p>48 Discharges of solid contaminants, including cleanfill, to land that will not enter water¹²³ <i>Refer POL 67</i></p>	<p>The discharge of solid contaminants, including cleanfill, onto or into land in circumstances that will not result in any contaminant entering water, pursuant to section 15 (1) (d) and section 15 (2) RMA, except as expressly regulated by other rules in this Plan.</p>	<p>Permitted</p>	<p>a. The discharge shall not increase land instability or the risk of erosion.</p> <p>b. The discharge shall not cross the boundary of the subject property onto any other property, unless written approval is obtained from the affected property owner.</p> <p>c. The discharge shall not cause any increase in the concentration of any hazardous substances or pathogenic organisms on or in any land.</p> <p>d. The discharge shall not cause any increase in the risk of human or animal disease.</p> <p>e. The discharge shall not have any acid producing potential¹²⁴.</p>		

¹²³ Rule 48 does not apply to the discharge of contaminants to land that will not enter water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

¹²⁴ “Acid producing potential” is a laboratory measure of the ability of a rock or soil mass to generate acid drainage.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>f. Upon request by the HBRC, a management plan, setting out how the conditions above will be met shall be prepared and provided to the HBRC.</p> <p>g. There shall be no discharge within 20 m of any surface water body, or over the Heretaunga Plains or Ruataniwha Plains unconfined aquifers as shown in Schedule IV, or within 20 metres of the coastal marine area, except for material extracted from a surface water body associated with the maintenance of legally established structures.</p> <p>h. Where the volume of solid contaminants on the subject property is greater than 100 m³ the person responsible for the discharge shall notify the Hawke's Bay Regional Council within 7 days of that volume being reached or exceeded.</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>49</p> <p>Discharges to land that may enter water¹²⁵</p> <p><i>Refer POL 16, 71, 79</i></p>	<p>The discharge of contaminants onto or into land, in circumstances which may result in those contaminants (or any other contaminant emanating as a result of natural processes from those contaminants) entering water, pursuant to section 15 (1) (b) RMA, except as expressly regulated by other rules in this Plan.</p>	<p>Permitted¹²⁶</p>	<p>a. The rate of discharge shall be no greater than 50 m³/d.</p> <p>b. The discharge shall not result in a breach of any of the conditions set out in Rule 47.</p> <p>c. The discharge shall not result in a breach of any of the conditions set out in Rule 48.</p> <p>d. The point of discharge shall occur no less than 600 mm above the winter ground water table.</p> <p>e. There shall be no surface ponding in the area of discharge, or runoff of any contaminant into a surface water body as a result of the discharge.</p> <p>f. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property.</p> <p>g. There shall be no discharge within 20 m of any surface water body, or over the Heretaunga Plains or Ruataniwha Plains unconfined aquifers as shown in Schedule IV, except for material extracted from a surface water body associated with the maintenance of legally established structures.</p> <p>h. There shall be no surface ponding in the area used to store, mix or use the organic material, and no runoff of contaminants into any surface water body.</p> <p>i. There shall be no discharge within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge.</p> <p>j. The discharge shall not cause any degradation of existing ground water quality in confined aquifers in the Heretaunga Plains and Ruataniwha Plains aquifer systems.</p> <p>k. For other aquifers, the discharge shall not cause or contribute to a breach of the following guidelines after reasonable mixing:</p> <p>i. The “Drinking Water Quality Standards for New Zealand” (Ministry of Health, 1995).</p> <p>ii. The guideline for irrigation contained in the “Australian Water Quality Guidelines for Fresh and Marine Waters” (Australian and New Zealand Environment and Conservation Council, 1998).</p>		

¹²⁵ Rule 49 does not apply to the discharge of contaminants to land that may enter water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

¹²⁶ **Compliance** - Where there is doubt about compliance with the Conditions (a) to (l) of Rule 49 it is the responsibility of the person undertaking the activity to prove to the council that the conditions are being complied with or a resource consent shall be required.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			i. Where the quality of ground water in any aquifer encompassed by condition (k) breaches the standards specified in that condition prior to the discharge occurring, the discharge shall not cause any further degradation of the quality of ground water in any such aquifer after reasonable mixing.		
50 Disturbance of bed of river or lake by livestock <i>Refer POL 47, 79</i>	Subject to Rule TT1, the disturbance of the bed of any permanently flowing river or any lake arising from the entry of livestock.	Permitted	a. Other than in the Tukituki River catchment, the disturbance shall not cause any conspicuous change ¹²⁷ in the visual clarity of the water after reasonable mixing. b. Supplementary feed is not deposited on the bed of the river or lake. c. Other than in the Tukituki River catchment, ¹²⁸ the disturbance shall not result in faecal coliforms exceeding 200 cfu/100 ml in any receiving water after reasonable mixing.		
51 Disturbance of bed of river or lake by livestock <i>Refer POL 47, 79</i>	The disturbance of the bed of any permanently flowing river or any lake arising from the entry of livestock, which cannot comply with one or more conditions/standards/terms in Rule 50.	Discretionary			Consent applications will generally be considered without notification and without the need to obtain the written approval of affected persons.

ADVISORY NOTES:

- 1. Non-compliance with rules** - If any of the rules in this section cannot be complied with, then the activity is a discretionary activity under Rule 52.
- 2. Discharges onto or into land that are not from industrial or trade premises** – Section 15(1)(d) of the RMA restricts the discharge of any contaminant from industrial or trade premises onto or into land. By contrast, the discharge of contaminants from other premises onto or into land is allowed (provided no contaminant enters water) unless specifically regulated by a rule.

¹²⁷ For the purpose of Rule 50, “conspicuous change” means more than 20% change in clarity as measured by a 200 mm black disc as per “Water Quality Guidelines Number 2” published by the Ministry for the Environment.

¹²⁸ Refer Rule TT1.

6.6.8 NON-COMPLIANCE WITH OTHER RULES - DISCHARGES TO LAND/WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>52</p> <p>Discharges that do not comply with rules 9-14, 16, 31-51</p> <p><i>Refer POL 14, 16, 17, 19, 22, 47, 48, 49, 71, 79</i></p>	<p>The discharge of:</p> <ul style="list-style-type: none"> contaminants onto or into land, or into water, or water into water <p>which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, non-complying or prohibited activity.</p>	<p>Discretionary</p>			

6.7 Water Takes, Uses & Diversions

For information requirements refer to section 7.7

6.7.1 TAKE & USE OF WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>53 Minor takes & uses of ground water</p> <p><i>Refer POL 24, 33, 77</i></p>	<p>The take and use of groundwater, excluding the take and use of groundwater from the water management zones shown in Schedule VI.</p>	<p>Permitted</p>	<p>a. The total volume taken shall not exceed 20 m³/d per property¹²⁹ (other than for aquifer testing, for which the volume of take is not restricted).</p> <p>Note that:</p> <ul style="list-style-type: none"> • The take and use of water for reasonable domestic needs¹³⁰, stock drinking purposes and fire fighting, including from locations within the groundwater management zones in Schedule VI is not required to be included in this measurement. • When the permitted activity limit of 20 m³ per day is exceeded a consent is required for the total take. <p>b. The rate of take shall not exceed 10 l/s (other than aquifer testing, for which the rate of take is not restricted).</p> <p>c. The take shall not adversely affect any lawfully established efficient groundwater take¹³¹, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.</p> <p>d. The take shall not adversely affect any wetland¹³².</p> <p>e. A backflow prevention device shall be installed in circumstances where there is the risk of contaminants flowing down a bore used for taking groundwater, into a groundwater aquifer.</p>		

¹²⁹ For the purposes of this Plan the term ‘**property**’ refers to one or more allotments as contained on a single certificate of title, and also includes all adjacent land that is in the same ownership.

¹³⁰ Refer to Glossary for definition of “**reasonable domestic needs**”.

¹³¹ For the purposes of this Plan, “**efficient taking**” of groundwater means abstraction by a bore which penetrates an aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level), with the bore being adequately maintained, of sufficient diameter and screened to minimise drawdown, with a pump capable of drawing water to the land surface.

¹³² For the purpose of this Plan the term “**wetland**” does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>54</p> <p>Minor takes & uses of surface water¹³³</p> <p><i>Refer POL 35, 43</i></p>	<p>The take and use of surface water, except from the following catchments, as shown in Schedule Via:</p> <ul style="list-style-type: none"> • Maraekakaho Stream to confluence with Ngaruroro River. • Ahuriri Estuary catchment including Taipo Stream catchment. • Awanui Stream (including Poukawa Stream and Lake Poukawa catchments) to confluence with Karamu Stream. • Louisa Stream to confluence with Karamu Stream. • Papanui Stream. • Lake Tutira and catchment. • Herehere Stream. • Mangaroa Stream. • School Stream. • Karituwhenua Stream. • Te Waikaha Stream. • The whole of the Tukituki River catchment, except for existing takes occurring prior to 4 May 2013 which shall continue to be permitted. 	<p>Permitted</p>	<p>a. Except for takes occurring for a period of less than 4 weeks, the total volume taken shall not exceed 20 m³/d¹³⁴ per property; (or per work site where the activity relates to the take and use of water for the maintenance of road reserves) nor shall the total volume exceed the reasonable needs of the user, whichever is the lesser.</p> <p>b. For takes occurring for a period of less than 4 weeks within any 90 day period, the total volume taken by any person shall not exceed 200 m³ per 7 day period.</p> <p>c. The rate of take shall not exceed 10% of the instantaneous flow¹³⁵ at the point of take.</p> <p>d. The intake velocity shall not exceed 0.3 m/s.</p> <p>e. The activity shall not adversely affect any wetland.</p> <p>f. The take shall not adversely affect any lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.</p>		

¹³³ The taking of water for an individual's reasonable domestic needs and the reasonable needs of an individual's animals drinking water is not restricted by this rule.

¹³⁴ When the permitted activity limit of 20 m³ per day is exceeded, a consent is required for the total take.

¹³⁵ "Instantaneous flow" refers to the rate of river flow at the time of measurement.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
55 Other takes & uses of surface & groundwater <i>Refer POL 26-32, 36-43, 73, 77</i>	The take and use of surface water or groundwater, including takes and uses associated with, or ancillary to Community Irrigation Schemes, except as provided for by Rules 53, 54 TT3, TT3A, TT3B and TT4.	Discretionary			

ADVISORY NOTE:

1. **Bore drilling** – Note that a land use consent is required for the drilling, construction or alteration of any bore, in accordance with Rule 1.

6.7.2 DIVERSION OF WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>56</p> <p>Minor diversions</p> <p><i>Refer POL 79</i></p>	<p>The diversion of water, except as expressly provided for by other rules within this Plan.</p>	<p>Permitted</p>	<p>a. Either:</p> <ol style="list-style-type: none"> i. The catchment¹³⁶ area above the diversion shall not exceed 50 hectares, or ii. The diversion shall remain within the bed of the affected water body, or iii. The diversion shall divert no more than 10% of the flow of the affected water body, and the diverted water shall be returned to the affected water body no more than 100 m downstream of the point at which the water is diverted. <p>b. The activity shall not adversely affect any wetland¹³⁷.</p> <p>c. The diversion shall not be from one catchment to another.</p> <p>d. The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>e. The diversion shall not adversely affect any lawfully established take, which existed at the time that the diversion commenced.</p> <p>f. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the diversion.</p> <p>g. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion activity.</p>		

¹³⁶ 'Catchment' means the total area from which a single water body collects surface and subsurface runoff.

¹³⁷ For the purposes of this Plan the term 'wetland' does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>57</p> <p>Lawfully established diversions</p> <p><i>Refer POL 79</i></p>	Any lawfully established diversion of water ¹³⁸ .	Permitted	<p>a. The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>b. The diversion shall not adversely affect any lawfully established take, which existed at the time that the diversion commenced.</p> <p>c. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the diversion.</p> <p>d. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion activity.</p>		
<p>58</p> <p>Diversions and discharge of water in an artificial water course</p> <p><i>Refer POL 79</i></p>	The diversion and discharge of water associated with the maintenance and removal or demolition of structures in any artificial water course and any associated discharge of sediment.	Permitted	<p>a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion and drainage activity.</p> <p>b. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>c. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.</p>		
<p>59</p> <p>Diversions that cannot comply with rules 56-58</p> <p><i>Refer POL 38, 79</i></p>	Any diversion of water which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary or non-complying activity.	Discretionary			

¹³⁸ **Lawfully established diversions** – Rule 57 provides for diversions established in accordance with either Section 14 of the RMA, or Section 20 of the RMA which provides for certain existing lawful activities to be allowed.

6.7.3 TRANSFER OF WATER PERMITS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
60 Transfer of permits to take & use surface water from a lake <i>Refer POL36</i>	The transfer of a permit to take and use surface water from a lake, to another site.	Permitted	a. The transfer is to another site within the same lake.		
61 Transfer of permits to take & use surface water from a river <i>Refer POL 36, 79</i>	The transfer of a permit to take and use surface water from a river, to another site.	Controlled	a. The transfer is to another site within the same stream management zone, ¹³⁹ where the flow is not significantly less than at the original site of abstraction. b. The transfer shall not result in any reduction in the rate of surface water recharge into groundwater. c. The transfer shall not adversely affect any lawfully established surface water abstraction, which existed prior to transfer of the take. d. The transfer shall not result in any increase in adverse effects on aquatic ecosystems or fish passage.	a. Timing of take. b. Design of intake. c. Duration of consent. d. Review of consent conditions. e. Compliance monitoring. f. Volume of water required by, or reasonable needs of, transferee. g. In the Tukituki River catchment, the efficient use of water having regard to POL TT12.	Consent applications will generally be considered without notification, without the need to obtain the written approval of affected persons.
62 Transfer of permits to take & use groundwater <i>Refer POL 25, 77</i>	The transfer of a permit to take and use groundwater, to another site.	Controlled	a. The transfer is to another site within the same aquifer. b. The transfer is to a location at which the aquifer has the same or greater aquifer transmission and storage characteristics. c. The transfer shall not adversely affect any lawfully established efficient groundwater abstraction, ¹⁴⁰ which existed prior to transfer of the take. d. The transfer shall not cause any reduction in the flow of any river or spring.	a. Aquifer testing. b. Duration of consent. c. Review of consent conditions. d. Compliance monitoring. e. Volume of water required by, or reasonable needs of transferee. f. In the Tukituki River catchment, the efficient use of water having regard to POL TT12.	Consent applications will generally be considered without notification, without the need to obtain the written approval of affected persons.

ADVISORY NOTE:

- Notifying transfers of water permits** - Pursuant to section 136 of the RMA, the transfer of a water permit has no effect until written notice of the transfer has been received by the HBRC. In addition, section 136 also sets out the requirements for the transfer of a water permit in circumstances that do not comply with the rules above.

¹³⁹ "Stream Management Zone" refers to the reaches of a river and/or its tributaries governed by a single minimum flow site.

¹⁴⁰ For the purposes of this Plan "efficient abstraction" of groundwater means abstraction by a bore which penetrates an aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level), with a pump capable of drawing water to the land surface.

6.8 Use of River & Lake Beds

For information requirements refer to section 7.8

6.8.1 USE, REPAIR & MAINTENANCE OF STRUCTURES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>63</p> <p>Use of structures <small>141</small></p> <p>Refer POL 79</p>	<p>The use¹⁴² of any lawfully established structure¹⁴³ in, on, under or over the bed of a river, lake or artificial watercourse.</p>	<p>Permitted</p>			
<p>64</p> <p>Maintenance of structures <small>144</small></p> <p>Refer POL 79</p>	<p>The maintenance of any lawfully established structure in, on, under or over the bed of a river or lake, and</p> <ul style="list-style-type: none"> • any associated disturbance of the river or lake bed, and • any associated discharge of sediment, and • any associated diversion of water <p>except as provided for by Rule 70.</p>	<p>Permitted¹⁴⁵</p>	<p>a. The activity shall not result in any increase in the area of river or lake bed occupied by the structure.</p> <p>b. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>c. The disturbance of any river or lake bed, and any associated removal, flushing or deposit of bed material, shall only be to the extent necessary to maintain the functional integrity and operational efficiency of the structure.</p> <p>d. Any release of sediment shall not cause any conspicuous change¹⁴⁶ in the colour or visual clarity of water after reasonable mixing.¹⁴⁷</p> <p>e. All materials removed from the structure and excess construction materials shall be removed from the bed by completion of the activity.</p> <p>f. All materials used shall not be toxic to aquatic ecosystems.</p> <p>g. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>h. There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris.</p>		

¹⁴¹ Rule 63 does not apply to the use, maintenance and upgrading of existing electricity transmission activity structures. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

¹⁴² For the purpose of Rule 63 'use' refers to the actual use of the structure and not to matters contained in Sections 14 and 15 of the Resource Management Act 1991.

¹⁴³ A "lawfully established structure" means a structure lawfully established either before or after this Plan was prepared.

¹⁴⁴ Rule 64 does not apply to the use, maintenance and upgrading of existing electricity transmission activity structures. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

¹⁴⁵ If Rule 64 cannot be complied with, then the activity is a discretionary activity under Rule 69.

¹⁴⁶ For the purpose of Rule 64 "conspicuous change" means a change in colour of more than five points on the Munsell scale or more than 20% change in clarity as measured by a 200 mm black disc as per "Water Quality Guidelines Number 2" published by the Ministry for the Environment. For example, a change in water colour from blue to blue/green is 10 points on the Munsell scale.

¹⁴⁷ See the Glossary for a definition of "after reasonable mixing".

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<ul style="list-style-type: none"> i. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days. j. Upon completion of any channel bank works within a river or lake bed, the banks shall be reinstated to a natural contour and revegetated. k. There shall be no damage or destruction to flood control or river protection works. l. In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 1 May to 30 September (fish spawning season) other than the necessary maintenance of culverts, drains or bridges and for the clearance of debris from structures. 		
<p>65</p> <p>Replacing and upgrading of structures 148</p> <p><i>Refer POL 79</i></p>	Any activity associated with the replacement and upgrading of any line or cable, owned or managed by a network utility operator, over the bed of any river or lake.	Permitted	<ul style="list-style-type: none"> a. There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris. b. There shall be no discharge of contaminants, other than sediment, into the river or lake. c. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days and for no more than 12 hours on any one day within those five days. d. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. 		

¹⁴⁸ Rule 65 does not apply to the use, maintenance and upgrading of existing electricity transmission activity structures. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

REMOVAL & DEMOLITION OF STRUCTURES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p style="text-align: center;">66</p> <p>Removal & demolition of structures</p> <p><i>Refer POL 79</i></p>	<p>The removal or demolition of a structure, or any part of a structure, in, on, under, or over the bed of a river or lake, and:</p> <ul style="list-style-type: none"> • any associated disturbance of the river or lake bed, and • any associated discharge of sediment, and • any associated diversion of water <p>except as provided for by Rule 70.</p>	<p>Permitted¹⁴⁹</p>	<p>a. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>b. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.¹⁵⁰</p> <p>c. All removal and demolition material shall be removed from the bed by completion of the activity.</p> <p>d. All materials used shall not be toxic to aquatic ecosystems.</p> <p>e. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>f. There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris.</p> <p>g. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days.</p> <p>h. Upon completion of any channel bank works within a river or lake bed, the banks shall be reinstated to a natural contour and revegetated.</p> <p>i. There shall be no damage or destruction to flood control or river protection works.</p> <p>j. The HBRC shall be informed in writing of the removal or demolition of any of the following structures, at least 15 working days prior to the commencement of the activity:</p> <ol style="list-style-type: none"> i. Access structures in or on the bed of a river or lake, including bridges, culverts, and fords, which are located within a catchment greater than 50 hectares; ii. Structures which occupy more than 5 m² of the bed of the river or lake. <p>k. In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 1 May to 30 September (fish spawning season).</p>		

¹⁴⁹ If Rule 66 cannot be complied with, then the activity is a discretionary activity under Rule 69.

¹⁵⁰ See Glossary for a definition of “**after reasonable mixing**”.

6.8.2 ERECTION & PLACEMENT OF DAMS & OTHER BARRIER STRUCTURES, & DAMMING OF WATER

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>67</p> <p>Dams, weirs & other barrier structures in rivers, lakes and artificial water – courses</p> <p><i>Refer POL 79</i></p>	<p>The erection or placement of any dam¹⁵¹, weir or other barrier structure in, on, under, or over the bed of a river, lake and artificial watercourse, and:</p> <ul style="list-style-type: none"> any associated damming or diversion of water, and any associated discharge of sediment; and any associated disturbance of the river or lake bed. 	<p>Permitted¹⁵²</p>	<p>a. The catchment area of the <u>new</u> structure shall not exceed 50 hectares.</p> <p>b. The volume of water to be stored or retained by the <u>new</u> structure to spill level shall not exceed 20,000 m³.</p> <p>c. The height of the structure (as measured vertically from the downstream bed to the crest) shall be no greater than 4 m.</p> <p>d. A spillway shall be constructed to prevent the <u>new</u> structure being overtopped during storm events, unless the structure is designed to allow overtopping.</p> <p>e. The impounded water shall not encroach onto any property, nor impede any drainage system, beyond the subject property unless agreed to in writing by any affected property owners.</p> <p>f. Erection or placement of the structure shall not cause any erosion, scour or deposition beyond the area of erection or placement.</p> <p>g. The impounded water shall not cause any erosion or instability of bordering land.</p> <p>h. Within rivers and lakes, provision shall be made to maintain existing fish passage within the water body and, where the water body is permanently flowing, provision shall be made to maintain a residual flow immediately downstream of the structure of at least 1.2 l/min per hectare of catchment above the structure, except at times where such flow would not have occurred prior to the construction of the structure.</p> <p>i. Where the volume of water to be stored or retained by the structure to spill levels exceeds 10,000 m³ and where the structure is located within the catchment of a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974 the HBRC shall be informed about the erection or placement of the structure at least 15 working days prior to the commencement of works.</p> <p>j. There shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation</p>		

¹⁵¹ **Dams** - Include stock water dams, Irrigation dams, fire-fighting dams and dams in artificial water courses.

¹⁵² If Rule 67 cannot be complied with, then the activity is a discretionary activity under Rule 69.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>to the erection of whitebait stands, maimai, and necessary access structures to these.</p> <p>k. In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation to the erection of whitebait stands, maimai, and necessary access structure to these.</p> <p>l. Conditions (a) to (d) do not apply to structures which are located in a land drainage or flood control area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908 or the Local Government Act 1974.</p>		
<p>68</p> <p>Existing damming of water in rivers and lakes</p> <p><i>Refer POL 79</i></p>	<p>Any existing damming of water associated with a lawfully established dam¹⁵³, weir, or other barrier structure in, on, under, over the bed of a river, lake or artificial water course that is not provided for by Rule 67.</p>	Controlled	<p>a. The impounded water shall not encroach onto any property beyond the subject property, unless agreed to in writing by any affected property owners.</p>	<p>a. Stability of the land bordering the dam.</p> <p>b. Residual downstream flow.</p> <p>c. Flood risk in the event of failure.</p> <p>d. Maintenance of structure.</p> <p>e. Duration of the consent.</p> <p>f. Review of consent conditions.</p> <p>g. Compliance monitoring.</p>	<p>Consent applications will generally be considered without notification without the need to obtain the written approval of affected persons.</p>
<p>69</p> <p>River & lake bed activities that are not expressly regulated by other rules</p> <p><i>Refer POL 79</i></p>	<p>Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.</p>	Discretionary			

ADVISORY NOTE:

- Water takes** – Note that a consent to take water is required for takes and uses of surface water in accordance with Rule 54 or 56.

¹⁵³ **Dams** - Include stock water dams, Irrigation dams, fire-fighting dams and dams in artificial water courses.

6.8.3 RIVER CONTROL & DRAINAGE WORKS & STRUCTURES

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>70</p> <p>River control & drainage works & structures</p> <p><i>Refer POL 79</i></p>	<p>Any activity, as described in the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works (1999), that is carried out by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974, in relation to flood control and drainage, including:</p> <ul style="list-style-type: none"> • edge protection works • planting • river protection maintenance works • irrigation intake maintenance • weed and vegetation control (excluding spraying) • drain maintenance, and drainage outlet maintenance • drain crossings • river mouth openings for the purpose of flood mitigation • river management and drainage for the maintenance of surface water quality • channel diversions within a river bed or drain, ancillary to the above activities <p>that would otherwise contravene:</p> <ul style="list-style-type: none"> • section 13 or section 14 of the RMA, or • section 15 of the RMA in relation to the discharge of sediment. 	<p>Permitted¹⁵⁴</p>	<p>a. The activity or structure shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>b. The appropriate Fish and Game Council, iwi and Department of Conservation office, shall be notified at least 5 working days before any channel diversion is undertaken.</p> <p>c. There shall be no discharge of contaminants, other than sediment, arising from the use of machinery in the bed of any river or lake.</p> <p>d. The activity shall not adversely affect any wetland.¹⁵⁵</p> <p>e. All activities shall be undertaken in accordance with the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works, 1999.</p>		

¹⁵⁴ If Rule 70 cannot be complied with, then the activity is a discretionary activity under Rule 69.

¹⁵⁵ For the purpose of this Plan the term '**wetland**' does NOT include:

- wet pasture land
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>71</p> <p>Activities affecting river control & drainage schemes^{156, 157}</p> <p><i>Refer POL 79</i></p>	<p>Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974:</p> <ul style="list-style-type: none"> • The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The deposition of any rock, shingle, earth, debris or other substance in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The reclamation or drainage of the bed of any river, lake or artificial water course. • The undertaking of any other land disturbance activity which impedes access to the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The erection of any structure and the undertaking of any land disturbance activity which interferes with the integrity of any defence against water.¹⁵⁸ 	<p>Discretionary ¹⁵⁹</p>			

¹⁵⁶ It is important to note that the Hawke's Bay Regional Council owns much of the land within River Control and Drainage Schemes, and thus has landowner rights and responsibilities in relation to this land.

¹⁵⁷ Any activity permitted by Rules 64 and 65 is not subject to Rule 71.

¹⁵⁸ "Defence against water" includes stopbanks and their foundations.

¹⁵⁹ The ongoing maintenance or repair of any structure authorized by a resource consent pursuant to Rule 71 is permitted pursuant to Rule 64.

6.8.4 ERECTION & PLACEMENT OF OTHER STRUCTURES (INCLUDING ACCESS STRUCTURES)

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>72</p> <p>Erection & placement of other structures, including bridges, culverts & other access structures^{160, 161}</p> <p><i>Refer POL 79</i></p>	<p>The erection or placement of any structure in, on, under, or over the bed of a river or lake, that is not expressly regulated by other rules within this Plan, and</p> <ul style="list-style-type: none"> any associated disturbance of the river or lake bed, and any associated discharge of sediment, and any associated damming or diversion of water. 	Permitted¹⁶²	<p>a. The scale of the structure shall comply with the following:</p> <ol style="list-style-type: none"> Access structures in or on the bed of a river or lake, including bridges, culverts, and fords, shall be located in a catchment that is no greater than 150 ha. Other structures in or on the bed of a river or lake shall occupy an area of bed no greater than 10 m². <p>b. The structure shall not change the natural course of any river or lake.</p> <p>c. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.¹⁶³</p> <p>d. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>e. All materials used shall not be toxic to aquatic ecosystems.</p> <p>f. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>g. The structure shall not cause any increase in the risk of flooding or damage to any property during flood events, including the risk resulting from trapped debris.</p> <p>h. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days.</p> <p>i. The activity or structure shall not cause any erosion, scour or deposition beyond the area of the activity or structure or adversely affect any other lawfully established structure.</p> <p>j. All excess materials shall be removed from the bed by completion of the activity.</p> <p>k. In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation to the erection of whitebait stands, maimai, and necessary access structures to these, or where emergency works are required.</p> <p>l. Any whitebait structure shall be removed within 14 days of the end of any whitebait season.</p>		

¹⁶⁰ **Building permits** – Note that a building permit from the relevant territorial authority may be required.

¹⁶¹ For the purpose of this Rule “**access structures**” includes temporary crossings used in the harvesting of forests.

¹⁶² If Rule 72 cannot be complied with, then the activity is a discretionary activity under Rule 69.

¹⁶³ See Glossary for a definition of “**after reasonable mixing**”.

6.8.5 RIVER BED GRAVEL EXTRACTION

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>73</p> <p>Small scale river bed gravel extraction</p> <p><i>Refer POL 79</i></p>	<p>The extraction of sand, gravel or other material from the bed of a river using a hand-held, non-mechanical device (e.g. a shovel), and any associated disturbance of the bed.</p>	<p>Permitted</p>	<p>a. The quantity of bed material extracted by any person at any one time shall not exceed 0.25 m³.</p> <p>b. The total quantity of bed material extracted by any person shall not exceed 1 m³ per year.</p> <p>c. The material shall be extracted from an area of river bed that is not covered by water at the time of extraction.</p> <p>d. The area from which material is extracted shall be recontoured so that no mounds or depressions remain.</p> <p>e. There shall be no discharge of any contaminant directly into water.</p>		
<p>74</p> <p>Large scale river bed gravel extraction</p> <p><i>Refer POL 53, 79</i></p>	<p>The extraction of sand, gravel or other material from the bed of any river or lake, and:</p> <ul style="list-style-type: none"> • any associated disturbance of the bed, and • any associated discharge of sediment, and • any associated diversion of water <p>that is not provided for by Rule 73.</p>	<p>Restricted discretionary</p>		<p>a. Location of extraction sites and stockpile areas.</p> <p>b. Volume of gravel extracted.</p> <p>c. Rate of removal of gravel.</p> <p>d. Period of extraction.</p> <p>e. End use of the gravel.</p> <p>f. Dust management.</p> <p>g. Other matters set out in Policy 53.</p> <p>h. Financial contributions.</p> <p>i. Duration of consent.</p> <p>j. Review of consent conditions.</p> <p>k. Compliance monitoring.</p>	

6.8.6 OTHER DISTURBANCES OF RIVER & LAKE BEDS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>75</p> <p>Other disturbances of river and lake beds</p> <p><i>Refer POL 79</i></p>	<p>The disturbance of the bed of a river or lake, except as provided for by other rules.</p> <p>This may be caused for example by:</p> <ul style="list-style-type: none"> • tunnelling, or • drilling, or • excavation. 	Permitted ¹⁶⁴	<p>a. The maximum area of disturbance shall be no greater than 5 m².</p> <p>b. The disturbance shall not change the natural course of any river or lake.</p> <p>c. Any release of sediment shall not cause any conspicuous change¹⁶⁵ in the colour or visual clarity of water after reasonable mixing.¹⁶⁶</p> <p>d. There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>e. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>f. The disturbance shall not cause any increase in the risk of flooding or damage to any property during flood events, including the risk resulting from trapped debris.</p> <p>g. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days, and for no more than 12 hours, on any one day within those five days.</p> <p>h. The activity or structure shall not cause any erosion, scour or deposition beyond the area of disturbance or adversely affect any other lawfully established structure.</p> <p>i. All excess materials shall be removed from the bed by completion of the activity.</p> <p>j. There shall be no disturbance of any part of the bed covered by water from 1 May and 30 September (fish spawning season).</p>		

¹⁶⁴ Non compliance with Rule - If Rule 75 can not be complied with then the activity is a discretionary activity under Rule 69.

¹⁶⁵ For the purposes of Rule 75 “conspicuous change” means a change in colour of more than five points on the Munsell scale or more than 20% change in clarity as measured by a 200 mm black disc as per “Water Quality Guidelines Number 2” published by the Ministry for the Environment. For example, a change in water colour from blue to blue/green is 10 points on the Munsell Scale.

¹⁶⁶ See Glossary for a definition of “after reasonable mixing”.

6.8.7 INTRODUCTION & PLANTING OF PLANTS

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>76</p> <p>Planting of plants</p> <p><i>Refer POL 79</i></p>	<p>The introduction or planting of any plant or any part of any plant in, on, or under the bed of a river or lake, except as provided for by Rule 70, or Rule 71.</p>	<p>Permitted¹⁶⁷</p>	<p>a. The planting shall not result in any reduction in the ability of the water body to convey flood flows or any impedance to the passage of debris.</p> <p>b. The activity shall not cause any significant erosion, scour or deposition.</p> <p>c. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish.</p> <p>d. There shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season).</p> <p>e. Plantings undertaken in accordance with this rule shall not cause disturbance, damage or destruction of existing indigenous vegetation in the bed of a lake or in the bed of the continuously flowing portion of a river.</p>		

ADVISORY NOTES:

- Plant pests** -Pursuant to the Biosecurity Act 1993, it is an offence for anyone to sell, propagate or distribute any plant classified as a plant pest in the Regional Plant Pest Management Strategy.

¹⁶⁷ If Rule 76 cannot be complied with, then the activity is a discretionary activity under Rule 69.

6.9 Tukituki River Catchment Rules

6.9.1 LAND USE AND WATER QUALITY

Rule	Activity	Classification	Conditions/Standards/Terms/Matters of Control and Discretion /Notification
TT1 Production land use Refer to POLs TT1 to TT5	The use of production land on farm properties or farming enterprises in the Tukituki River catchment pursuant to s9(2) RMA.	Permitted	<p>Conditions/Standards/Terms</p> <p>a. For farm properties or farming enterprises exceeding 4 hectares in area:</p> <p>(i) the records specified in Schedule XXI shall be retained for each year (1 June to 31 May) from 1 June 2013 onwards to enable a Nutrient Budget to be prepared, or</p> <p>(ii) copies of Nutrient Budget input and output files that have been prepared in accordance with an industry programme approved by Hawke's Bay Regional Council shall be kept; and</p> <p>those records or files shall be provided to the Hawke's Bay Regional Council upon request.¹⁶⁸</p> <p>b. For farm properties exceeding 4 hectares in area a Farm Environmental Management Plan shall be prepared in accordance with Schedule XXII by 31 May 2018 and thereafter implemented by 31 May 2020. The Farm Environmental Management Plan shall be updated at 3 yearly intervals from 1 June 2018 and include;</p> <p>(i) a Nutrient Budget¹⁶⁹, incorporating the measurement or modelling of whole of property nutrient losses (kg/ha/year) calculated using the annual records specified in Schedule XXI and the Overseer Nutrient Budget model (or an alternative model approved by Hawke's Bay Regional Council); and</p> <p>(ii) a Phosphorus Management Plan including details specified in Schedule XXII; and</p> <p>(iii) All other information relevant to the farm property required for Farm Environmental Management Plans by Schedule XXII.</p> <p>c. The records kept in accordance with condition (a) (i) and (a) (ii) shall be reviewed annually in accordance with an industry programme approved by Hawke's Bay Regional Council (or in the absence of an industry programme, as directed by Hawke's Bay Regional Council) to assess whether any farm system changes are evident. If such a change is evident, the Nutrient Budget for the farm system and from 31 May 2018 the Farm Environmental Management Plan must be updated to determine whether the nitrogen leached from the land exceeds the Tukituki LUC Natural Capital; Nitrogen Leaching Rates in Table 5.9.1D on a whole of farm property or whole of farming enterprise basis. All reviews and amended Nutrient Budgets must be made available to the Hawke's Bay Regional Council upon request.</p> <p>d. For farm properties or farming enterprises exceeding 4 hectares in area, after 1 June 2020 the nitrogen leached from the land (measured or modelled as a loss from the root zone using Overseer or an alternative model approved by Hawke's Bay Regional Council) shall not exceed Tukituki LUC Natural Capital; Nitrogen Leaching Rates in Table 5.9.1D on a whole of farm property or whole of farming enterprise basis, estimated using a 4 year rolling average;</p> <p>e. For single paddocks on land delineated in Schedule XX¹⁷⁰ as having a slope of 15 degrees or less all livestock (other than sheep) shall be excluded from the beds and margins of any lake, wetland and flowing river (whether intermittent or permanent) by 31 May 2020;</p>

¹⁶⁸ If this condition is not complied with, Nutrient Budget inputs will be determined in accordance with the methodology specified in Schedule XXI.

¹⁶⁹ A Nutrient Budget is defined in the Glossary.

¹⁷⁰ Schedule XX is based on slope classifications contained within the NZLRI and is at a coarse catchment scale. To determine compliance with Rule TT1 at a paddock scale, upon request HBRC will use the highest resolution Digital Elevation Model or LIDAR image available to determine the proportion of slope by using standard triangulation methods.

Rule	Activity	Classification	Conditions/Standards/Terms/Matters of Control and Discretion /Notification
			<p>f. For single paddocks on production land delineated in Schedule XX⁴¹ as having a slope of greater than 15 degrees and where the stocking rate of livestock excluding sheep exceeds 18 stock units per hectare either:</p> <p>(i) all livestock (other than sheep) shall be excluded from the beds and margins of any lake, wetland and any flowing river (whether intermittent or permanent) by 31 May 2020;</p> <p>or</p> <p>(ii) Outside of the Papanui, Porangahau, Maharakeke, Tukipo, Kahahakuri and upper Tukituki corridor catchments (as shown in Schedule XIVc, for individual farm properties or farming enterprises exceeding 4 hectares in size, by 31 May 2020 a Phosphorus Management Plan shall be prepared as part of a Farm Environmental Management Plan and it shall include stock exclusion requirements where stock exclusion is reasonably practicable and alternative phosphorus loss mitigation measures where stock exclusion is not reasonably practical.</p> <p>(iii) Within the Papanui, Porangahau, Maharakeke, Tukipo, Kahahakuri and upper Tukituki corridor catchments (as shown in Schedule XIVc Rule TT1(f)(i) must be complied with.</p> <p>g. Notwithstanding conditions (e) and (f), grazing of a permanently fenced riparian margin may occur for weed control purposes provided that:</p> <p>(i) The total period of grazing in any year does not exceed 7 days;</p> <p>(ii) The fenced riparian margin shall be grazed no more than twice in any year during the period 1 November to 30 April.</p> <p>h. Notwithstanding conditions (e) and (f), stock may continue to utilise managed stream crossing points (where stock are usually excluded from the surface water body but are actively herded across the surface water body by the farmer).</p> <p>i. Permanent and intermittent rivers that are crossed by formed stock races shall be bridged or culverted by 31 May 2020.</p> <p>j. After 31 May 2020, for farm properties or farming enterprises exceeding 4 hectares in area excluding:</p> <p>(a) Low intensity farming systems; and</p> <p>(b) Those that solely comprise plantation forestry (being forestry operations deliberately established for commercial purposes), nitrogen leached from the land shall be demonstrated¹⁷¹ to be not causing or contributing to any measured exceedance of the Table 5.9.1B limits for the 95th percentile concentration of nitrate-nitrogen or the limit for dissolved inorganic nitrogen at the downstream HBRC monitoring site nearest to the farm property or farming enterprise in the relevant mainstem or tributary of a river or to any measured exceedance of the Table 5.9.2 groundwater quality limits for nitrate-nitrogen.¹⁷²</p> <p>k. For farm properties or farming enterprises exceeding 4 hectares in area, contaminants leached from the land shall be demonstrated⁴² to be not causing or contributing to any breach of the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007 or the guideline values or maximum acceptable values for determinands in the Drinking Water Standards of New Zealand (2005 Revised edition 2008) or subsequent version for any registered drinking water supply takes. (Note: Hawke's Bay Regional Council is satisfied that this permitted activity rule will not cause or contribute to any such breach for any registered drinking water supply but condition k. is included here for completeness.)</p> <p>l. Notwithstanding conditions (a) to (d) and (j) to (k) above, where a farm property or farming enterprise meets the Glossary definition of a low intensity farming system the requirements of conditions (a) and (b) above, shall only apply where the farm property or farming enterprise exceeds 10 hectares in area.</p>

¹⁷¹ "Demonstrated" means as a result of monitoring and/or modelling undertaken by the Hawke's Bay Regional Council. Individual land owners seeking Certificates of Compliance under Rule TT1 will not be required to undertake any modelling or water quality monitoring themselves.

¹⁷² By 31 May 2018 HBRC will develop a Procedural Guideline in collaboration with primary sector representatives setting out how POL TT4(1)(h) and conditions (j) and (k) of Rule TT1 will be implemented. The Guideline will include, but not be limited to: the process for monitoring water quality trends and alerting affected farming properties if water quality limits are being approached; delineation of the 'capture zone' for the relevant water body (the area of groundwater or surface water contributing to the particular part of the water body in question); and, where Rule TT2 is triggered, an adaptive management process for reducing nitrogen leaching from affected farming properties based on the implementation of progressively more stringent on-farm management practices.

Rule	Activity	Classification	Conditions/Standards/Terms/Matters of Control and Discretion /Notification
TT2 Production land use Refer to POLs TT1 to TT6	The use of production land on farm properties or farming enterprises pursuant to s9(2) RMA within the Tukituki River catchment that does not comply with Rule TT1.	Restricted Discretionary	<p>Conditions/Standards/Terms</p> <p>a. The nitrogen leached from the production land does not result in the Table 5.9.1D Tukituki LUC Natural Capital; Nitrogen Leaching Rates on a whole of farm property or whole of farming enterprise basis being exceeded by more than 30 percent.</p> <p>Matters of Discretion</p> <p>a. The actual or proposed nutrient loss from production land within the farm property or farming enterprise in relation to:</p> <ul style="list-style-type: none"> (i) Tukituki LUC Natural Capital; Nitrogen Leaching Rates on a whole of farm property or whole of farming enterprise basis in Table 5.9.1D having regard to POL TT4; (ii) The current surface water quality and the surface water quality limits in the catchment having regard to POL TT1; (iii) The current groundwater water quality and the groundwater water quality limits in the catchment having regard to POL TT2; (iv) Current estimates of catchment or water management zone loads of nitrogen and phosphorus having regard to POL TT4, TT5 and TT6; (v) Whether reasonable and practicable opportunities have been taken to reduce phosphorus losses from the farm property or farming enterprise having regard to POL TT5. (vi) Whether reasonable and practicable opportunities have been taken to reduce nitrogen losses from the farm property or farming enterprise having regard to POL TT4. <p>b. The adequacy of any proposed industry good practices and any associated Farm Environmental Management Plan designed to avoid, remedy or mitigate the effects of the activity having regard to POL TT6.</p> <p>c. The imposition of mitigation measures where stock are unable to be excluded from water as required by Rule TT1.</p> <p>d. The imposition of mitigation measures where the activity is likely to contribute to or cause a breach of the Drinking-Water Standards for New Zealand having regard to POL TT1 and POL TT2.</p> <p>e. Monitoring and reporting requirements having regard to POL TT15.</p> <p>f. Duration of consent having regard to POL TT6(3).</p> <p>g. Review of consent conditions.</p>
TT2A Production land use Refer to POLs TT1 to TT6	The use of production land pursuant to s9(2) RMA within the Tukituki River catchment that does not comply with Rule TT2.	Non-complying	

6.9.2 TAKES

Rule	Activity	Classification	Conditions/Standards/Terms/Matters of Control and Discretion /Notification
TT3 Takes Refer to POLs TT9 and TT15	The take and use of surface water or groundwater, including groundwater takes located outside of Groundwater Allocation Zones 1 to 3.	Permitted	Conditions/Standards/Terms <ol style="list-style-type: none"> a. The take is for the purpose of filling agrichemical spray tanks for use on the same farm property on which the take occurs. b. The take is from an existing take point that is either: <ol style="list-style-type: none"> i. solely used for filling agrichemical spray tanks; or ii. part of an existing irrigation system but the spray filling off-take is situated upstream of any pump.
TT3A Takes	The take and use of surface water from an artificial water body or canal for hydro-electric generation purposes, where <ol style="list-style-type: none"> a. The hydro-electric generation facility is associated with a Community Irrigation Scheme; and b. The full volume of water used in the generation facility will be returned to the artificial water body or canal from which it was taken; and c. The maximum generation output from each facility does not exceed 4MW. 	Controlled	Conditions/Standards/Terms <ol style="list-style-type: none"> a. Fish shall be prevented from entering the water intake for the generation facility unless they are already being prevented from entering the canal or water storage facility at the initial point of take; b. There shall be an existing resource consent to dam, divert, take and discharge water for the purposes of a Community Irrigation Scheme; and c. There shall be an existing written agreement with the holder of the resource consents for that Scheme. Matters of Control Hawke's Bay Regional Council will restrict its control to the following matters: <ol style="list-style-type: none"> a. Duration of consent having regard to POL TT14; b. Lapsing of consent; c. Review of consent conditions; d. The collection, recording, monitoring and provision of information concerning the exercising of the consent having regard to POL TT15. Non-notification Consent applications will generally be considered without notification, and without the need to obtain the written approval of affected persons.
TT3B Takes Refer to POLs TT7 to TT15	The replacement of an existing resource consent for the take and use of: <ol style="list-style-type: none"> a. surface water, or b. groundwater located within Groundwater Allocation Zones 1 to 3. 	Restricted Discretionary	Conditions/Standards/Terms <ol style="list-style-type: none"> a. The take, in addition to all existing consented takes but excluding takes consented in association with in-stream dams, does not result in any exceedance of the allocation limits in Table 5.9.4, 5.9.5 (Tranche 1) or 5.9.6 (whichever is applicable); and b. The take complies with the relevant minimum flow regime. Matters of Discretion Hawke's Bay Regional Council will restrict its discretion to the following matters: <ol style="list-style-type: none"> a. The rate, volume and timing of the take; b. The reasonable need for the quantities of water sought in accordance with POL 32, POL 42, POL TT9 and any records of actual water use; ba. The practical availability and accessibility of any alternative sources of water where water is being sought under POL TT9(1)(f)(iva);

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			<ul style="list-style-type: none"> c. Where used for irrigation, the intended irrigation system and methods, their technical efficiency compared to industry good practice, and the setting of timeframes for improving technical efficiency; d. For groundwater takes: <ul style="list-style-type: none"> (i) the matters addressed in POL TT11; (ii) the effects the take (on its own, or in combination with other takes) has on any other authorised takes (including well interference drawdown effects); e. For surface takes the effects of any intake structure on fish passage and the need for fish exclusion devices or screens; f. Duration of consent having regard to POL TT14; g. Lapsing of consent; h. Review of consent conditions; i. The collection, recording, monitoring and provision of information concerning the exercising of the consent having regard to POL TT15.
TT4 Takes Refer to POLs TT7 to TT15	The take and use of surface water or groundwater comprising: <ul style="list-style-type: none"> a. new surface water takes (applied for after 4 May 2013); b. new groundwater takes located within Groundwater Allocation Zones 1 to 3 (applied for after 4 May 2013); c. groundwater takes located outside of Groundwater Allocation Zones 1 to 3; d. new High Flow takes; e. Takes that do not comply with Rule TT3, TT3A or TT3B; excluding takes associated with a Community Irrigation Scheme involving an in-stream dam or any other in-stream dam (in which case Rule 55 applies).	Discretionary	Conditions/Standards/Terms <ul style="list-style-type: none"> a. The take, in addition to all existing consented takes but excluding takes consented in association with in-stream dams, does not result in any exceedance of the allocation limits in Table 5.9.4, 5.9.5 or 5.9.6 (whichever is applicable); and b. The take complies with the relevant minimum flow regime. c. No new groundwater takes from Groundwater Allocation Zones 2 and 3 utilising Tranche 2 groundwater may be exercised under this rule unless and until augmentation flows are discharged that are commensurate to the scale of effect of the proposed take, during the same irrigation season as the Tranche 2 groundwater takes are exercised, to each of the Waipawa River and the Upper Tukituki River or one or more of their respective tributaries at a rate of up to 715 l/s to each river catchment at the highest practicable elevation as required to maintain the relevant downstream minimum flows specified in Table 5.9.3.
TT5 Takes Refer to POLs TT7 to TT15	The take and use of surface water or groundwater that does not comply with Rules TT3, TT3A, TT3B or TT4, excluding takes associated with a Community Irrigation Scheme involving an in-stream dam or any other in-stream dam (in which case Rule 55 applies).	Non-Complying	