

INTRODUCTION TO THE RULES

17.1 Content, Rationale, and Guide to Use

Chapter 18 contains rules regulating the use of the West Coast's resources in order to achieve the Objectives of this Plan. The rules determine whether a resource consent is required before an activity can be carried out.

It is possible a proposed activity will need to comply with more than one rule in this Plan, or may need to comply with a rule in a different plan. It is essential all relevant rules are examined. The Rule Summary Table in this Chapter should be used as a guide to find the relevant rules for any particular activity. Cross-referencing of rules has been undertaken to assist Plan users, but should not be relied upon totally as each activity has different aspects.

17.2 Status of Activities

Each rule specifies whether a particular activity is **permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited**. These classes of activity are described below.

Permitted activity: No resource consent required

Activities which are specified as permitted activities can occur without the need to obtain a resource consent provided they are able to comply with the conditions set in the rule.

Controlled activity: Resource consent required but always granted

Activities which are specified as controlled activities require a resource consent, but the Council must grant consent. The conditions Council sets on the resource consent will be limited to the matters stated in the rule.

Restricted discretionary activity: Resource consent required

These activities require a resource consent, and the Council has discretion to grant or decline consent. Council has limited the range of matters it considers to those listed in the rule and may only set conditions (if consent is granted) on those matters. The consent often does not need to be notified.

Discretionary activity: Resource consent required

This is an activity for which the Council retains full discretion as to whether it will grant a resource consent and full discretion as to the matters it considers and the conditions it may place on the consent, if granted. There is no assumption that any given activity is or is not 'generally appropriate' at any given locality in the region.

Non-complying activity: Resource consent required

This is an activity (not being a prohibited activity) which contravenes a rule in a plan or proposed plan. The activity is allowed only if a resource consent is obtained in respect of that activity.

Prohibited activity: No resource consent will be granted

Activities which are specified as prohibited activities within the rules of this Plan may not occur on the West Coast and no resource consent will be granted for the activity.

Where an activity requires consent for activities that are differently classified, the Council may use its discretion to 'bundle' the activities. Where activities are 'bundled' the more stringent rule applies. For example, where a consent is needed under a rule for both a discretionary and a non-complying activity, the whole application will be considered as a non-complying activity. This may arise where parts of a wetland are included in both Schedule 1 and 2, and activities require consent as non-complying and discretionary activities under the rules in sections 18.1 and 18.2.

Other Legislation

Other legislation may have implications for the management of the West Coast's water resources. This Plan does not replace or override that legislation, and nothing in these Rules removes obligations under any other legislation.

Notification of Resource Consents

Any resource consent application received by the Council must be publicly notified under Section 95A of the RMA, unless it is a controlled activity or the Council is satisfied that the adverse effects of the activity on the environment will be minor. Some controlled and restricted discretionary rules in this Plan expressly permit consideration of a resource consent application without public notification or limited notification in accordance with Section 95A and 95B.

Those rules also expressly allow an application to be considered by the Council without service on persons who may be adversely affected if consent is granted and without the written approvals of such persons.

17.3 Definitions

17.3.1 Activities on Land

Where activities take place in the bed of a lake or river, activities are not allowed unless they are expressly permitted by a rule in the Plan or a resource consent. Where the Plan contains a rule that applies to the use of land, activities that contravene that rule, and do not have existing use rights need a consent.

17.3.2 Proneness to Erosion

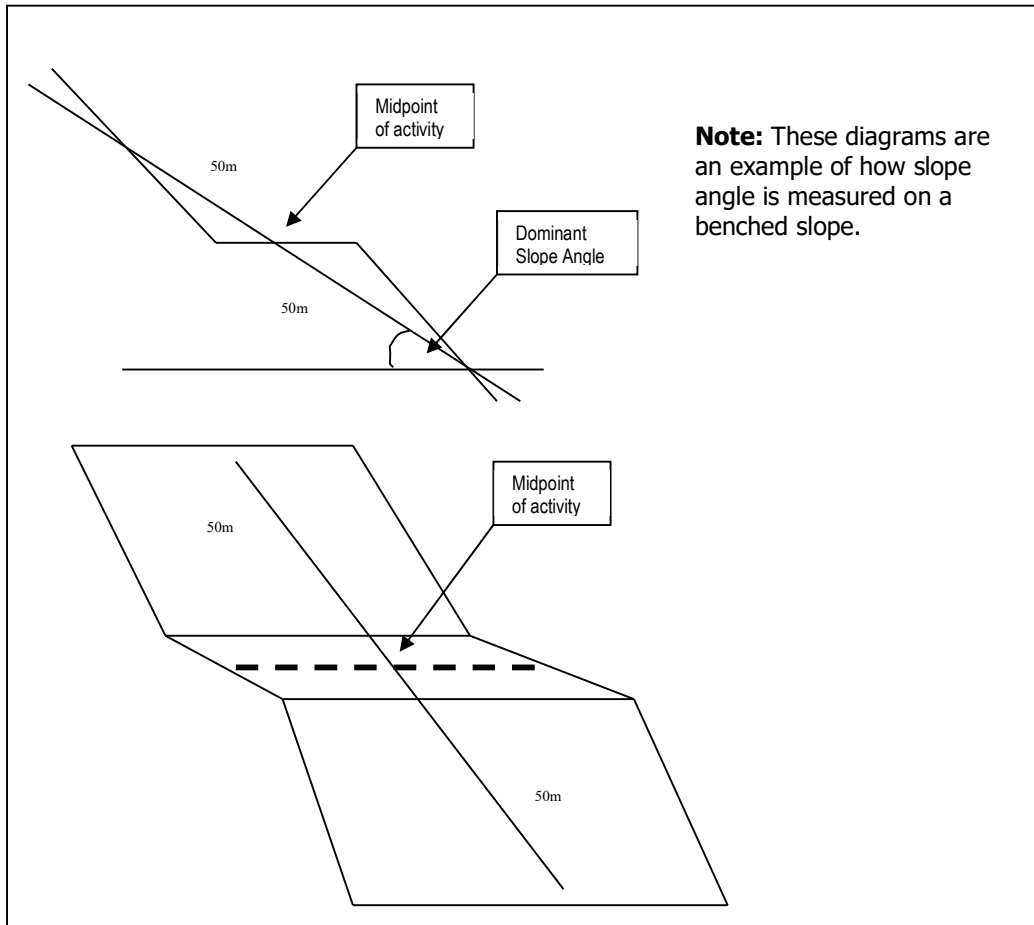
For the purpose of the following rules, land is categorised in accordance with its proneness to erosion in the following manner:	
Greymouth Earthworks Control Area	Land defined by maps in Schedule 4.
Non Erosion Prone Area	Land not in the Greymouth Earthworks Control Area with a dominant slope angle less than 12 Degrees (or a 1:4.7 ratio)
Erosion Prone Area 1	Land not in the Greymouth Earthworks Control Area with a dominant slope angle between 12 (or a 1:4.7) and 25 Degrees (or a 1:2.1 ratio) (inclusive)
Erosion Prone Area 2	Land not in the Greymouth Earthworks Control Area with a dominant slope angle above 25 Degrees (or a 1:2.1 ratio)

Note that slope is measured by a vertical to horizontal ratio.

17.3.3 Dominant Slope Angle

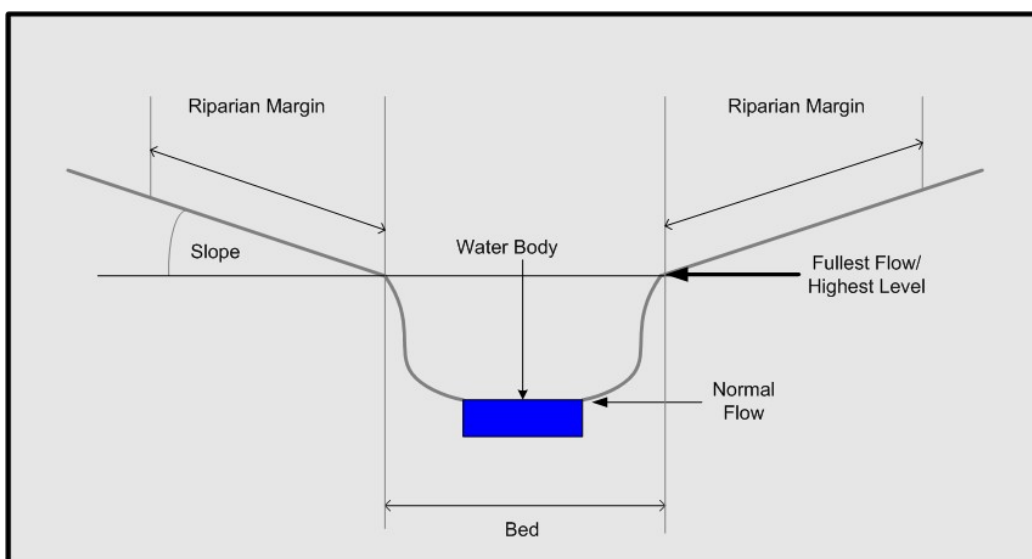
For Vegetation disturbance and earthworks:

- The dominant slope angle is the angle between a point 50 metres upslope of the activity and a point 50 metres downslope of the activity as illustrated in the diagram below.



Riparian Margins:

The dominant slope angle is the angle between the fullest flow/highest level of the bed of the lake or river, or major farm drain in the Lake Brunner Catchment, and a point 20 metres upslope as illustrated in the diagram below.



17.3.4 Riparian Margins

Riparian margins refer to the land within a certain distance (see table below) of any:

1. Lake or river; or
2. Major farm drain in the Lake Brunner catchment.

For the purposes of this definition, 'lake' does not include any ephemeral pond, artificial pond, or water hole.

For the purposes of this definition, 'river' does not include any ephemeral river, stormwater flow path or artificial watercourse (including race and electricity canal).

Noting that a riparian margin may remain grassed and unfenced except where Rule 1(l) or Rule 11 applies.

Summary Table of Riparian Margin widths

Land cover or activity	Dominant slope angle	Rivers		Lakes
		1-3 metres wide	> 3 metres wide	
Existing pasture or pest plants	<12° (or a 1:4.7 ratio)	3 metres	3 metres	20 metres
	>12° (or a 1:4.7 ratio)	10 metres	10 metres	20 metres
Indigenous vegetation	<12° (or a 1:4.7 ratio)	5 metres	10 metres	20 metres
	>12° (or a 1:4.7 ratio)	10 metres	10 metres	20 metres
Humping & hollowing	Any slope	10 metres	10 metres	20 metres

Advisory note:

1. Where there is a mixture of pest plants and indigenous vegetation, more than 65% of the vegetation cover must be pest plants for the narrower setback to apply.
2. Where the bank is not easily defined, the boundary of the 'bed' and 'land' is identified by the terrestrial vegetation immediately adjacent to the lake or river, or major farm drain in the Lake Brunner Catchment.

PERMITTED	CONTROLLED	DISCRETIONARY*	NON-COMPLYING OR PROHIBITED
<p>27 Debris clearance excluding gravel Flood protection works</p> <p>28 Gravel extraction</p> <p>29 Activities undertaken without motorised assistance, geotechnical testing, suction dredging, or vegetation recovery</p> <p>30 Removal of selected rock and stone for non-commercial purposes or personal use.</p> <p>31 Other activities in riverbeds and lakes Introduction or planting of plants</p> <p>32 Whitebait stands</p> <p>38a Prohibited whitebait stands</p>		<p>35, 36 35, 36 35, 36 33, 36 35, 36</p> <p>35, 36 34</p>	<p>37 37 37 37 37 37 38a</p>
<p>TAKES, USES, AND DIVERSIONS OF WATER</p> <p>Take and use of surface water</p> <p>39 Take and use of water from listed sources</p> <p>40 Take and use of water where not permitted by Rule 39</p> <p>41 Take and diversion for small scale hydro electric generation</p> <p>42 Temporary take and use</p> <p>43 Transfer of a water permit</p> <p>Take and use of groundwater</p> <p>44 Take and use of groundwater</p> <p>45 Bore development and pumping tests</p> <p>46 Slope dewatering</p> <p>The damming or diversion of water</p> <p>47 Temporary diversion of water</p> <p>48 Permanent diversion of water</p> <p>49 Diversion and/or take of water in a drain</p> <p>50 Damming of water</p> <p>51 Diversion of natural runoff – contaminated and uncontaminated</p> <p>Community water supplies Community water supply takes from surface water Community water supply takes from groundwater</p> <p>Hydroelectric activities Hydroelectric generation</p> <p>Take or use of geothermal water Take or use of geothermal water</p> <p>Damming of the Ahaura Gorge Damming of the Ahaura Gorge</p>	<p>52 53 54</p>	<p>55, 57 55, 57 55, 57 55, 57 57 56 56 56 58 58 59 58 57 56 60 61</p>	<p>62</p>

PERMITTED		CONTROLLED	DISCRETIONARY*	NON-COMPLYING OR PROHIBITED
63	DISCHARGES TO WATER		71	
64	Discharge of stormwater from reticulated systems		71	
65	Discharge from any drain		71	
66	Discharge of cooling water, swimming pool water, or water from any drinking water supply pipeline or reservoir		71	
67	Incidental discharge of contaminants to water from temporary activities associated with maintenance of structures		71	
68	Discharges of water to water excluding activities permitted by Rules 63, 64, 65 or 66		71	
69	Discharge of aquatic herbicide in gel form		71	
70	Discharge of herbicide to water Aerial discharge of sodium monofluoroacetate to water		71	
	DISCHARGES TO LAND			
	Agricultural activities			
72	Silage and silage wrap		91	
73	Solid waste and offal pits		91	
74	Application of fertiliser		91	
	Application of phosphorus fertiliser associated with Rule 15 in the Lake Brunner Catchment	87	91	
75	Land application of agricultural effluent		91	
	Land application of agricultural effluent in the Lake Brunner catchment	88	91	
76	Feed lots and wintering pads		91	
77	Application of agrichemicals on domestic properties		91	
78	Application of agrichemicals on areas other than domestic properties Aerial application of vertebrate pest control agrichemicals	89		
	Sewage			
79	On-site discharge of sewage effluent		91	
80	Discharge from pit toilets		91	
	Stormwater and drilling contaminants			
81	Discharge of stormwater runoff	90	91	
82	Discharge of water containing contaminants from drilling activities			
	Stockpiling, composting, landfills, solid waste and cleanfill			
83	Stockpiling		91	
84	Stockpiling of roadworks materials		91	
85	Composting		91	
86	Cleanfill		91	

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ADVICE NOTES FOR RULES

Regardless of the location of the activity, approval must be obtained from the landowner in the first instance.

Earthworks Rules:

Ngai Tahu own all pounamu (greenstone) previously vested in the Crown. Schedule 10 contains the accidental discovery protocols of the pounamu management plan and they should be taken into account when undertaking any earthworks.

Refer to Definitions 17.3 in Chapter 17 for an explanation of Riparian Margins, Dominant Slope, and Proneness to Erosion slope categories.

It is important that sediment traps are maintained so that they continue to work efficiently. The traps should be of a size or number that is relative to the amount of work being undertaken.

Additional provisions on disturbance of indigenous vegetation, wetlands, significant natural areas, and cultural/historic areas may apply. It will be necessary to refer to relevant district plans.

Additional statutory provisions apply to activities involving archaeological sites under the Historic Places Act 1993. An archaeological authority is required from the New Zealand Historic Places Trust (NZHPT) to modify, damage or destroy any archaeological site, whether recorded or not. This may include earthworks, discharges, planting of trees, land disturbance or the removal of historic structures from rivers and lakes. Contact the NZHPT for further information.

All activities must comply with the New Zealand Electricity Code of Practice 34:2001, and with the permit process by the affected utility operator for activities by third parties in close proximity to transmission lines.

Water Take Rules

Where the cumulative volume allocated from a river for permitted and/or consented takes reaches or exceeds 15% of mean annual low flow (MALF) the Council will review the application of the rule to the affected river, and a plan change may be required to address the issue.

The total volume of water allocated includes lawfully established takes, takes that are permitted under the rules of this Plan, and takes provided for under section 14 of the RMA. The Council holds records of allocation levels and has limited river flow information that will be made available where required.