

18.5 DISCHARGES TO LAND

18.5.1 Permitted Discharges to Land

Rule 72. Silage and silage wrap

The discharge of any contaminants into or onto land in connection with the storage of silage is a **permitted activity**, provided that all of the following conditions are met:

- a) There is no contamination of water, including groundwater and coastal water; and
- b) Silage wrap is disposed of by either recycling, by burial on the subject property, or at a landfill; and
- c) Silage storage areas shall be located not less than 50 metres from any potable groundwater bore or well.

Explanation

Provided that silage storage areas are located on a suitable site, are well constructed, and suitable precautions are taken in the production of silage, they will have a minimal impact and as such should be allowed as a permitted activity.

Condition (a) requires that there is no contamination of water by any contaminants, including groundwater and coastal water, but leaves the manner in which this is to be achieved to the discharger. For example, protection of groundwater could be achieved by using a liner at the storage site.

Note: It is recognised that there are also other alternatives to disposal such as collection by an approved contractor, disposal at a waste transfer station or at a recycling centre drop off point.

Rule 73. Solid waste and offal pits

The discharge of any contaminants into or onto land in connection with the disposal of solid waste, including offal, on production land is a **permitted activity**, provided that all of the following conditions are met:

- (a) There is no contamination of water, including groundwater and coastal water; and
- (b) The discharge consists only of solid waste, or offal, generated on the subject property; and
- (c) The discharge area is not within 50 metres of the subject property boundary; and
- (d) The discharge does not contain:
 - i) Any hazardous substance or container used to store hazardous substances; or
 - ii) Any septage or sludge; and
- (e) There is no windblown litter from the subject property; and
- (f) Within twelve months of the activity ceasing, the discharge area is rehabilitated to a condition compatible with the surrounding land; and
- (g) Offal pits shall be located not less than 50 metres from any potable groundwater bore or well.

Explanation

Provided that solid waste and offal pits are located on a suitable site, and are not a threat to human or animal health, they will have a minimal impact.

Rule 74. Application of fertiliser

Except where Rule 15 applies the discharge of fertiliser¹, into or onto land is a **permitted activity** provided that all of the following conditions are met:

- (a) There is no discernible contamination of water; and
- (b) Any drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment; and

In the Lake Brunner catchment:

- (c) Phosphorus fertiliser shall not be discharged to land that is developed under Rule 15 unless it has a water solubility of less than 10%.

Explanation

In making the application of fertilisers a permitted activity, the Council recognises that the adverse effects associated with the activity are generally minor and can be controlled through the conditions imposed.

Rule 75. Land application of agricultural effluent

The discharge of agricultural effluent into or onto land, except in the Lake Brunner catchment, is a **permitted activity** provided that all of the following conditions are met:

- (a) No agricultural effluent is discharged within:
 - i) 50 metres of any well or bore used for potable water supply and there are no adverse effects on any take of water for human consumption; or
 - ii) 20 metres of any surface water body; or
 - iii) 20 metres of any drain with flowing water; or
 - iv) 20 metres of any adjoining property; and
- (b) There is no runoff of agricultural effluent into surface water bodies, drains, or coastal water; and
- (c) There is no ponding or visible surface flow of effluent, or pasture burning; and
- (d) The application rate of agricultural effluent is at a rate not exceeding the equivalent of 200kgN/ha/year, and shall not exceed 20mm in depth per application; and
- (e) There are contingency measures in place to ensure that there is no contravention of these conditions in the event of pump or other system failure, or unsuitable soil conditions.

Note: This Rule applies to agricultural effluent which is collected and discharged from a point source into or onto land.

The maximum nitrogen application rate in condition (d) is set at 200kgN/ha/year as agricultural effluents are slow-release nitrogen fertilisers.

The requirement for contingency measures is for situations where any discharge would not be able to meet conditions (b), (c), (d) of the Rule. If any of the conditions cannot be met a resource consent is required.

For the purpose of this Rule, drains do not include the hollows of humped and hollowed land unless they contain water at the time of discharge. If hollows contain water at the time of discharge, then this may require a consent if it cannot meet the conditions of Rule 64.

Good practice guidelines such as how to calculate whether the maximum nitrogen application rate is being met, maximum depth of effluent to be applied, and adequate storage for herd size can be obtained from the Council.

This Rule applies only to discharges to land. There are additional requirements to control odour effects from agricultural effluent discharges to air in the Regional Air Quality Plan, and that Plan should be consulted.

¹ The definition of 'fertiliser' is contained in the Glossary.

Rule 76. Feed lots and wintering pads

The discharge of contaminants into or onto land at or from any feed lot, stand-off pad or wintering pad is a **permitted activity** provided that all of the following conditions are met:

- a) The discharge is not within:
 - i) 50 metres of any surface water body or coastal water; or
 - ii) 50 metres of any bore or well used for potable water supply or stock water supply, and there are no adverse effects on any take of water for human consumption; and
- b) Notwithstanding condition (a), there is no contamination of water bodies, groundwater, or coastal water.

Explanation

This Rule is intended to permit discharges that have only minor adverse effects. Potentially significant adverse effects can occur when increased volumes of animal excrement produced in a confined area result in a discharge with concentrated nitrogen into or onto land situated too close to water bodies.

Rule 77. Application of agrichemicals on domestic properties

The discharge of any agrichemical into or onto land from the use of any agrichemical within a domestic property is a **permitted activity** provided that all of the following conditions are met:

- (a) The mixing and application of the agrichemical is undertaken in accordance with the manufacturer's instructions, at concentrations not exceeding manufacturers label recommendations; and
- (b) Any agrichemical spray drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment; and
- (c) The discharger is responsible for ensuring proper disposal of spray mixture and empty containers; and
- (d) The following effects do not arise in any surface water body, groundwater or coastal water:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - ii) Any conspicuous change in the colour or visual clarity; or
 - iii) Any emission of objectionable odour; or
 - iv) The rendering of fresh water unsuitable for consumption by farm animals; or
 - v) Any significant adverse effects on aquatic life.

Explanation

The conditions imposed are to ensure that there are no adverse effects off the property, such as spray drift or degradation of water quality as a result of spray drift or ground application. The Council recognises that spray drift from domestic properties is likely to be minimal given the application methods, but includes the condition on spray drift as a precautionary measure.

Rule 78. Application of agrichemicals or vertebrate pest control substances on areas other than domestic properties

The ground-based or aerial discharge of any agrichemical or vertebrate pest control substance other than those specified in Rule 89 (Aerial Application of Vertebrate Pest Control substances), is a **permitted activity** provided that all of the following conditions are met:

- (a) The mixing and application of the agrichemical is undertaken in accordance with the manufacturer's instructions, at concentrations not exceeding manufacturers label recommendations; and

- (b) If the agrichemical is applied by a ground-based commercial spray applicator (excluding commercial spray applicators applying vertebrate pest control chemicals), then the applicator holds or is supervised by a person who holds a current Growsafe™ Growsafe® Registered Chemical Applicators Certificate issued by the New Zealand Agrichemical Education Trust, and a copy of that current certificate is produced to an enforcement officer of the Council on request; and
- (c) If the agrichemical is applied aurally by a commercial spray applicator (excluding commercial spray applicators applying vertebrate pest control chemicals), then the applicator holds a current Growsafe™ Agrichemical Pilots Rating Certificate issued by the New Zealand Agrichemical Education Trust, or comparable qualification, and a copy of that current certificate is produced to an enforcement officer of the Council on request; and
- (d) The application is undertaken in accordance with Part 5 of the "Management of Agrichemicals" (New Zealand Standard 8409:2004, New Zealand Agrichemical Education Trust, 2004); and
- (e) Any agrichemical spray drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment; and
- (f) The following effects do not arise in any surface water body, groundwater or coastal water:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - ii) Any conspicuous change in the colour or visual clarity; or
 - iii) Any emission of objectionable odour; or
 - iv) The rendering of fresh water unsuitable for consumption by farm animals; or
 - v) Any significant adverse effects on aquatic life; and
- (g) The discharger immediately notifies the Regional Council in the event of any accidental discharge of any agrichemical; and
- (h) For aerial applications of agrichemicals (excluding vertebrate pest control chemicals):
 - i) The discharger keeps records of the type of each agrichemical applied, the volume and concentration of the agrichemical used, the locality and date of application and weather conditions, including wind speed and direction. A copy of any records is produced to an enforcement officer of the Council on request; and
 - ii) Occupiers of residences, school buildings, and registered organic farms within the application area or immediately adjoining the application area shall be notified at least 48 hours and not more than 30 days prior to the commencement of the aerial application. Notification is not required if the owner, occupier or manager of the property to be sprayed has obtained written permission from these occupiers stating that notification is in some mutually agreed form or that notification is not required, and a copy of that written permission is produced to an enforcement officer of the Council on request; and
 - iii) The minimum distance between the downwind edge of the target area and any immediately adjoining residence, school building, or registered organic farm is 100 metres where there is a barrier to stop spray drift between the target zone and the affected site, and 300 metres where there is no such barrier;

and the following additional conditions for ground-based and aerial application of agrichemicals on public amenity areas:

- i) Public notice is given of the intention to apply agrichemicals prior to carrying out the application. Public notice is to take place not greater than 12 months and at least one week prior to application, and is to state:
 - i) The areas to be sprayed; and
 - ii) The approximate dates and times of spraying; and
 - iii) The agrichemical(s) to be used; and
 - iv) Where or how further information about the application of the agrichemical can be obtained;
 - v) A record of this public notice is to be kept and made available to the West Coast Regional Council on request; and

- j) Condition i) does not apply to agricultural chemicals that are applied from the ground to less than one kilometre length of public road, continuously or intermittently; and
- k) Signage is used to clearly indicate agrichemical use:
 - i) Except for spraying along the verges of public roads, the discharger must place signs clearly visible to the public at points where the public commonly have entry to the area being sprayed. Signs must remain in place until the re-entry period for that particular chemical has expired; and
 - ii) Where spraying occurs along the verges of public roads, vehicles associated with the spraying must display signs (front and back).

Explanation

Condition (h) for notification and a buffer zone are to minimise adverse effects of spray drift from aerial spraying on sensitive sites considered to be more at risk. A barrier for spray drift includes, for example, a shelter belt of thick, leafy vegetation at least 3 metres high and 1 metre thick.

The application of agrichemicals on public amenity areas has been given additional conditions in this Rule, because of the potential adverse effects on human health from contact with agrichemicals in these areas.

The Regional Air Quality Plan does not cover discharges of agrichemicals. Agrichemical use is addressed in this Regional Plan rather than the Regional Air Quality Plan because it is not seen as a significant regional air quality issue for the region. Rather, the adverse effects of such discharges occur on land as the ultimate receiving environment.

Note: All pilots must comply with the most recent Civil Aviation Authority requirements.

Rule 79. On-site discharge of sewage effluent

The discharge of any sewage effluent into or onto land, other than septage, from on-site sewage treatment and disposal systems is a **permitted activity**, provided that all of the following conditions are met:

- (a) The discharge does not exceed:
 - i) a maximum of 2000L per day for secondary treatment systems; or
 - ii) a maximum of 14,000L per week for other systems; or
 - iii) a maximum of 1300L of greywater per day;
- (b) The discharge is not within:
 - i) 50 metres of any surface water body; or
 - ii) 50 metres of the coastal marine area; or
 - iii) 100 metres of any bore or well used for potable water supply, where the discharge is from a soak pit and there are no adverse effects on any take of water for human consumption; or
 - iv) 50 metres of any bore or well used for potable water supply where the discharge is from other treatment systems; or
 - v) 20 metres of any drain; or
 - vi) 1 metre of the groundwater table; and

unless the system was installed before 1998 and is not contaminating water.
- (c) For systems other than soak pits, the hydraulic design loading rates for a disposal field shall not exceed those recommended for Category 1-3 soils (gravels and sand like soils) in AS/NZS1547:2000 12 'On-site Domestic Waste Water Management', unless the system was installed before 1998 and is not contaminating water; and
- (d) The greywater discharge is not within:
 - i) 20 metres of any surface water body; or
 - ii) 20 metres of any coastal water; or

- iii) 20 meters of any bore or well used for potable water supply, and there are no adverse effects on any take of water for human consumption; or
- iv) 0.6 metres of the groundwater table; and
- (e) There is no ponding, runoff, or surface breakout; and
- (f) No stormwater enters the system; and
- (g) The discharge does not pose a risk to human health, and is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment; and
- (h) For systems which use a disposal field, the system is designed to provide for even distribution of effluent to the entire filtration surface; and
- (i) For systems which discharge onto land:
 - i) The discharge is not by way of spray irrigation, or otherwise produces any aerosol discharge to air; and
 - ii) The effluent is evenly distributed over the entire area of the disposal field; and
 - iii) The effluent conforms to the following standard:
 - BOD5 not greater than 20mg/litre;
 - Suspended solids not greater than 30 mg/litre;
 - Faecal coliforms not more than 1000/100 mls.

Notes:

- 1) The volumes stated in condition (a) are equivalent to the amount of effluent produced by approximately 10 people.
- 2) For condition (b), the setback depth from the groundwater table should be based on the maximum water table level of the groundwater.
- 3) The Council will accept as compliance with condition (g) an on-site sewage treatment and disposal system designed, constructed, operated and maintained in accordance with The New Zealand Manual of Alternative Wastewater Treatment and Disposal Systems, Volume II, Part A: On-Site Wastewater Disposal From Households and Institutions Technical Publication No 58, Third Edition (Gunn, 2004), AS/NZS1546 2008, Parts 1, 2 and 3 'On-site Domestic Waste Water Treatment Units', or AS/NZS1547:2000 12 'On-site Domestic Waste Water Management'.
- 4) Condition (h) refers to both gravity-fed and dosed loading systems.
- 5) When selecting a discharge site, it should be considered whether the site for the system is subject to slippage, subsidence, erosion or inundation from any source.
- 6) For systems which discharge onto land, the standards required in condition (h) apply to the discharge at the outlet of the treatment plant, prior to discharging onto land.
- 7) Discharges into category 4-6 soils (clay-like soils) in AS/NZS 1547:2012 'On-site domestic wastewater management' do not comply with Condition (c) of Rule 79 and therefore require a resource consent.

Rule 80. Discharge from pit toilets

The discharge of any sewage into or onto land, other than septage, from pit toilets or long-drop toilets is a **permitted activity**, provided that all of the following conditions are met:

- (a) The discharge does not exceed 400 litres per day (calculated as a weekly average); and
- (b) The toilet is not sited within:
 - i) 50 metres of any surface water body or coastal water; or
 - ii) 50 metres horizontally of any bore or well used for potable water supply, and there are no adverse effects on any take of water for human consumption; and
- (c) No stormwater or runoff enters the system; and
- (d) Effluent from the toilet does not enter any surface water body or coastal water; and
- (e) Waste in the toilet does not accumulate to closer than 30cm to the ground surface; and
- (f) The discharge does not pose a risk to human health, and is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Explanation

The setback distances in condition (b) seek to protect water bodies from contamination by allowing for filtration and breakdown of contaminants to occur. Specifying a minimum distance from the ground surface avoids raw effluent being exposed during rainfall.

Specifying an upper limit on the volume of discharge (the volume stated is equivalent to the amount of effluent produced by approximately 50-60 people) allows for evaluation of effects through the resource consent process when greater volumes of discharges, with proportionately greater potential effects, are proposed.

Rule 81. Discharge of stormwater runoff

The discharge of collected stormwater runoff into or onto land is a **permitted activity** provided that all of the following conditions are met:

- (a) The discharge does not cause or exacerbate erosion, scouring, land instability, sedimentation or ponding beyond the boundary of the subject property; and
- (b) The discharge does not contain any human or animal or wastes; and
- (c) Where the discharge into or onto land enters water, it does not increase the flow to the extent that it exceeds the carrying capacity of existing drainage infrastructure; and
- (d) If the discharge originates from an area where hazardous substances are stored or used:
 - i) Hazardous substances cannot enter the stormwater system; or
 - ii) There is an interceptor in place to collect all stormwater that contains hazardous substances and beyond trace concentrations these hazardous substances are contained on-site until removed to an approved disposal facility for the type of hazardous substance concerned.

Cross-reference: Point-source stormwater or runoff containing sediment from earthworks that flows or is discharged to land or enters a waterbody is dealt with under the permitted earthworks rules (Rule 3). Stormwater discharges directly into water are dealt with under Rule 64.

Rule 82 Discharge of water containing contaminants from drilling activities to land

The discharge of contaminants to land from drilling of a temporary nature to investigate subsurface conditions is a **permitted activity**, provided that all of the following conditions are met:

- (a) The only contaminants in the discharge are:
 - i) Suspended sediments; or
 - ii) Drilling fluid additives approved by the Council and will not leave a residual toxicity in the soil and groundwater; and
- (b) The use of drilling fluid additives shall be undertaken in accordance with best industry practice and the manufacturer's recommendations; and
- (c) Mitigation measures are put in place to prevent, as far as practicable, the discharge of any contaminants associated with the drilling operations into surface water bodies; and
- (d) There shall be no discharge to water from the exploratory drilling operations that result in any of the following effects in any receiving water:
 - i) The production of any conspicuous oil or grease films, scums, or foam, or floatable or suspended material (including silt and/or sediment); or
 - ii) Any conspicuous change in the colour or visual clarity; or
 - iii) The rendering of freshwater unsuitable for consumption by farm animals; or
 - iv) Any significant adverse effects on aquatic life; or
 - iv) Adverse effects on any take of water for human consumption; and

- (e) Within two months of completion of drilling activities, the decommissioned hole shall be sealed to prevent adverse effects on groundwater quality and each drilling site shall be left in a tidy condition; and
- (f) Any materials used to seal the hole shall be non-toxic; and
- (g) The drill hole must not exceed 200mm in diameter; and
- (h) A drilling log will be kept in accordance with NZS4411:2001.

Note: the Council holds a register of approved drilling fluids which can be accessed via the Council website.

Rule 83. Stockpiling

Unless covered by Rule 84 the stockpiling of gravel, sand, rock, soil or coal is a **permitted activity**, provided that all of the following conditions are met:

- (a) There is no discharge of contaminated runoff beyond the boundary of the subject property; and
- (b) The discharge is located and contained to ensure that neither the discharge nor any contaminant arising from the discharge is able to enter any water body or the coastal marine area.

Explanation

This Rule includes stockpiles of any size at industrial or trade premises, production land and residential properties. Stockpiling of materials during road construction and maintenance is excluded from this Rule, as such stockpiles generally have minor effects and are temporary in nature (refer to Rule 83).

Cross-reference: The Regional Air Quality Plan has requirements for dust discharges from stockpiles. Refer to Rule 3 of the Air Plan.

Rule 84. Stockpiling of roadworks materials

The stockpiling of material for road construction and maintenance is a **permitted activity**.

Rule 85. Composting

The discharge of any contaminants into or onto land in connection with composting operations on production land or for or from domestic composting operations, is a **permitted activity**, provided all of the following conditions are met:

- (a) There is no contamination of groundwater, water bodies, or coastal water; and
- (b) Subject to condition (c), the discharge consists only of biodegradable wastes from that property;
- (c) The discharge does not contain:
 - i) Any hazardous substance or container used to store hazardous substances; or
 - ii) Any offal or carcasses; or
 - iii) Any septage or sludge; or
 - iv) Any agricultural effluent or sludge; and
- (d) There is no windblown litter from the subject property.

Explanation

This Rule applies to composting on production land and in residential areas, provided that the discharge only contains wastes generated on that property. For the purposes of this Rule, 'composting operations' refers to operations where material is collected and brought together for the purposes of making compost.

Rule 86. The discharge of cleanfill into or onto land in the Non Erosion Prone Area, outside riparian margins

The discharge of cleanfill into or onto land in the Non Erosion Prone Area, outside riparian margins is a **permitted activity** subject to the following conditions:

- (a) Sufficient sediment control is constructed so that the activity does not either:
 - i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc; or
 - ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU; or
 - iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU; as measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and
- (b) No cleanfill is placed directly in any river or lake bed; and
- (c) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (d) The activity does not affect any surface water take; and
- (e) The activity is not within:
 - i) 50 metres of the Coastal Marine Area on the open coast line; or
 - ii) 20 metres of the Coastal Marine Area else where; or
 - iii) Any wetland identified in Schedule 1 or 2; and
 - iv) The floodplain of a river; and
- (f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (g) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (h) The cleanfill has no acid producing material; and
- (i) The activity shall not cause any increase in flooding on neighbouring properties; and
- (j) Records of the source and composition of all cleanfill material discharged at the site must be maintained and made available to the Council upon request; and
- (k) The discharge does not exceed an annual volume of 5000m³; and
- (l) The site is left tidy on completion; and
- (m) The siting, design, installation, and management must be in accordance with 'A guide to the Management of Cleanfills'.

18.5.2 Controlled Discharges to Land

Rule 87. Application of phosphorus fertiliser associated with Rule 15 in the Lake Brunner catchment

Except where permitted by Rule 74(c) the discharge of phosphorus fertiliser into or onto land in the Lake Brunner Catchment associated with land development under Rule 15 is a **controlled activity** provided that all of the following standards are met:

- i) Soil testing for Olsen P shall be undertaken at least annually and in accordance with the soil testing protocol in Schedule 14, and the results supplied to the Council by March of every year; and
- ii) Any drift derived from the fertiliser discharge is not noxious, dangerous, offensive, or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment.

A resource consent is required and must be granted, however the Council reserves control over:

- (a) The extent to which the proposed fertiliser application methods prevents the loss of phosphorus to Lake Brunner;
- (b) The area of land that phosphorus will be applied to, and the amount and timing of the application;
- (c) Monitoring requirements;
- (d) The duration of the consent; and
- (e) Review conditions of the consent.

Note: An application for resource consent under this Rule does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.

Rule 88. Land application of agricultural effluent in the Lake Brunner catchment

The discharge of agricultural effluent into or onto land, in the Lake Brunner catchment, is a **controlled activity** provided that:

- (i) There is no discernible runoff of agricultural effluent into surface water bodies, drains, or coastal water; and
- (ii) No agricultural effluent is discharged within:
 - a. 50 metres of any well or bore used for potable water supply; or
 - b. 20 metres of any surface water body; or
 - c. 20 metres of any drain with flowing water; or
 - d. 20 metres of any adjoining property.

A resource consent is required and must be granted, however the Council reserves control over:

- (a) The extent to which the proposed treatment system prevents the loss of phosphorus to Lake Brunner;
- (b) The rate of effluent application;
- (c) The area of land effluent will be discharged into or onto;
- (d) The return period for application of the effluent;
- (e) Design and operation of the effluent system;
- (f) Storage capacity of ponds for wet periods;
- (g) Equipment maintenance requirements;
- (h) Effluent management and spill contingency plans;
- (i) Monitoring requirements;
- (j) The duration of the consent;
- (k) Review conditions of the consent.

Explanation

The discharge of agricultural effluent to land is the preferred effluent management treatment system in the Lake Brunner catchment to meet the objective of reducing the amount of phosphorus entering the lake. Application of effluent to land is sustainable in the long term and also allows effluent to be utilised as both a fertiliser and a soil conditioner.

Notes: An application for resource consent under this Rule does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.

Given that this activity was previously permitted, it is overridden by Section 20A of the RMA. Council monitoring indicates a decline in water quality in the Lake Brunner catchment, and therefore more stringent measures are required, in keeping with Council's responsibilities under the RMA.

Rule 89. Aerial application of vertebrate pest control substances

The aerial discharge onto land of any vertebrate pest control substances specified in Schedule 15 of this Plan is a **controlled activity**, and shall comply with the following standards and terms:

- (i) All residents and occupiers of school buildings within the application area or immediately adjoining the application area are notified at least 48 hours prior to the commencement of the aerial operation; and
- (ii) The discharger immediately notifies the Council in the event of any accidental discharge of any agrichemical; and
- (iii) A 100 metre buffer is maintained between the area of application and the boundary of the subject property and between the area of application and any house site; and
- (iv) Notification of the aerial operation in the local paper occurs at least 14 days prior to the work commencing; and
- (v) Signs are posted notifying the public of the application of agrichemicals in public access areas including roads, walking tracks and access along creeks and rivers; and
- (vi) The applicator holds a current Growsafe™ Agrichemical Pilots Rating Certificate or another appropriate chemical and agricultural rating as required under Civil Aviation regulations to undertake aerial application of sodium monofluoroacetate and a copy of that current certificate is produced to an enforcement officer of the Council on request;

The Council has reserved control over the following matters:

- (a) The nature of the chemical to be applied;
- (b) Method, rate and concentration of application;
- (c) Buffer zones;
- (d) Form and content of notification;
- (e) Timing of operations in relation to weather conditions;
- (f) Location and timing of signs;
- (g) Monitoring requirements;
- (h) The duration of the resource consent;
- (i) Review conditions of the resource consent.

Explanation

Subject to good practice the aerial application of agrichemicals for vertebrate pest control is likely to have minimal adverse environmental effects. However, given that there is potential for adverse effects to occur from such aerial operations, for example, on other wildlife and domestic species, the activity has a controlled status. This allows the Council to assess the effects of the activity on a case-by case basis and establish conditions relative to any identified constraints.

Currently in the West Coast region, sodium monofluoroacetate (1080) is the only vertebrate pest control chemical applied by aerial means, and is primarily used for possum control, however it can control other vertebrates such as rats and mustelids. In addition to complying with the Rules in this Plan, users of 1080 and other "controlled pesticides" are also subject to the relevant approvals under other Acts.

The form and content of notification in matter (iv) which Council has reserved control over refers to contacting residences, schools and any other potentially affected parties, and what goes in the newspaper as required in conditions (iv) and (v).

Rule 90. Discharge of stormwater runoff not permitted by Rule 81

The discharge of any contaminant into or onto land in connection with the discharge of stormwater runoff is a **controlled activity** unless permitted by Rule 81, and shall comply with the following standards and terms:

- (i) The discharge does not cause, sedimentation, erosion, scouring, land instability, ponding, or flooding; and
- (ii) Stormwater runoff from an area where hazardous substances are stored or used shall not be discharged unless:
 - a. Hazardous substances cannot enter the stormwater system; or
 - b. There is an interceptor in place to collect all stormwater that contains hazardous substances on site; and beyond trace concentrations these hazardous substances must be contained on-site until removed to an approved disposal facility for the type of hazardous substance concerned;_ and
- (iii) Where the discharge into or onto land enters water, it does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing drainage infrastructure.

The Council has reserved control over the following matters:

- (a) The location, method, rate, and quality of the stormwater discharge;
- (b) Design and operation of the treatment system;
- (c) Effects of the discharge on the receiving environment;
- (d) Stormwater management and spill contingency plans;
- (e) Monitoring requirements;
- (f) The duration of the resource consent;
- (g) Review conditions of the resource consent.

Explanation

Subject to using appropriate technology to contain and remove contaminants from the runoff, the discharge of stormwater to land is likely to have minimal adverse environmental effects. However, given that there is potential for adverse effects to occur, for example, from poorly located points of discharge, the activity has a controlled status. This allows the Council to assess the effects of the activity on a case-by case basis and establish conditions relative to any identified constraints, such as the proximity to surface water bodies or groundwater.

18.5.3 Discretionary Discharges to Land

Rule 91. Discharge to land discretionary activity Rule

Unless permitted by Rules 72 to 86, or controlled by Rules 87 to 90, any discharge of contaminants into or onto land is a **discretionary activity**.