Regional
Land and Water Plan

Operative May 2014

Showing changes from Plan Change 1 made operative on 22 October 2020

THE WEST COAST
REGIONAL COUNCIL

Land and Water Plan

Approved 13 May 2014

The Common Seal of the West Coast Regional Council was affixed in the presence of:

A. Robb
CHAIRMAN

C. Ingle
CHIEF EXECUTIVE OFFICER

Operative 27 May 2014

THE WEST COAST
REGIONAL COUNCIL

Plan Change 1 to the Regional Land and Water Plan, excluding Lake Kini Schedule 2 wetland boundary changes on Maori reserved land

Approved by resolution of the West Coast Regional Council on 13 October 2020

THE WEST COAST REGIONAL COUNCIL
The Common Seal of

.....
Allan Birchfield
Chairman
West Coast Regional Council

.....
Stuart Challenger
Chairman
Resource Management Committee

Operative: 22 October 2020

TABLE OF CONTENTS

1. INTRODUCTION

1.1 Purpose of the Plan

The West Coast Regional Council (the Council) has prepared this Plan to provide a framework for the integrated and sustainable management of the West Coast's natural and physical resources as they apply in the context of land and water. These resources include the region's lakes, rivers, groundwater, coastal environment, wetlands, geothermal water, and land including river and lake beds.

Many activities involving water or water bodies, land, river or lake beds can only occur if they are expressly allowed by a rule in a regional plan, or by a resource consent. Other activities such as some discharges and land use can be done without needing a consent provided they do not contravene a rule in the Plan.

This Plan covers activities undertaken on land, the beds of lakes and rivers, and the takes, uses, diversion, and damming of water. Discharges to water and land are also included. The Plan contains permitted activity rules for activities that have no more than minor adverse effects on the environment. For other activities, a resource consent is required.

1.2 Area covered by the Plan

This Plan covers water and land resources in the West Coast region (Te Kaunihera Whakakotahi o Te Tai Poutini). The region extends over a distance of 600 km from Kahurangi Point in the north to Awarua Point in the south, and inland from the coastal marine area boundary. The Plan does not cover the coastal marine area, which includes rivermouth areas and some lagoons. The coastal marine area boundary is defined in the Regional Coastal Plan for the West Coast.

For the purposes of the Land and Water Plan the area landward of the Coastal Marine Area that is influenced by coastal processes is referred to as the 'coastal environment' in the New Zealand Coastal Policy Statement 2010 (NZCPS). The inland coastal environment boundary is not defined in this Plan, and will be identified as and when necessary on a case by case basis. The NZCPS has policies that apply to managing effects of land and water use in the coastal environment. Unless otherwise stated, all objectives, policies and rules in the Land and Water Plan apply to the 'Coastal Environment' landward of the Mean High Water Spring Mark.

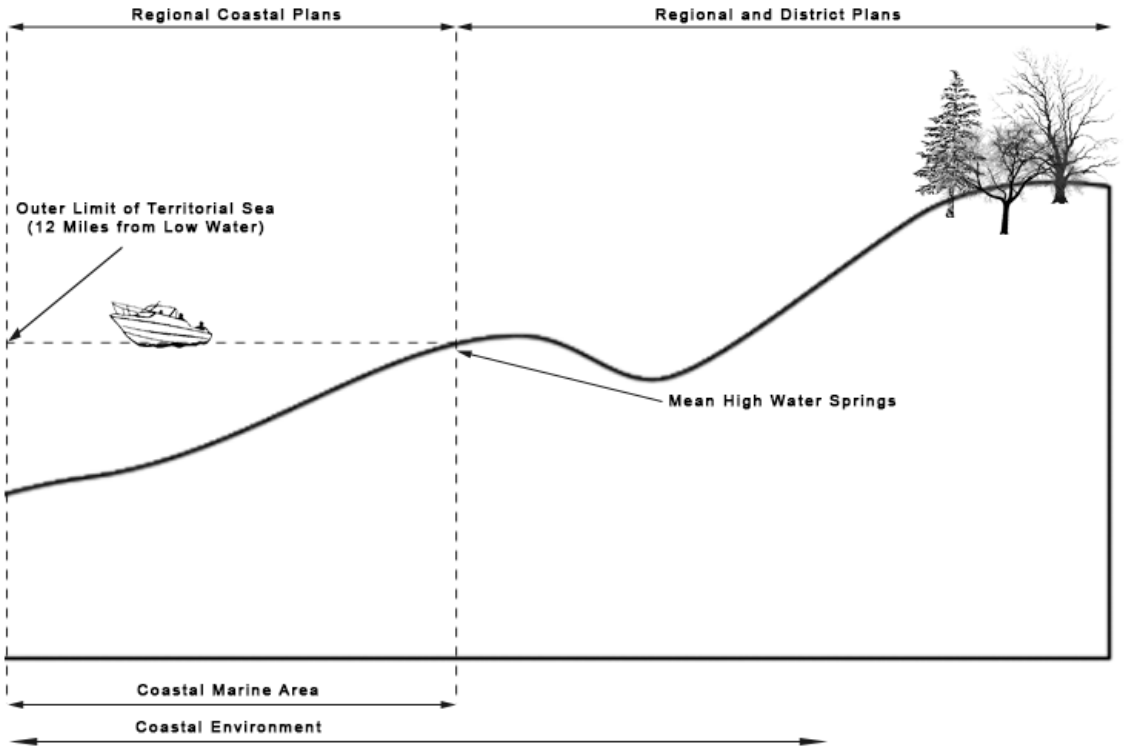
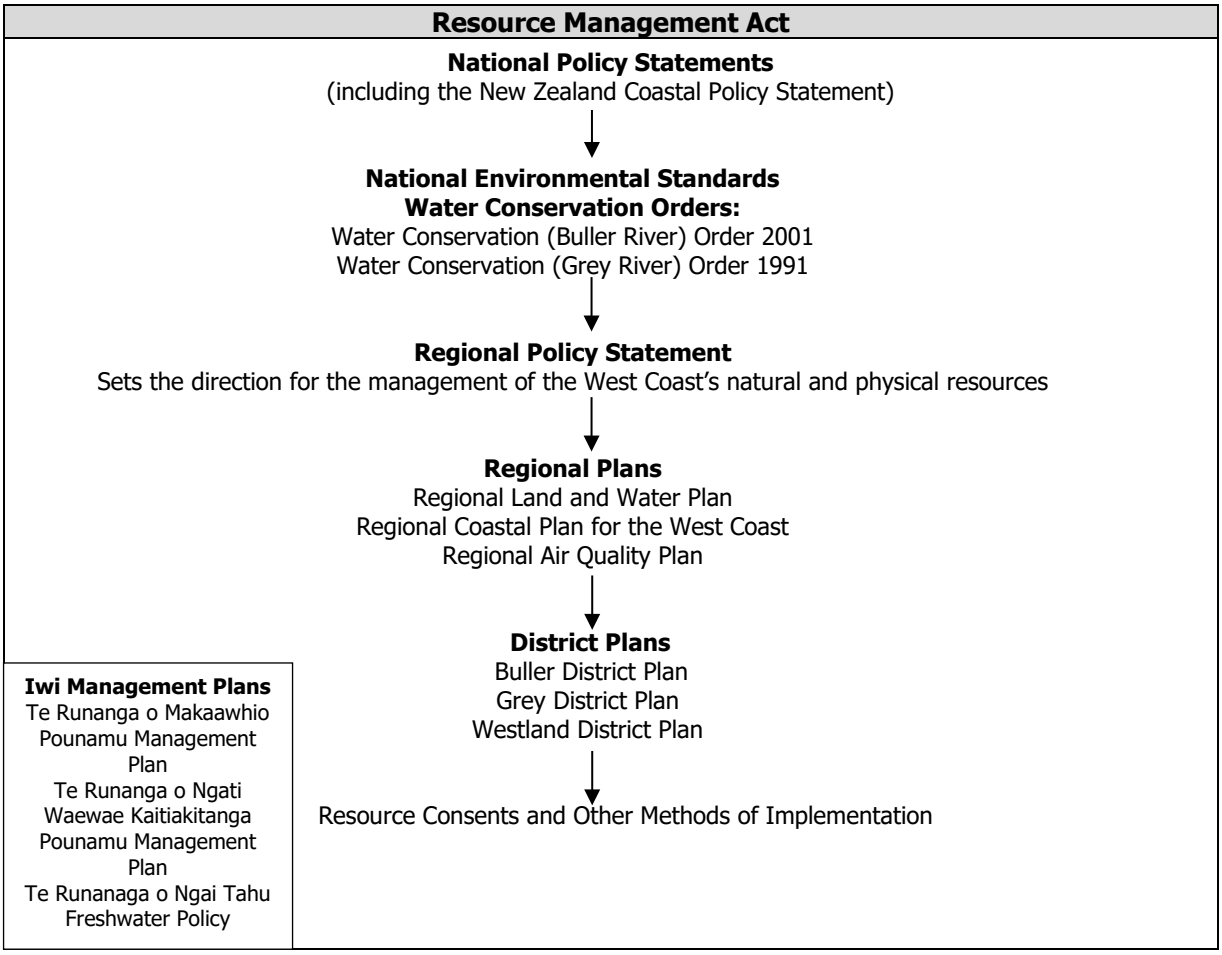


Figure 1: A cross section view of the coastal environment.

1.3 Relationship to other Resource Management Documents

This Plan fits within a framework of national, regional and local resource management policies, standards and plans (see Figure 2). This Plan should be read in conjunction with other relevant West Coast regional plans and the relevant district plan.

Figure 2: Resource Management Framework



1.4 Structure of the Plan

The Plan is structured as follows:

Chapters 1 and 2
These Chapters introduce the Plan, describe the legislative framework relating to water and land and outline the manawhenua perspective.

Chapters 3 - 18
These Chapters contain the Objectives, Policies, Rules, and other methods relevant to the management of water, land, and discharges to land. These provisions will guide the Council, and other consent authorities, when considering resource consents. The Rules determine whether a consent is required for a particular activity involving water, land, lakebed or riverbed, or discharges.

Chapters 19 - 21
These Chapters specify the information required with any resource consent application, the circumstances where a financial contribution may be required, and the processes for reviewing and monitoring the Plan.

The Glossary and Schedules follow Chapter 21.

2. POUTINI NGAI TAHU/NGAI TAHU PERSPECTIVE

2.1 Whakatauki

A whakatauki is a proverb or saying, which is intended as a general affirmation.

"He taura whiri kotahi mai ano te kopunga tai no i te pu au"
"From the source to the mouth of the sea all things are joined together as one"

2.2 Tauparapara

Ko Aoraki te Mauka	Mt Cook is the peak
Ko Nga Tiri Tiri o Te Moana te tahuhu	The southern Alps are the backbone
Ko Mahinapua, Mapourika, Wahapo	Mahinapua, Mapourika, Matahi,
Matahi, Paringa, Moeraki, Kaniere, me	Paringa, Moeraki, Kaniere & Kötuku-
Kötuku-Whakaoho nga roto Whakaohoare	the lakes are the water bodies
Ko Makaawhio me Arahura ngä awa	Makaawhio and Arahura are the rivers
Ko Poutini te taniwha	Tai Poutini is the guardian taniwha
Ko Poutini te tai	Poutini is the tide
Ko Poutini Ngäi Tahu /Ngäi Tahu te iwi	Poutini Ngäi Tahu are the people

2.3 Te Tai O Poutini – The Tides of the West Coast

This is the name given to the seas of the West Coast of the South Island. Traditional pakiwaitara (stories) tell of how Poutini a taniwha (sea monster) captured a beautiful woman named Waitaiki from her home at Tuhua (Mayor Island) and brought her to the Arahura River where he changed her into pounamu (greenstone).

Poutini still rages up and down the seas off the Coast and today is acknowledged by Poutini Ngäi Tahu as the spiritual guardian of pounamu, the land, and its people.

The tangata whenua of the West Coast identify with and take their name from this guardian taniwha. Today they are known as Poutini Ngäi Tahu.

2.4 Manawhenua

Ngäi Tahu Whänui is tangata whenua within the rohe of Ngäi Tahu. The iwi is made up of whänau and hapü (family groups) who hold traditional authority – manawhenua, over particular areas. Manawhenua is determined by whakapapa – genealogical ties, and confers traditional political authority over an area. Once acquired, manawhenua is secured by ahi ka – continued occupation and resource use. The Council recognises manawhenua through its relationship and consultation with Papatipu Rünanga and Te Rünanga o Ngäi Tahu.

Through Papatipu Rünanga, the tangata whenua who hold manawhenua over a particular area or resource will be able to determine the characteristics of Kaitiakitanga (guardianship) and how it should be given expression.

2.4.1 Te Rünanga o Ngäi Tahu

Te Rünanga o Ngäi Tahu represents the tribal collective of Ngäi Tahu Whänui. It was established by the Te Rünanga o Ngäi Tahu Act (1996) to give a legal identity to the tribe. This Act establishes Te Rünanga o Ngäi Tahu as the 'iwi authority' for the purposes of the Resource Management Act (1991). The two Papatipu Rünanga, Te Rünanga o Ngäti Waewae and Te Rünanga o Makaawhio, as well as Te Rünanga o Ngäi Tahu, will be consulted as required to manage the West Coast water resources.

2.4.2 Papatipu Rünanga in the West Coast Region

Papatipu Rünanga (Rünanga) are modern representative bodies of the whänau and hapü of traditional marae based communities. Each Rünanga has its own area or rohe, determined by natural boundaries such as mountain ranges and rivers. These areas are called takiwä or rohe and are defined in the Te Rünanga o Ngäi Tahu Act (1996). For consultation purposes arising from this plan and the Resource Management Act, initial contact should be through the Papatipu Rünanga who are the kaitiaki over the areas concerned to ensure their views and values are considered.

The Papatipu Rünanga within the West Coast region are Te Rünanga o Makaawhio and Te Rünanga o Ngäti Waewae. The exclusive takiwä of Te Rünanga o Makaawhio is centered at Makaawhio and extends from the south bank of the Poerua River to Piopiotahi (Milford Sound) and inland to the main divide Ka Tiritiri o

te Moana (storm tossed sea) together with a shared interest with Te Rünanga O Ngäti Waewae in the area situated between the north bank of the Poerua River and the South bank of the Hokitika River.

The exclusive takiwä of Te Rünanga O Ngäti Waewae is centred on Arahura and Hokitika and extends from the north bank of the Hokitika River to Kahurangi Point and inland to the main divide together with a shared interest with Te Rünanga o Makaawhio in the area situated between the north bank of the Poerua River and the south bank of the Hokitika River.

2.5 Ngäi Tahu Claims Settlement Act 1998 (NTSCA)

2.5.1 Mawhera Incorporation

The Mawhera Incorporation owns the bed of the Arahura River and any pounamu it contains. The Settlement Act also includes the creation of the Waitaiki Historic Reserve that comprises the whole of the upper Arahura catchment, with control and management also vested in the Mawhera Incorporation. The Arahura River bed from its source at Lake Browning to the sea is Maori freehold land with ownership vested in the Mawhera Incorporation.

2.5.2 Ownership

Ownership and/or management and control of four additional sites on the West Coast is included under cultural redress. These represent opportunities for Ngäi Tahu to reassert their mana and rangatiratanga over these significant sites. They are Otukoro Historic Reserve, Motutapu, Lake Mahinapua, and Lake Moeraki.

2.5.3 Statutory Acknowledgements

Recognition of Ngäi Tahu's mana of specific sites/resources is also provided by section 220 of the Ngäi Tahu Claims Settlement Act 1998 in relation to a number of additional areas known as statutory acknowledgements. These are acknowledgements by the Crown of Ngäi Tahu's special relationships with identified areas for cultural, spiritual, historical, and traditional reasons. Their purposes are:

- To ensure that Papatipu Rünanga association with areas of significance is identified in the Regional Policy Statement, regional plans, and district plans, meaning that people who apply for resource consents likely to affect them are made aware of their significance to Papatipu Rünanga.
- That Papatipu Rünanga and Te Rünanga o Ngäi Tahu are informed when a resource consent application may affect a statutory acknowledgment so that they can participate more effectively in resource management decision-making.
- That when Councils, the Environment Court, and the Historic Places Trust make decisions about who has the right to comment on or be listened to, they must have regard to the statutory acknowledgment.
- To enable Te Rünanga o Ngäi Tahu and Papatipu Rünanga to use them in any proceedings under the RMA or Historic Places Act as evidence of their relationship with the particular area.

On the West Coast, the places comprising statutory acknowledgments are: Okari Lagoon, Taramakau River, Kotuku-Whakaoho (Lake Brunner/Moana), Lake Kaniere, Pouerua (Saltwater Lagoon), Okarito Lagoon, Makaawhio (Jacob's River), Karangarua Lagoon, and Lake Paringa (refer Appendix 5).

2.5.4 Nohoanga

The term 'nohoanga' (meaning a place to sit) traditionally referred to areas used by Ngäi Tahu Tipuna (ancestors) in pursuit of food and other natural resources. This traditional concept has been given contemporary effect as a result of the settlement of the Ngāi Tahu Claim. In summary, nohoanga are areas adjacent to lakes and rivers to facilitate the gathering of food and other natural resources. The sites are approximately one hectare in size and allow Ngāi Tahu Whānui (tribal members) temporary, but exclusive rights to occupy 72 sites throughout Te Wai Pounamu for up to 210 days a year between mid August and the end of April. Public access to associated rivers and streams is preserved by marginal strips.

2.6 Pounamu

With the exception of the pounamu in the Arahura river catchment which was vested in the Mawhera Incorporation, the Crown handed back the ownership of all naturally occurring pounamu within the Ngai Tahu rohe to Te Rūnanga o Ngäi Tahu - through the Ngäi Tahu Pounamu Vesting Act, as part of the overall Ngai Tahu Claims Settlement in 1997.

Pounamu is a taonga of the utmost importance to Poutini Ngäi Tahu/Ngäi Tahu culture and tradition – a relationship that is recognised throughout iwi Maori. Pounamu is a pathway that provides an opportunity to connect Poutini Ngäi Tahu/Ngäi Tahu with their whenua and tipuna.

For generations, pounamu has been discovered, identified, collected, worked, traded and protected, and in turn provided for the livelihood, mana and mauri of those whänau and hapu, where it was associated with the taonga. It was pounamu that in essence fed those whanau and hapu, where it was traded for kai and resources from other regions. The traditions and customs involved in the collection working and trading pounamu remain important, particularly for those who uphold the ahi ka of where pounamu is found.

2.6.1 Te Rünanga o Ngäi Tahu Pounamu Resource Management Plan 2002
The plan was produced by Te Rünanga o Ngäi Tahu in conjunction with its Kaitiaki Rünanga to outline ways in which the pounamu resource that Te Rünanga o Ngäi Tahu owns, and is collectively responsible for on behalf of Ngäi Tahu Whänui, will be managed.

The primary objective of the Te Runanga o Nhai Tahu Pounamu Resource Management Plan is to uphold, enhance and protect the mana and mauri of pounamu as a tino taonga of Ngäi Tahu Whänui through appropriate management, use and protection. The role of the Ngäi Tahu Pounamu Resource Management Plan is to provide overarching policies and processes for the management of pounamu. The role of Kaitiaki Rünanga plans is to provide specific policies and processes for the management of pounamu within their respective takiwa. Notwithstanding, there are some wahi pounamu (pounamu areas) whereby there are overlapping interests by two or more kaitiaki Runanga (refer to Wahi Pounamu Map).

2.6.2 Te Rünanga o Makaawhio Pounamu Resource Management Plan 2009
This plan was approved by Te Rünanga o Ngäi Tahu on May 23 2009 which gives it the status of an Iwi Management plan under the Resource Management Act (RMA) 1991. This plan provides a framework for the exercise of kaitiaki by Te Rünanga o Makaawhio in the sustainable management, control, extraction, protection and use of pounamu that is sourced from the natural environment within its takiwa.

2.6.3 Te Rünanga o Ngäti Waewae Pounamu Resource Management Plan 2008
This plan was approved as an Iwi management plan in October 2008. The primary objective of this plan is to reaffirm, enhance and protect the wairua and mauri of pounamu through the application of Ngäti Waewae tikanga, use, and management.

2.7 Kaitiakitanga

Kaitiaki are the interface between the physical and spiritual worlds. Observing kawa and tikanga is part of the ethic and exercise of kaitiakitanga. Poutini Ngäi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngäi Tahu, kaitiakitanga entails an active exercise of power in a manner beneficial to the resource. Kaitiaki/tangata tiaki, the people who practice kaitiakitanga, do so because they hold the (authority) and responsibility to do so. Poutini Ngäi Tahu seek to play an active kaitiaki role in the day to day management of natural and physical resources.

To give effect to the concept of kaitiakitanga it is important to consult with the appropriate Papatipu Rünanga. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations in as good, if not better, quality than they currently exist.

Section 7(a) of the Resource Management Act 1991 (RMA) requires the Council to have particular regard to kaitiakitanga.

2.8 Mauri

For Poutini Ngäi Tahu, mauri is the life force that comes from wairua - the spirit, or source of existence and all life. Mauri is the life force in the physical world. As a life principle, mauri implies health and spirit. In the environment, mauri can be used to describe the intrinsic values of all resources and of the total ecosystem. In the natural environment, mauri is of paramount importance to the wellbeing of the people. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of all natural resources is paramount to Poutini Ngäi Tahu to ensure that natural and physical resources may be used sustainably by present and future generations. The overall purpose of resource management for Poutini Ngäi Tahu is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded.

There are indicators within the environment, both physical and spiritual, that Poutini Ngäi Tahu use to measure mauri. These include the presence of healthy mahinga kai and healthy flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Spiritual indicators are those from the Atua (gods), which can take many forms and are recalled in the körero püräkau (stories) of whänau and hapü.

2.9 Mahinga Kai

Mahinga kai refers to Poutini Ngäi Tahu cultural values in association with food and other natural resources and includes such resources as those used for weaving, carving, and rongoa Maori or Maori medicine. It also includes the places where such resources are gathered. The term mahinga kai refers to the whole resource chain, from mountaintop to the ocean floor (ki uta ki tai). It encompasses social and educational elements as well as the process of gathering cultural materials/natural resources. It includes the way such resources are gathered, the place where they are gathered from, and the actual resource itself.

The mahinga kai custom of producing or procuring food resources from a range of resources throughout the region on a seasonal basis is a fundamental basis of the traditional economy. Maintenance of the custom and knowledge associated with the natural resource is governed by lore. Transfer from one generation to the next of the cumulative knowledge is tied to practical use and management of the mahinga kai resources (refer to Schedule 7C for areas of Spiritual and Cultural Beliefs, Values, and Uses of Significance).

Food has a strong social and cultural meaning. Manaakitanga is the custom of being aware of and caring for the needs of your guests. In turn, the mana of the Tangata Whenua is both upheld and enhanced. Food is a fundamental way of expressing this ethos and the exchange of local food and resources, and manaakitanga are also a statement of identity.

2.10 Wahi Tapu

The term wahi tapu is used for sacred sites or areas held in reverence according to local tribal custom and history. Some wahi tapu sites are important to the whole of Ngäi Tahu, while some others are important to individual whänau or hapu. Of all wahi tapu, urupa (burial sites) are the most significant.

Wahi tapu may be associated with creation stories of Tangata Whenua, particular events such as battles or ceremonies; sacred locations, such as where Whenua or placenta is buried; or other value sites, such as where a particular valued resource is found.

Wahi tapu include koiwi tangata (human remains), urupa (burial sites), waiwhakaheke tupapaku (water burial sites), histories pa, buried whakairo (carvings), tuhituhi o nehera (archaelogical and rock art sites), tohu ("Markers" such as landmarks, mountains, mountain ranges, and some trees) ana (caves), and Tauranga waka (canoe landing sites).

There are requirements under the RMA and the Historic Places Act 1993 relating to the protection of archaeological sites and historic heritage. Sites do not have to be registered or listed to warrant this protection. Usually if there is one site there is a high probability of others in the vicinity. Tikanga Maori provides the framework to ensure appropriate respect for, and treatment of, wahi tapu.

2.11 Taonga

All natural resources – air, land, water, and indigenous biodiversity are taonga. Taonga are treasures, things highly prized and important to Ngai Tahu, derived from the Atua (Gods) and left by the tipuna (ancestors) to provide and sustain life. Taonga include sites and resources such as wahi tapu, Tauranga waka, and mahinga mataitai, other sites for gathering food and cultural resources, tribally significant landforms, features and cultural landscapes.

To ensure taonga are available for future generations, resource management decision-making processes need to recognise tikanga (Maori protocol and customs) and have the conservation and sustainability of resources as its focus.

Mo tatou, a, mo ka uri a muri ake nei – For us and our children after us.

2.12 Cultural Importance and Management of Water

Water is central to all Maori life and is a taonga of huge importance. Poutini Ngai Tahu considers that its relationship with the waters of its rohe has been eroded over the past 150 years. Water plays a unique role in the traditional economies and culture of Poutini Ngai Tahu. Without water, no living thing, plant fish, or

animal, can survive. Takes, discharges, and uses of water can affect the environment and Poutini Ngai Tahu values.

Water also has an important place in ceremonial occasions and is particularly recognised where the spiritual link between the present and the past, the never-ending source of life, for generations that have gone before and those to follow.

Poutini Ngäi Tahu's priority is to maintain the properties of water that are necessary to ensure the sustainability of customary uses. Customary uses range from the use of water for ceremonial purposes to the maintenance of the quality and quantity of water to sustain Mahinga kai populations and habitats.

The water resources of the West Coast region provide mahinga kai directly, provide ecosystem support for mahinga kai species, and support other significant mahinga kai environments, for example forest and coastal areas.

2.13 Poutini Ngäi Tahu/Ngäi Tahu Resource Objectives

Poutini Ngäi Tahu's objective with respect to the management of the West Coast's natural resources is to ensure consistency with the values of Poutini Ngäi Tahu and to be involved in that management through:

- participation in the planning, implementation, and monitoring of the objectives;
- participation in the use, development, and protection of water resources; and,
- involvement in consent and plan processes, and monitoring programmes.

Poutini Ngäi Tahu specific objectives with respect to the management of pounamu;

- To ensure that the ownership of pounamu by Ngäi Tahu is recognised appropriately in plans and policy statements by the council.
- To ensure that the kaitiaki role Te Rünanga o Ngati Waewae and Te Rünanga o Makaawhio is recognised appropriately in plans and policy statements.

2.13.1 Implementation Methods

To maintain, sustain, and foster good working relationships, the following tools, methods, and processes will be used and considered by the Council during the life of this Plan and beyond.

- Refer all applications for resource consents in areas covered by wahi tapu, wahi taonga, statutory acknowledgments, and nohoanga sites to Papatipu Runanga and Te Runanga o Ngäi Tahu prior to decision-making.
- Encouraging consultation with Papatipu Runanga prior to lodging resource consent applications, for proposals that may affect statutory acknowledgement areas, nohoanga sites, pounamu areas, mahinga kai areas or other areas of cultural significance.
- Iwi management plans;
- Where appropriate, preparation of a cultural impact assessment will be recommended to assist with the decision making process as soon as it becomes apparent there is an issue of resource management significance to Poutini Ngai Tahu. This will ensure cultural values and customary activities, which form part of Schedule 7, are addressed when assessing a proposal.
- The Council will work with Papatipu Runanga to identify opportunities for raising landowner awareness of the importance of wahi tapu.
- Monitor the effectiveness of the planning and resource consent processes in order to determine whether considerations relating to wahi tapu, wahi taonga, statutory acknowledgments, and nohoanga sites are adequately catered for.
- Liaise with kaitiaki Runanga to identify what conditions could be attached to resource consents to manage any adverse environmental effects of accidental discovery of pounamu by certain activities.
- Inform local Runanga of resource consent applications for activities that potentially affect pounamu and where appropriate, place conditions on these consents.

2.14 Identifying Poutini Ngäi Tahu's Issues of Significance

The Council will consider appointment of appropriately qualified commissioners with knowledge of tangata whenua values on hearing panels when making decisions on issues of resource management significance to Poutini Ngäi Tahu. The table below describes the issues of significance to Poutini Ngäi Tahu, as expressed by Poutini Ngäi Tahu:

Resource	Issue	Desired Outcome
Water	▪ The impact on mahinga kai, taonga, and other indigenous species as a result of poor water quality and insufficient water quantity. ▪ Widespread loss of riparian areas. ▪ Abstractive use prioritised over customary use and instream values. ▪ Over abstraction from waterways for irrigation purposes. ▪ Discharges to water (point and non-point source pollution) and effects on water quality and other values of importance to tangata Whenua. ▪ Effects of land use on water resources, including rivers, streams, wetlands, groundwater, waipuna, and riparian areas.	▪ Water resources are managed according to the philosophy and principle of ki uta ki tai, including the unimpeded passage of water from mountain to sea. ▪ Prioritise efficiency of use of water and restoration of riparian areas to improve water resources management. ▪ Establish sustainable environment flow regimes that prioritise waterway health. ▪ Customary use and instream values are prioritised over abstractions. ▪ Avoid discharges (point and non-point source) to water and those discharges to land where such discharges will have adverse effects on the mauri of the land. ▪ Water quality is maintained, and where required, enhanced. ▪ Water quantity is managed in such a way to maintain and where required enhance, water quality. ▪ Protect, restore, and enhance native riparian vegetation, to provide habitat for taonga species and a buffer against intensive land use. ▪ Cultural monitoring tools are used to monitor the health of waterways.
Ecosystems and Indigenous Biodiversity	▪ Loss of indigenous biodiversity and habitat as a result of inappropriate land use, development and water resources management, and the impact on Ngäi Tahu culture, heritage and identity, particularly with regards to mahinga kai. ▪ Widespread loss of wetlands and riparian areas, and their life supporting capacity and ecosystem, services. ▪ Importance of ecological corridors.	▪ Indigenous flora and fauna are protected and enhanced. ▪ Existing wetlands are protected and degraded wetlands are enhanced. ▪ Maintain vital, healthy mahinga kai populations and habitats capable of supporting customary use. ▪ Protection of native fish habitat and spawning areas from adverse effects associated with damming, diversion, water abstractions and discharges to water. ▪ Green corridors for birds and other animal passage are restored and maintained.
Beds of lakes and rivers and their riparian zones	▪ Activities in these areas can adversely affect cultural use associations and other values of importance to Ngäi Tahu. ▪ Widespread loss of riparian areas, their function and associated cultural values. ▪ Access to sites associated with mahinga kai, wahi tapu, and wahi taonga (both Ngäi Tahu access requirements, and the need to limit public access in some places).	▪ Avoid adverse effects on values of importance to Ngäi Tahu as a result of inappropriate land use, subdivision and development. ▪ Protect existing riparian areas and enhance those areas that are degraded. ▪ Provide for Ngäi Tahu access to areas and sites associated with mahinga kai, wahi tapu and wahi taonga. ▪ General public access to culturally important sites occurs only in consultation with Ngäi Tahu.

2.15 Ngäi Tahu Nohoanga Sites

The following is a list of Nohoanga sites as per the NTCSA:

- Cascade river
- Karangarua River and Estuary
- Lady Lake
- Lake Brunner/Moana
- Lake Haupiri
- Lake Kaniere
- Mahitahi River
- Mikonui River
- Okarito Lagoon and River
- Okuru River
- Punakaiki River
- Taramakau River
- Waita River and Maori Lakes
- Waiatoto Lagoon

2.16 Ngäi Tahu dual Place Names

The following is a list of the dual Mäori place names as per the NTCSA 1998:

Alpine Lake – Ata Puai
Browning Pass- Noti Raureka
Buller River - Kawhatiri
Cave Creek – Kotohotiho
Cook River – Weheka
Fox Glacier – Te Moeka o Tuawe
Franz Josef Glacier – Ka Roimata o Hine Hukatere
Franz Josef (Township) – Waiau
Gillespies Point – Köhaihai
Greenstone River or Big Hohonu River – Hokonui
Grey River – Mawheranui
Island Hill - Tumuaki
Jackson Bay (Bay only) – Okahu
Mahinapua Creek – Tuwharewhare
Mount Harman – Kaniere
Mount Upright – Te Taumata o Uekanuku
New River – Kaimata
Nine Mile Creek – Kotorepi
Refuge Island – Takataka
Rocky Point – Tauotikirangi
Seven Mile Creek – Waimatuku
Ten Mile Creek – Waianiwaniwa

Haast–Awarua
Lake Browning – Whakarewa
Lake Brunner – Kōtuku Whakaoho
Lake Ianthe – Matahi
The Doughboy – Koiraki
West Coast - Tai Poutini
Westland National Park – Tai Poutini National Park

3. NATURAL AND HUMAN USE VALUES

3.1 Introduction

This Plan recognises the dependence of people and communities on land and water resources and the need for continued use, development, and protection. However, in enabling continued use, development, and protection, it is important that adverse effects on the existing natural and human use values supported on land or by water bodies are avoided, remedied, or mitigated.

This Chapter provides protection for the natural and human use values supported by the West Coast's land resources and water bodies and forms an overarching set of Objectives and Policies to the following Chapters to be taken into consideration during the processing and granting of resource consents.

Schedule 7 identifies particular natural and human use values supported by the West Coast's lakes and rivers.

In addition to the natural and human use values identified in Schedule 7, West Coast water bodies can have other natural and human use values which are protected by the Plan, including natural character, outstanding natural features and landscapes, significant indigenous vegetation and significant habitat of indigenous fauna, existing public access to and along lakes and rivers, historic heritage, and existing lawful uses.

3.2 Objectives

3.2.1 To provide for the sustainable use and development of land and water resources.

Explanation
This Objective recognises that traditionally people have made extensive use of land and water resources and the ability to continue to sustainably use and develop these resources is important.

3.2.2 To protect water bodies from inappropriate use and development by maintaining and where appropriate enhancing their natural and amenity values including natural character and the life supporting capacity of aquatic ecosystems.

Explanation
Many West Coast water bodies contain significant values some of which are identified for specific water bodies in Schedules 7A and 7B of this Plan. These Schedules are not exhaustive. Schedule 7A provides some examples of habitats of threatened species and Schedule 7B identifies those community water supply takes known at the time of drafting this Plan. This Objective not only seeks to avoid the loss or degradation of such values, but also provides for their enhancement.

3.2.3. To maintain or where appropriate enhance the spiritual and cultural values and uses of significance to Poutini Ngäi Tahu.

Explanation
Chapter 2 of this Plan identifies the issues of concern to Poutini Ngai Tahu. The issues reflect the strong relationship Poutini Ngai Tahu have with the West Coast's water bodies through their spiritual and cultural values and uses associated primarily with water, and land to a lesser extent. Values and uses are identified for specific water bodies in Schedule 7C of this Plan. This Objective seeks to avoid the loss or degradation of values and uses and, where practicable enhance them. These Schedules are not exhaustive, but reflect the level of knowledge of individual water bodies gained during the Plan-making process.

3.2.4 To avoid or mitigate the exacerbation of any natural hazard or the creation of a hazard.

Explanation
People and communities rely on existing standards of protection from natural hazards, such as flooding, to be maintained or enhanced. Any activity that results in a higher risk of hazard such as flooding, erosion, land instability or sedimentation, or in property damage, could adversely affect infrastructure such as transport routes, the health and safety, and the social, economic, and cultural wellbeing of people and communities. Where avoidance is not possible, mitigation measures will be considered by Council to manage the adverse effects of the activity.

3.2.5 To provide for new and existing renewable electricity generation activities in the region, including small and community-scale generation by:

(a) Recognising the national significance of these activities;
(b) Recognising the national, regional and local benefits associated with these activities;
(c) Ensuring that the individual and collective generation output of existing and consented renewable electricity generation activities is not reduced;

(d) Recognising the practical constraints associated with the development, operation, maintenance and upgrading of these activities;
(e) Recognising the contribution these activities make towards achieving the national renewable electricity generation target.

3.2.6 To enable new technologies using renewable energy resources to be investigated and established in the region.

3.3 Policies

3.3.1 In the management of any activity involving water to give priority to avoiding, in preference to remedying or mitigating:
(1) Adverse effects on:
- **(a) The habitats of threatened species identified in Schedule 7A;**
- **(b) Water supply values identified in Schedule 7B;**
- **(c) Spiritual and cultural values and uses of significance to Poutini Ngäi Tahu identified in Schedule 7C;**
- **(d) The significant natural character of wetlands, and lakes and rivers and their margins;**
- **(e) Outstanding natural features and landscapes;**
- **(f) Significant indigenous vegetation and significant habitat of indigenous fauna assessed in accordance with Policy 9.2 of the West Coast Regional Policy Statement;**
- **(g) Existing public access to and along lakes and rivers;**
- **(h) Significant historic heritage;**

(2) Adverse effects which cause or exacerbate flooding, erosion, land instability, sedimentation or property damage;
(3) Adverse effects on existing lawful uses including regionally significant infrastructure.

Explanation
The above values of the West Coast's water bodies are matters of national importance under Section 6 of the RMA, plus community water supply values and existing lawful uses. These values can be adversely affected by the following activities:
(a) Earthworks, including humping and hollowing, flipping, and v-blading;
(b) Vegetation disturbance;
(c) Activities in the beds of lakes and rivers;
(d) The taking damming and diversion of surface water;
(e) The taking and use of groundwater (which can affect surface water);
(f) Discharges to land and water.

Some activities can cause or exacerbate hazards and lessen the ability of people and communities to prevent, or protect themselves from the hazard.

When considering these activities, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them. The avoidance of adverse effects on the identified values will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated, or, in the case of diversion, reclamation or damming, to be appropriately compensated for.

When reading 3.3.1(d) and 3.3.1(h) it is important to remember that the degree of natural character, or the value of historic heritage, varies along a continuum (for natural character this will be assessed having regard to the matters in Policy 3.3.6). Where a water body contains significant natural character, or the activity will affect significant historic heritage, preference will be given to avoiding adverse effects of development on that respective value. Giving priority to avoiding adverse effects on the value is more important the higher the significance of the natural character or historic heritage value.

The criteria in Policy 9.2 of the Regional Policy Statement will be used to determine 'significance' in relation to Policy 3.3.1(f). In doing so, it should be recognised that not all of the criteria will be relevant in assessing and determining significance in relation to aquatic ecosystems.

Note: Chapter 6: Wetland Management outlines the management of significant wetlands and their values.

3.3.2 To take into account the benefits from the use and development of renewable energy and associated regionally significant infrastructure (e.g. transmission lines), including the social and economic benefits.

Explanation
This Policy recognises that renewable energy developments and associated infrastructure can provide significant community benefits, both locally and nationally as recognised in Section 7(j) of the RMA and in terms of the National Policy Statement on Electricity Transmission. Where renewable energy developments provide significant community benefits (locally and nationally), it may be sufficient to mitigate or remedy unavoidable effects.

3.3.3 Recognise the location, operational and technical constraints of renewable electricity generation activities when considering resource consent applications for their development, operation, maintenance, and upgrading.

3.3.4 Where the adverse effects of renewable electricity generation activities cannot be practically avoided, remedied or mitigated, consideration shall be given, in determining a resource consent application and imposing any resource consent conditions, to any offset measures and/or environmental compensation offered by an applicant.

3.3.5 Where particular adverse effects of renewable electricity generation activities are either not fully known or uncertain, consideration shall be given, in determining a resource consent application and imposing any resource consent conditions, to the use of adaptive management measures to avoid, remedy or mitigate any adverse effects.

3.3.6 Provide for the development, operation, maintenance and upgrading of small and community scale renewable electricity generation activities where the adverse effects on the environment are avoided, remedied or mitigated.

3.3.7 In the management of any activity involving water, to avoid, remedy, or mitigate adverse effects on:
(a) Water quality;
(b) Amenity values;
(c) Indigenous biological diversity;
(d) Intrinsic values of ecosystems;
(e) The natural character of wetlands, and lakes and rivers and their margins, not described in 3.3.1(1)(d); and
(f) Historic heritage not described in 3.3.1(1)(h).

3.3.8 To recognise Poutini Ngäi Tahu's interests by promoting opportunities for their involvement in resource consent processing.

Explanation
Poutini Ngäi Tahu are provided with information on all resource consents. Poutini Ngäi Tahu may be treated as an affected party with regards to some applications, and may be notified of publically notified applications. This will allow Poutini Ngäi Tahu to assess the implications of each resource consent application on their spiritual and cultural values, and uses as they relate to land and water.

3.3.9 To recognise and provide for the National Water Conservation (Grey River) Order 1991 and the Water Conservation (Buller River) Order 2001.

Explanation
The management of the waters protected under national water conservation orders must also be recognised and provided for under this Plan. The Plan and any consents granted under it cannot be

inconsistent with the water conservation orders. The two water conservation orders are reproduced in Schedules 5 and 6 of this Plan.

3.3.10 To recognise and provide for the following features of water bodies when considering adverse effects on their natural character:

(a) The topography, including the setting and bed form;
(b) The natural flow characteristics;
(c) The natural water level and its fluctuation;
(d) The natural water colour and clarity;
(e) The ecology; and
(f) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (e).

Explanation
The features of water bodies that can contribute to their natural character are identified above. These features need to be taken into account when considering applications for resource consents. New activities will affect water bodies with a high degree of natural character more significantly than they affect highly modified water bodies.

3.3.11 To have particular regard to the following qualities or characteristics of water bodies when considering adverse effects on amenity values:

(a) Aesthetic values associated with the water body;
(b) Recreational opportunities provided by the water body;
(c) Sports fish habitats, as outlined in Schedule 8; and
(d) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (c).

Explanation
The qualities and characteristics listed above contribute to a water body's amenity values. The nature of amenity values can change over time. The recreational opportunities provided by the West Coast's water bodies can include angling, hunting and a range of other active and passive recreation. These qualities and characteristics must be taken into account when preparing plans under the RMA and when considering applications for resource consents.

3.3.12 To provide for activities that have no more than minor adverse effects on water bodies without the need for a resource consent.

Explanation
The Rules Chapter of this Plan identifies a number of permitted activities that may occur without the need for a resource consent. Providing the permitted activity criteria are met, the activity will have no more than a minor adverse effect.

3.4 Method

3.4.1 The Council will provide advice about the likely susceptibility of the location of any proposed structure to flooding, either when a resource consent applicant, or other individual, requests the information, or when a district council requires the information in preparing district plans.

4. LAND MANAGEMENT

4.1 Introduction

For the purpose of the provisions in this Plan, unless the context indicates otherwise, "land disturbance" refers only to activities on land beyond river, lake, or wetland beds, i.e. above their fullest flow/highest level. Activities in the bed of lakes, rivers, and wetlands are covered in other sections of the Plan.

The appropriate management of the effect of land disturbance activities is important to ensure erosion and soil loss within the West Coast region is minimised. The likelihood of erosion and soil loss depends on factors such as geology, slope, drainage, the frequency and intensity of earthquakes, as well as the scale and type of activity. However, it is impractical and inefficient to require all land users to assess these components prior to commencement of any land use activity. Therefore, for the purpose of this Plan the Council has utilised the New Zealand Land Resource Inventory 'Dominant Erosion Form' data for the West Coast region.

The Greymouth Earthworks Control Area incorporates special controls which cover land on the inland fringes of Cobden, Greymouth, and Karoro. Disturbance of land in these areas is a discretionary activity due to a predisposition to slope failure and the hazards associated with any failure in the urban environment.

For any activity affecting a wetland also refer to other provisions in the Plan, including Chapters 5 and 6. Where provisions in the Plan dealing with wetlands are at variance with those in Chapter 5, the provisions in Chapter 6 take precedence.

4.2 Objective

4.2.1 To avoid remedy or mitigate adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

Explanation

Land disturbance can cause adverse effects on both the land and water environments. The Objective seeks to ensure that the provisions within this Plan minimise the likelihood of significant impact on water quality and quantity, soil conservation, property, and infrastructure.

Land disturbance activities can impact on the water quality of adjacent water bodies due to the input of sediments and/or nutrients and will be managed in such a way to avoid or mitigate these effects. Sediment and/or nutrient inputs can cause changes to the characteristics of the receiving water which render the water body unusable and potentially allow harmful pathogens to reach levels where they affect human health.

Stock access to the coastal environment, wetlands, lakes and rivers and their margins can have significant adverse effects on soil conservation, land stability, water quality, in stream values, and the health and function of margins.

4.3 Policies

4.3.1 To manage the disturbance of land and vegetation in order to avoid remedy or mitigate any adverse effects on:

(a) The stability of land (e.g. slumping, subsidence, or erosion), river banks, and riverbeds and coastal margins;
(b) Water quality, including clarity, turbidity, and temperature changes, and in stream values;
(c) Changes in water level including water table;
(d) Public access to rivers, lakes, and their margins and the coast;
(e) Natural character, and aquatic ecosystems;
(f) Soil depth and soil fertility;
(g) The integrity of property, structures, or effects upon the operation or maintenance of regionally significant infrastructure;
(h) Cultural and recreational values; and
(i) Significant indigenous vegetation and significant habitats of indigenous fauna.

Explanation

This Policy covers the range of factors or values that will be considered when assessing resource consent applications. This Policy is an overarching policy which should be applied in conjunction with other policies in this Chapter.

While this Chapter of the Plan concerns land that is outside riverbeds, it is important that the effects of disturbance of land on rivers are considered. Land use activities can cause accelerated erosion to occur. Productivity of eroded land is diminished and significant flow on effects may be produced. Policy 5.4.1 therefore, seeks to avoid or minimise soil losses and erosion from land use activities on land prone to erosion. It also covers activities in the Greymouth Earthworks Control Area (Schedule 4).

The Council has as one of its functions, the establishment, review and implementation of objectives, policies and other methods to maintain indigenous biological diversity. It is the function of the District Councils to control the use, subdivision, and development of land to maintain indigenous biological diversity.

In this Plan, the maintenance and enhancement of water quality, in stream values and the retention of riparian vegetation contributes to maintaining indigenous biological diversity of the coastal environment, wetlands, lakes and rivers and their margins.

Policy 9.2 of the Regional Policy Statement for the West Coast will be applied when deciding whether indigenous vegetation or habitat of indigenous fauna are significant for the purposes of 4.3.1(i).

4.3.2 To manage earthworks (for example, mining) to avoid effects on the environment where the activity may produce any of the following geochemical processes, above background levels:

(a) Release of acid rock drainage;
(b) Precipitation of iron oxides;
(c) Release of heavy metals.

Explanation
The potential environmental effect of hard rock mining is predetermined by the geology of the material being excavated or disturbed. This may be overburden, tailings, or product. High concentrations of sulphur often occur in geological units such as Brunner Coal Measures and can result in acid rock drainage which lowers the pH enabling the solubilisation of heavy metals or metalloids such as aluminium, arsenic, copper, lead, and zinc.

The acid and heavy metals released into surface waters can cause adverse effects on aquatic life either by direct toxic response, contact with acidic water (usually less than pH 4.0), or by removal of habitat due to metal precipitation, in particular iron flocs. Hard rock mining associated with both gold and coal mining can result in acid rock drainage and the release of heavy metals or metalloids such as arsenic or antimony into the environment if the waste rock is not managed to avoid this.

4.3.3 To manage the disturbance of riparian margins to:

(a) Maintain or enhance water quality (including clarity, turbidity, and temperature), and in-stream values, (including aquatic ecosystems);
(b) Promote soil conservation;
(c) Ensure that existing public access to water bodies is maintained or enhanced;
(d) Protect the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, from inappropriate use and development;
(e) Enable the maintenance and safe operation of regionally significant infrastructure.

Explanation
Riparian margins enable management of activities within a defined area and they are different to esplanade reserves or esplanade strips. They are areas where controls on land use activities are in place, primarily for soil conservation, water quality control, erosion control, natural hazard avoidance, and the protection of the beds of rivers, lakes, and wetlands. Unlike esplanade reserves or strips they do not affect land ownership or create public access or other interests in the land. Where riparian margins are disturbed to facilitate public access to water bodies, the location of such access should be determined having consideration to public health and safety, particularly where proximate to regionally significant infrastructure.

Managing the margins of water bodies (Policy 4.3.3) is an effective tool in reducing adverse effects on water bodies because the margins can be used to filter nutrients and microbes, and trap fine sediment. It may maintain and enhance amenity values. Inappropriate use of land in close proximity to water bodies can contribute to sediment loading, bank erosion, and increased run off.

Land and vegetation disturbance which causes the loss of riparian vegetation can adversely affect the healthy functioning of rivers and aquatic habitats. Maintaining and enhancing aquatic ecosystems contributes to maintaining indigenous biological diversity.

4.3.4 To manage the maintenance of existing land drainage activity to avoid, remedy, or mitigate adverse effects on receiving water bodies or property.

Explanation
Existing land drainage activities should be managed so that any adverse effects on people and their properties are avoided, remedied, or mitigated. Adverse environmental affects from further drainage activities or inadvertent over drainage should also be avoided.

While landowners are required under the Land Drainage Act 1908 to maintain watercourses on their property so that the water can flow through unimpeded from upstream properties, their duties under the RMA still apply. Any adverse effects must still be avoided, remedied, or mitigated.

4.3.5 Manage the development of new land drainage activities (including humping and hollowing) to ensure that:

(a) Bed and bank stability of the receiving water body is maintained;
(b) Long-term water quality (including clarity, turbidity, and temperature changes) in the receiving water and in stream values (including aquatic ecosystems) are maintained;
(c) Sediment deposition is minimised and sediment armouring of the bed of any water body is avoided;
(d) The activity does not increase the flood flow carried by the receiving waters, so that it exceeds the carrying capacity of existing drainage structures, or result in inundation of any other persons property;
(e) The activity does not reduce the flow in the receiving water body by more than 10%; and
(f) The natural character of the coastal environment, wetlands, lakes and rivers and their margins, is protected from inappropriate use and development.

Explanation
Policy 4.3.5 recognises that where the resulting discharge into the natural watercourse can also have an impact on the water quality and flood carrying capacity of the receiving waters. In some cases flows have been reduced, in others flows are increased. This can also cause adverse effects on other properties if the existing infrastructure, such as culverts, are unable to cope with larger volumes of water.

4.3.6 To recognise the National Water Conservation (Grey River) Order 1991 and the Water Conservation (Buller River) Order 2001.

Explanation
The management of the waters protected under national water conservation orders must be provided for under this Plan. The two water conservation orders are reproduced in Schedule 5 and 6 of this Plan.

4.3.7 To promote the exclusion of farm stock from estuaries, wetlands, lakes and rivers and their margins by actively encouraging:

(a) The establishment, maintenance and enhancement of vegetated riparian buffers;
(b) Land and riparian management to be undertaken in accordance with industry best practice;
(c) Fencing of waterways to prevent stock access; and
(d) Construction of bridges or culverts over regular stock crossing points.

Explanation
In more intensively farmed areas stock access to water bodies and grazing of riparian vegetation is more likely to cause adverse effects such as faecal contamination, destabilisation and erosion of stream banks,

deposition of fine sediment, trampling of riparian and aquatic habitats and loss of natural character and amenity values.

4.3.8 To monitor stock access to estuaries, wetlands, lakes and rivers and their margins and to introduce new rules and other methods to control stock access if monitoring shows that the standards for water quality classifications for affected water bodies adjacent to and downstream of farmed land are not being met and/or the condition of riparian margins and stream habitat is declining as a result of stock access.

Explanation
Council will review the effectiveness of Plan provisions by every 5 years. If monitoring shows deterioration in water quality, such that the water quality class for the affected water body is not being met, and the condition of riparian margins and stream habitat is declining as a result of stock access it will introduce regulatory and other methods to control stock access to waterways. Monitoring is undertaken through regular State of the Environment sampling, which currently indicates that water quality in general is improving across almost all monitored catchments in the Region. Copies of these reports are available on the Council's website. The water quality classes are those set out in Policy 8.3.1 of this Plan.

4.3.9 To promote land management being undertaken in accordance with industry best practice, so that leaching of faecal material and nutrients, and loss of sediment to water is avoided, remedied or mitigated.

Explanation
Earthworks, land disturbance, and tracking can disturb the land so that soil is washed away by rainfall and ends up as sediment in surface water bodies. Suspended sediment reduces light penetration and water clarity. It can affect both water river ecosystems (e.g. by smothering the habitat for benthic invertebrates) and recreational uses.

Best practices in land management, including adopting good soil conservation practices, managing stock rates, establishing or maintaining a dense ground cover in the riparian margin, undertaking appropriate track placement and construction, implementing measures to reduce erosion before undertaking earthworks or forestry activities, and following industry Codes of Practice, where they exist.

Application of fertiliser or agricultural effluent can, if poorly managed, result in detrimental quantities of nutrients leaching into ground water or washing directly into surface water bodies. The current Code of Practice for Nutrient Management (with emphasis on fertiliser use) provides advice and guidelines that can reduce adverse effects on water bodies. Nutrient budgeting tools are also available.

4.3.10 To encourage the retention, maintenance, or planting of appropriate riparian vegetation.

Explanation
Riparian vegetation can have significant benefits in maintaining and enhancing water quality by stabilising the banks against erosion and by filtering and trapping the overland flow of sediment, phosphorous and faecal matter. Riparian vegetation also contributes to the maintenance of indigenous biological diversity by providing shade and keeping water cool and providing a source of food for aquatic life.

It is recognised that the establishment of riparian vegetation is not always appropriate if it enables the establishment or introduction of pest plants and animals, impedes public access or reduces the flood carrying capacity or causes adverse effects on the stability and performance of infrastructure. Information is available from the Council regarding guidelines and industry best practice for managing riparian vegetation.

4.4 Methods

4.4.1 In conjunction with resource users and other interested persons (e.g. Landcare groups, industry organisations, etc.), the Council will encourage the development of codes of practice and

environmental management systems in order to support sustainable land management practices. Existing codes of practice will be recognised if they meet the requirements of the RMA.

4.4.2 In conjunction with resource users and interested parties develop a code of practice to reduce the risk of the spread of pest plants within the region. For example, the spreading of pest plants through earth moving machinery.

4.4.3 Seek government funding to undertake further investigation in relation to riparian margins.

5. LAKE AND RIVERBED MANAGEMENT

5.1 Introduction

The West Coast has a dense network of streams and rivers. Many of the rivers are relatively short, with small catchment areas. Activities in riverbeds that involve riverbed disturbance or structures include:

- Alluvial gold mining;
- Gravel extraction;
- Flood protection and erosion protection works;
- Erection and maintenance of bridges and culverts;
- Whitebait stands and port structures (Grey/Buller rivermouth); and,
- Other structures.

Poorly managed activities can increase the rate of erosion of riverbeds and banks, change the alignment of river channels, cause loss of land, undermine stop banks, and increase maintenance costs. Effects on ecosystems need to be carefully managed to avoid significant impact on fish habitat and other values.

Where the effects of these activities are no more than minor the Plan makes them a permitted activity so that no resource consent is needed. For larger scale activities, where more significant effects might occur, a resource consent is needed.

Removal of gravel and debris from riverbeds is necessary and important for people and communities of the West Coast. Council records show that on the basis of past allocations, there is little to suggest that resource depletion has been, or is an issue, except for a few small rivers where natural transportation rates are low. This Plan therefore allows as a permitted activity the removal of debris obstructing riverbeds and low volume extraction of gravel from most riverbeds. Care is required to ensure that the integrity of structures and riverbanks is sustained. The use of structures to protect land from flooding is important for communities and the maintenance, repair, or reinstatement of flood protection works to desired degrees of safety is also provided for in this Plan.

Some significant wetlands on the West Coast include areas which are within the the beds of lakes and rivers.

For any activity affecting a wetland also refer to other provisions in the Plan including Chapters 4 and 6. Where provisions in the Plan dealing with wetlands are at variance with those in Chapter 5, the provisions in Chapter 6 take precedence.

5.2 Objective

5.2.1 To avoid, remedy, or mitigate the adverse effects of lake and riverbed activities on:

(a) The stability of beds, banks, and structures;
(b) The flood carrying capacity of rivers;
(c) The natural character of wetlands, lakes and rivers and their margins;
(d) Indigenous biodiversity and ecological values, including fish passage;
(e) Amenity, heritage, and cultural values;
(f) Sports fish habitat values;
(g) Water quality;
(h) Navigation; and
(i) Regionally significant infrastructure.

Explanation

The construction, maintenance, alteration, or removal of in stream structures and bed disturbance activities can cause adverse effects on the West Coast environment, existing infrastructure, and other lawful uses. The Objective seeks to ensure that the provisions within this Plan minimise the likelihood of significant impacts while meeting the requirements of Section 5 of the RMA, which stipulates that natural and physical resources be sustainably managed and the requirements of Section 6 which require matters of national importance to be recognised and provided for.

5.3 Policies

5.3.1 To provide for appropriate use and development in lakes and rivers and recognise the social and economic benefit particularly related to West Coast communities of maintaining existing structures and infrastructure.

Explanation
There are existing structures located in the beds of West Coast lakes and rivers that have significant positive effects for West Coast communities and visitors. Reliable transport links and network utility infrastructure provides essential lifelines for community health and safety. These benefits need to be given due weight when considering the avoidance, remedy or mitigation of adverse effects.

5.3.2 To manage bed disturbance, reclamation, deposition and the use, erection, extension, reconstruction, maintenance, alteration, demolition, or removal of structures in, on, under, or over the bed of any lake or river, so that the activity does not cause or contribute to significant adverse effects on:

(a) The stability of beds and banks;
(b) The capacity of rivers to carry flood flow;
(c) Heritage, amenity or cultural values;
(d) Water quality;
(e) Existing structures or existing uses;
(f) Navigational safety;
(g) Aquatic ecosystem values (including habitat values and fish passage);
(h) The natural character of the coastal environment, wetlands, rivers and lakes and their margins;
(i) Significant indigenous vegetation and significant habitats of indigenous fauna.

Explanation
This Policy recognises the need for controls by way of regional rules to ensure that stability of riverbeds and banks is safeguarded, the capability of rivers to carry water is not impeded when in flood, and that other adverse effects are addressed appropriately.

Policy 9.2 of the Regional Policy Statement for the West Coast will be applied when deciding whether indigenous vegetation or habitat of indigenous fauna are significant for the purposes of 4.3.2(i).

5.3.3 To manage the construction and use of whitebait stands in a manner that avoids, remedies, or mitigates adverse effects on riverbanks and beds in a manner that is consistent with Schedule 17.

Explanation
This Policy is specifically intended to address the effects of erosion associated with whitebait stands, which are generally temporary structures, erected no earlier than 2 weeks prior to the commencement of the whitebait season and dismantled no later than 2 weeks after the season closes. This Policy only applies to stands upstream of the coastal marine area (CMA) because the Regional Coastal Plan contains corresponding provisions for the CMA.

5.3.4 In addition to the requirements of Policy 5.3.2, when considering an application to excavate gravel from a river or lake bed, to consider:

(a) The sustainable yield of the lake or river system;
(b) Adverse effects on bed levels and channel location;
(c) Potential spread of pest plants.

Explanation
Removing material from riverbeds has the potential to impact on Policy 5.3.2 matters plus (a) to (c) above. However, the significance of this impact will depend on numerous activity and site specific elements. Excessive build up of gravel due to natural processes may contribute to flooding or impacts on infrastructure (e.g. bridges and culverts) that may be mitigated by removal of those materials. Gravel removal from islands can have the benefit of reducing flow against riverbanks, thereby reducing the likelihood of erosion. Adverse effects of extraction activities can include dust and the spread of pest plants. It may be possible to prevent the spread of particular pest plants by not transporting material between some catchments and by high pressure cleaning of trucks and machinery between jobs.

5.3.5 To recognise the National Water Conservation (Grey River) Order 1991 and the National Water Conservation (Buller River) Order 2001.

Explanation
The management of the waters protected under national water conservation orders must be provided for under this Plan. The two water conservation orders are reproduced in Schedule 5 and 6 of this Plan.

5.3.6 Council
will require the use of bridges, culverts, and other methods where a farmer causes a herd of cattle to cross any river or permanently flowing creek, at any farm raceway crossing, more than ten times in any month for herds larger than 500 cattle, or more than 20 times in any month for herds less than 500 cattle. A crossing is one-way only.

Explanation
In situations where the construction of a bridge would be unreasonably expensive compared to the effects of the discharge, Council may consider granting a resource consent to a farmer to continue to use a ford crossing, based on a detailed assessment of its effects on the environment including:
(a) Frequency of use and herd size;
(b) Measures of contaminant loadings and effects on water colour and clarity;
(c) Likely effects on downstream in-stream values, and other river users;
(d) Any cumulative effects and precedent effects, if applicable; and
(e) Proposed mitigation measures, including farm race re-design.

6. WETLAND MANAGEMENT

6.1 Introduction

The management of wetlands is a critical biodiversity issue in many parts of New Zealand. Some regions have only 10-15% of their natural wetlands remaining, compared to wetland extent during pre-human times. As with other regions there have been losses of wetlands, but a higher proportion remains in the West Coast region than the New Zealand average. In addition to the quantity that remain, these wetlands are also diverse in terms of their types and values.

The sustainable management of wetlands is an important issue due to a range of values and attributes of wetlands. Wetlands provide important areas of indigenous habitat for many birds, plants and amphibians, sustaining the indigenous biodiversity of the West Coast

One value derived from the functions and attributes of wetlands is known as 'ecosystem services'. The term 'ecosystem services' refers to the benefits society derived by society. These are wide ranging and include flood storage and retention, groundwater recharge and discharge, the regulation of surface water flows, erosion protection, sediment trapping, nutrient assimilation and toxicant removal, and also as carbon sinks.

Quite separately, wetlands have other economic values such as commercial fisheries, and for peat extraction and plant harvesting. Wetlands also have recreational, educational, cultural and spiritual values.

Wetlands are vulnerable to a number of activities and threats including:

- Earthworks (including deposition of substances), excavation, reclamation, vehicle crossings, trampling by animals or people, fire or cultivation;
- Introduction or removal of vegetation and grazing of wetland vegetation;
- Taking, damming (resulting in inundation of wetlands), or diversion of water (including that for land drainage), discharge of water or contaminants (including sediment); and
- Installation and erection of structures.

Due to the higher proportion of wetland areas remaining on the West Coast, a priority is to protect those wetlands in the region that are significant as determined by the ecological criteria in Schedule 3. This is achieved through:

- Schedule 1 which identifies wetlands that are ecologically significant;
- Schedule 2 which identifies wetlands that either are, or are likely to be, ecologically significant; and
- When a resource consent is required for an activity affecting a wetland not on Schedules 1 or 2, consideration of whether the wetland is ecologically significant.

The wetlands identified in Schedules 1 and 2 have been arrived at using two separate processes and no hierarchical importance is to be accorded to one Schedule over the other.

Wetlands in Schedule 1 have been verified and include some of the significant wetlands in the region. Their values need to be identified in any resource consent process. Specified activities within Schedule 1 wetlands are non-complying activities, and require a resource consent.

Wetlands in Schedule 2 either are, or are likely to be, ecologically significant. Specified activities within Schedule 2 wetlands are discretionary activities and also require a resource consent.

Wetlands in Schedule 1 and 2 require an ecological assessment using the Schedule 3 criteria. This is to be undertaken by an appropriately qualified ecologist during any resource consent process. There may also be other wetlands not in Schedules 1 and 2 that meet the ecological criteria in Schedule 3 and are ecologically significant. An assessment of ecological significance is also to be provided by an applicant for activities in or affecting a wetland not on Schedule 1 and 2 but which may contain an area of ecological significance.

It is intended that over time as ecological assessments are undertaken wetlands identified as meeting the Schedule 3 criteria will all be included in Schedule 1. Where an assessment demonstrates that the ecological criteria in Schedule 3 are met, those wetlands will be included in the regional plan by way of a plan change.

Equally, where the criteria are not met, those wetlands should be removed from Schedule 2 by way of a plan change.

In addition to the resource consent requirements in this Plan, activities undertaken on public conservation land must also comply with any concession requirements of the Department of Conservation.

For any activity affecting a wetland, also refer to other provisions in the Plan, including Chapters 4 and 5. Where provisions in the Plan dealing with wetlands are at variance with those in Chapters 4 and 5, the provisions in Chapter 6 take precedence.

6.2 Objective

6.2.1. To recognise and provide for the protection of the natural character, indigenous biodiversity and other values of wetlands in the region.

Explanation
Part 2 of the RMA establishes a regime within which wetlands are to be managed in order to protect their natural character, indigenous biodiversity and other values. The objective provides a basis for provisions within the Plan which promote the sustainable management of wetlands in the region. The values present in the remaining wetlands on the West Coast include intrinsic values, natural character, and significant indigenous vegetation and significant habitats of indigenous fauna.

6.3 Policies

6.3.1 To recognise the significant wetlands in Schedule 1 and to identify and protect their values by controlling activities in those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.

6.3.2 To recognise the significant wetlands in Schedule 2 that are shown to meet any one of the ecological criteria in Schedule 3, and to identify and protect their values by controlling activities in those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.

6.3.3 To recognise that there is no hierarchy of significance between wetlands included in Schedule 1, and wetlands included in Schedule 2 that meet any one of the ecological criteria in Schedule 3.

6.3.4 To provide protection for any wetlands not in Schedule 1 or 2 that are shown to meet any one of the ecological criteria in Schedule 3, and to identify and protect the values of those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.

6.3.5 To recognise and provide for the protection of wetlands by promoting the maintenance and enhancement of the natural values of all wetlands in the region and by managing adverse effects of activities on the values present, including natural character, ecosystems (including ecosystem functions and habitats), aesthetic values or amenity values.

Explanations

Policy 6.3.1
Wetlands in Schedule 1 have been verified as ecologically significant and therefore are to be protected. Any wetland modification is likely to result in the degradation or loss of the values of the wetlands or the wetlands themselves.

Policy 6.3.2

Schedule 2 contains a list of wetlands that either are, or are likely to be, ecologically significant. Some of these areas and the particular values present have not been verified and therefore will be subject to an assessment of significance through the resource consent process.

Mapping of Schedule 2 wetlands has taken into account possible adverse effects of adjoining activities on the hydrology of a wetland (including those in Schedule 1). Mapping included sufficient margins where necessary to control adjoining land drainage activities that might otherwise affect the natural water level within the wetland itself and have adverse effects on the values present.

Policy 6.3.3
Policy 6.3.3 makes it clear that there is no hierarchy between the significance of wetlands in Schedule 1 and 2. The wetlands identified in Schedules 1 and 2 have been arrived at using two separate processes and no hierarchical importance is to be accorded to one Schedule over the other.

Policy 6.3.4
Due to the geographic extent and diversity of the West Coast region it is possible that not all wetlands with significant ecological values are identified in either Schedule 1 or Schedule 2. This Policy recognises and provides for the identification and protection of the values of those unidentified wetlands.

This Policy recognises the need to manage all wetlands sustainably, not just those listed in Schedule 1 and 2. This Policy is intended to provide guidance during the resource consent process if a wetland not identified in Schedule 1 or 2 is shown to have significant ecological values.

Policy 6.3.5
Policy 6.3.5 recognises the need to manage all wetlands sustainably, not just those in Schedule 1 and 2 and other with significant ecological values, and these are to be managed for a wide range of values. This Policy is intended to provide guidance during the resource consent process for wetlands and wetland values not covered in the preceding Chapter 6 policies. It is also relevant to non-regulatory methods like providing information on planting or otherwise enhancing wetland areas to improve their natural, amenity or aesthetic values.

6.4 Methods

6.4.1 To promote the enhancement and remediation of wetlands by encouraging land-owners to remove/exclude stock from these areas, control any weed growth, or manage any other activities that adversely affects their natural character.

6.4.2 To work with the Department of Conservation to facilitate land purchase or land exchange agreements that will enable protection of high value wetlands, while also providing access to areas of lower biodiversity value on land currently administered by the Department of Conservation for private sector use and development.

6.4.3 To assist land owners of wetland areas to gain funding for enhancement or remediation works by facilitating access to funding sources (e.g. biodiversity funds) and by liaising with the QEII National Trust and other agencies to assist landowners to formally covenant wetlands so their values are protected in perpetuity.

6.4.4 To liaise with District Councils to facilitate rates relief for any Schedule 1 or 2 wetland the landowner has placed under formal protection.

6.4.5 To provide advice to landowners who are interested in enhancing wetlands. This advice covers preparing planting plans, advice on funding sources, contacts for covenanting, identification and advice on pest and weed management, and advice on consents needed. The Regional Pest Management Strategy is relevant to the management of pest plant species within wetlands.

6.4.6 Where assessment of any wetland (whether in Schedule 1 or 2, or not yet identified in the Plan) is required under the Plan for a plan change, variation or resource consent, it shall be carried out in accordance with the ecological criteria set out in Schedule 3.

6.4.7 Schedule 1 and Schedule 2 were derived from two different planning processes. Where assessments of the wetlands in Schedule 2 demonstrate that the ecological criteria in Schedule 3 are met those wetlands should be included in Schedule 1. Equally, where the criteria are not met, those wetlands should be removed from Schedule 2. Changes to Schedule 1 and 2 to either include or remove wetlands will be the subject of a plan change process.

6.4.8 To avoid duplication of process, Council will encourage district councils to provide in their district plans that no consent is required for vegetation disturbance in a Schedule 1 or 2 wetland, if consent has been granted by the Regional Council for that activity.

7. SURFACE WATER QUANTITY

7.1 Introduction

This Chapter deals with resource use conflicts related to the quantity of water in surface water bodies. Out-of-stream uses involving the taking, damming and diversion of water can change the quantity of water in these water bodies, impacting on flow regimes and water levels. This can affect the people and communities who are reliant on this water, its life supporting capacity, water quality, and in stream values.

The West Coast generally receives frequent and plentiful rainfall. Annual rainfall increases as one moves south down the West Coast due to the influence of the Southern Alps. The upper Grey River valley and Reefton areas are noted as receiving the least rainfall during Summer, and have a number of catchments where groundwater contributes little to the base flows during Summer. Seasonally, for the northern half of the region, rainfall and river flows are highest during Spring and lowest during Summer. Conversely for South Westland, rainfall and river flows are highest during Summer and lowest during Winter. The high and intense rainfall produces frequent flash floods in the regions rivers which usually contain relatively high base flows. Flows that are affected by large lakes or are mainly spring fed are more stable, and generally have smaller floods.

Note: The provisions in this chapter are in addition to those in Chapter 3, which seek to maintain or enhance the natural and human use values supported by lakes and rivers.

7.2 Objectives

7.2.1 To retain flows and water levels in water bodies sufficient to maintain their in stream values, natural character, and life supporting capacity.

Explanation

This Objective seeks to maintain sufficient flows and water levels in rivers and other water bodies to provide for in stream values, natural character, and life supporting capacity.

7.2.2 To provide for the water needs of the West Coast's industries, network utility operators, and community water supplies.

Explanation

The economic, social and cultural wellbeing of the West Coast's people and communities rely on their access to securing suitable quantities of water. Network utility operators also require access to water to ensure the continued maintenance and operation of infrastructural networks thereby providing for the economic, social, and cultural wellbeing of the West Coast's people and communities. The present and reasonably foreseeable needs for water will need to be met, provided any adverse effects are sustainably managed. This includes existing users who rely on current takes of water, as well as future users.

7.2.3 To promote the efficient use of water.

Explanation

Efficient use of water occurs when the volume of water taken is sufficient to meet the needs of the use, with the least possible wastage, or overestimation of need.

7.2.4 To avoid, remedy or mitigate adverse effects on the quality of source and receiving water, including its ecology and mauri, where such water is subject to any inter-stream or inter-catchment transfer.

Explanation

New transfers may result in changes to receiving and source water quality, or the introduction of species to areas where they are not already present and the loss of values associated with the source water body.

7.2.5 To avoid, remedy or mitigate any adverse effects of managed flows in rivers, or from fluctuating levels of controlled lakes.

Explanation

Modified flows from activities including damming, diversion from rivers, and flow augmentation can cause adverse effects where the flows or variations in flows may not provide for the requirements of natural and human use values, existing lawful uses, or may adversely affect bed or bank stability. Levels in controlled lakes are subject to fluctuations due to the active management of the lake. Lake levels are altered through a control structure such as a dam. The management of flows and controlled lake levels may be required to ensure that any adverse effect of fluctuating lake levels is avoided, remedied or mitigated.

7.3 Policies

Note: General Policies for the management of flows are outlined in Policies 7.3.1 – 7.3.7, while specific Policies for the management of flows associated with run of the river dams are outlined in Policies 7.3.8 – 7.3.14. For other dam schemes, Policies 7.3.1 – 7.3.7 may apply as well.

Policies Applying to the Taking of Water

7.3.1 Takes from rivers where the total volume of water allocated is less than 20% of the river's mean annual low flow will require no minimum flow.

Explanation
Water in a river may already be allocated to a number of uses including lawfully established takes, takes that are permitted under the Rules of this Plan, and takes provided for under Section 14 of the RMA. When only a small proportion of the available water in a river is taken, there is little need for a consent condition restricting use at low flows because of the low risk of adverse effects due to the taking. The costs of administering minimum flows are high, and it is not cost effective to set minimum flows on takes that have a low risk of causing effects.

The need for gaugings to determine mean annual low flow (MALF) will be at the discretion of Council staff. MALF is determined at the point of take, but needs to take account of the cumulative water takes at other points in the catchment. Once calculated, the MALF for a river will be fixed for the duration of the plan. For smaller streams with high in stream values the location and rate of take and the seasonal timing of the take can be controlled by conditions on the consent.

Note: General policies for the management of flows are outlined in Policies 7.3.1-7.3.7, while specific Policies for the management of flows associated with the run of the river dams are outlined in Policies 7.3.8-7.3.14. For other dam schemes, Policies 7.3.1-7.3.7 may apply as well.

7.3.2 Where Policy 7.3.1 does not apply, a minimum flow based on 75% of the mean annual low flow will be applied as a consent condition.

Explanation
Where more than 20% of any stream has been allocated, a minimum flow will be applied to any new consent for taking water. In the absence of detailed hydrological information, minimum flow assessments can be based on a percentage of the MALF. A minimum flow of 75% of MALF will provide for the natural character, and life supporting capacity of the aquatic ecosystem. In small streams (less than 250l/s MALF) with documented significant trout spawning values, Fish and Game New Zealand may be considered an affected party. Where multiple takes occur, rationing may need to occur before minimum flow is reached.

7.3.3 To consider granting an application for a resource consent to take water from a river, subject to a minimum flow lower than that specified in Policy 7.3.2, on a case-by-case basis, provided:

- **(a) Any adverse effects on in stream values or natural character of the source water body or any other connected water body are avoided, remedied or mitigated; and**
- **(b) Any adverse effects on lawfully existing takes of water are no more than minor; and**
- **(c) The application if granted, together with the cumulative effect of other existing lawful takes, avoids, remedies or mitigates adverse effects on the life supporting capacity of any waterbody.**

Explanation

This Policy provides criteria for the granting of consents to take water as an exception to the requirements of Policy 7.3.2. This will generally require the applicant to undertake assessment methods on a site specific basis to determine a flow regime that provides for all in stream values including ecological and human use values. Scientific assessments are the most accurate method of determining low flow habitat requirements. However, it is recognised that scientific assessments will not always be appropriate or practical. The cumulative effects of multiple takes will also be considered.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated or to be appropriately compensated for. This Policy is adopted to enable consideration of applications for the taking of water as an exception to the requirements of Policy 7.3.2 where such a take will have no more than a minor effect.

7.3.4 Minimum flows required by Policies 7.3.2 or 7.3.3 will not apply to existing community water supply takes identified in Schedule 7B.

Explanation
Under low flow conditions, priority is given to protecting takes for existing community water supply. This policy exempts scheduled existing community water supplies from restriction in terms of the minimum flow requirements applied to other takes. New community takes and any increase in the current level of take will be considered under Policies 7.3.1 to 7.3.3.

This Policy is adopted to enable continued operation of Schedule 7B existing community water supplies. Human health and safety are dependent on a reasonable supply of water and imposing minimum flows on existing takes may compromise human health and safety unnecessarily.

7.3.5 To suspend the taking of water when minimum flows have been reached.

Explanation
When the flow in any river is at or below that minimum flow, all takes that are subject to that minimum flow will be suspended. Conditions relating to minimum flows and suspension will be placed on resource consents for water takes. Permitted activity takes are not restricted by any minimum flows.

7.3.6 To promote the efficient use of water and to consider the need to cap the overall allocation from any water body.

Explanation
The efficient use of water will be assessed on a case by case basis as it is not possible to establish a definition of efficiency that is appropriate or applicable for all potential water. For irrigation applications rate of take should be determined based on area to be irrigated, soil type, and vegetation.

In the future, demand for water may necessitate a cap on further allocation. If this is deemed necessary, the Council will formally resolve that no further permits to take water will be granted in that catchment.

7.3.7 To monitor the taking and use of water, requiring the volume and rate of take to be measured as or where appropriate.

Monitoring water use enables better management of the resource. For significant takes, Council may require the instantaneous rate and weekly volume to be monitored. Monitoring is unlikely to be useful for short term or non-consumptive takes.

7.3.8 To approve an application to transfer a consent holder's interest in a resource consent to take and use water in terms of Section 136(2)(b)(ii) of the Resource Management Act, providing:

(a) The transfer is within the same catchment as the original consent; and
(b) The total take from the water body following transfer does not exceed that occurring prior to the transfer, as a result of the transfer; and
(c) There are no more than minor adverse effects on any other take or on any in stream values, as a result of the transfer.

Explanation
Section 136(2)(b) of the Resource Management Act provides for the transfer of the whole or any part of a consent holder's interest in a consent for the taking and use of water to another person on another site, or to another site, if both sites are in the same catchment (either upstream or downstream). Rule 40 allows takes to transfer downstream as a permitted activity, subject to conditions. If a consent holder wishes to transfer upstream or to a tributary a resource consent is needed and this policy will apply, in order that any potential adverse effects can be properly assessed.

Policies for Lake Levels, Damming, Diversion, and Augmentation

7.3.9 Where lake levels are already controlled, to recognise and provide for the purpose of that control if limits are to be placed on operating levels.

Explanation
Some of the West Coast's lakes are controlled through the use of dams for specific purposes. The purposes of existing controls are to be recognised and provided for when considering resource consents that affect lake levels. Limits on operating levels may be imposed, where necessary, in accordance with Policy 7.3.9. This Policy ensures that the purpose of controlling any lake where such control already exists is not unduly compromised. Given the investment in dams and associated structures, it would be inappropriate to prevent the use of the dammed water for the purpose for which it was dammed.

7.3.10 To limit the operating levels of any controlled lake, where appropriate, to avoid or mitigate adverse effects on:
- **(a) The matters referred to in Policy 3.3.1, 3.3.2 and 3.3.7;**
- **(b) Riparian values;**
- **(c) Lakeshores and public access;**
- **(d) Bed stability; and**
- **(e) The needs of the West Coast's people and communities.**

Explanation
Changes in the levels of lakes and the rate of change can adversely affect the matters identified in (a) to (e) of the Policy. It is important to consider new proposals to manage lake levels and new consents for existing dams, in order that appropriate conditions can be set to avoid or mitigate these adverse effects. These conditions will address extremes in lake levels, and the rates of change of such levels.

7.3.11 In regulating the management of controlled flows, other than in association with a small dam or any dam designed to contain contaminants, to have regard to:
- **(a) The matters identified in Policy 3.3.1, 3.3.2 and 3.3.7;**
- **(b) The periodic release of water at appropriate flow rates, where necessary to remove excess algal growth or accumulated sediment;**
- **(c) The existing needs of consumptive users of water; and**
- **(d) The extent to which the water body has been modified by resource use and development.**

Explanation
This Policy identifies the measures that may be required in managing controlled flows, to avoid or mitigate adverse effects. Dams designed to contain contaminants and small dams permitted by this plan are excluded. Where the controlled flow conditions could lead to the river's natural and human use values identified in Chapter 6, or uses of that water, being compromised, discharge flows can be modified to avoid or mitigate those effects. This may be achieved through setting maximum and minimum levels of flow, and through control of the range or rate of change of flows. The natural and human use values downstream of any existing dam not designed to pass water will be maintained by continuing the existing operating regime. The measures identified in the Policy would be introduced upon conditions on the relevant resource consents.

7.3.12 To require, where necessary, desirable and practicable, provision for fish migration.

Explanation

Where the Council requires a resource consent for damming or diversion of water, it will consider requiring the person to provide means for the upstream and downstream passage of fish including eels. There are situations where passage may not be necessary, if fish are not present; or desirable, if a dam is preventing upstream migration of predatory trout into a threatened native fish habitat, for example. These need to be assessed on a case-by-case basis. In cases where retrofitting a fish pass to a dam is impracticable, alternative remedial measures that enable migration will be considered.

7.3.13 In considering resource consents for flow augmentation proposals involving any transfer of water between streams or catchments, regard will be had to avoiding, remedying or mitigating effects on:
(a) Flora or fauna, including the introduction of new species;
(b) Water quantity and quality; and
(c) Tangata whenua cultural values;
in the source and receiving waters.

Explanation
Augmentation of surface water flows for the purposes of this policy occurs where water is brought into a catchment or stream for subsequent release. When considering any relevant resource consents required for new augmentation schemes, regard must be had to avoiding the adverse effects identified in this policy. In relation to pest species preference will be given to avoiding their introduction.

7.3.14 When considering diversions associated with disturbance of riverbeds, priority will be given to avoiding, in preference to remedying or mitigating, adverse effects on surface flows.

Explanation
When considering diversion associated with riverbed disturbance, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them. The avoidance of adverse effects on the quantity of surface flows will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated, or appropriate financial contribution made.

The West Coast has a history of diversions associated with mining of riverbeds, where subsequent to the re-instatement of the river to its original course, post-mining, flows disappear into gravels.

7.3.15 Financial contributions, works or services may be required to offset, remedy or mitigate any unavoidable adverse effect of the taking, damming or diversion of water.

Explanation
The taking, damming or diversion of water can result in unavoidable adverse effects on the natural and human use values supported by a water body. Where such effects occur, financial contributions, works or services may be required as a condition of a resource consent to offset, remedy or mitigate the effects.

7.3A Transitional Policies – National Policy Statement on Freshwater Management

The National Policy Statement for Freshwater Management 2011 (NPS) contains four objectives and seven policies in relation to freshwater quantity.

Policy B7 of the NPS, and direction under section 55(2A) of the Resource Management Act 1991 (RMA), requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy B7 of the NPS.

Policy B7 of the NPS is accordingly included in this Plan as Policies 7.3A.1 to 7.3A.3 below.

7.3A.1 When considering any application the consent authority must have regard to the following matters:
(a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem; and

(b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

7.3A.2 Policy 7.3A.1 applies to:

(a) any new activity; and

(b) any change in character, intensity or scale of any established activity –

that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

7.3A.3 Policy 7.3A.1 does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management took effect on 1 July 2011.

7.4 Methods

7.4.1 The Council will seek to ensure that the effects of stormwater and drainage from new subdivisions is considered at the planning stage, at the same time as waste disposal, water supply and natural hazards.

7.4.2 Where the cumulative volume allocated from a river for permitted and/or consented takes reaches or exceeds 15% of MALF the Council will review the application of Rules 37, 38, and 39 to the affected river, and a plan change may be required to address the issue.

8. SURFACE WATER QUALITY

8.1 Introduction

Water quality can be adversely affected by discharges of contaminants resulting from human activities. There are two main types of discharge that can affect water quality, namely "point source", those that occur at a definable place, often through a pipe or drain, and "non-point source", those that enter a water body from a diffuse source, such as land runoff or infiltration.

This Chapter addresses point source discharges to surface water only. In the region many discharges are directly to water, including treated dairy effluent, municipal sewage discharges, and industrial effluent (mining, ports, and dairy companies).

Where water quality is adversely affected by these discharges, this reduces the ability of lakes and rivers to support the needs of people and communities, and aquatic life. There is a particular concern in relation to discharges of human sewage to water, which Poutini Ngäi Tahu find culturally offensive.

Sometimes water quality can be affected by a large water take, where that take reduces the assimilative capacity of the water body. Adverse effects due to a contaminant discharge should be mitigated in the first instance by reducing the level of contaminant being discharged, rather than by managing takes to alter the assimilative capacity of the water body.

Note: The provisions in this Chapter are in addition to those in Chapter 5, which seek to maintain or enhance the natural and human use values supported by surface water bodies.

8.2 Objectives

8.2.1 To maintain or enhance the quality of the West Coast's water.

8.3 Policies

8.3.1. The West Coast Regional Council will manage the swimming areas identified in Schedule 9 for contact recreation purposes (Class CR) and all other surface water bodies in the region for aquatic ecosystem purposes (Class AE).

Explanation

Aquatic ecosystem and contact recreation standards are set in the Third Schedule of the RMA (see below). Contact recreation water bodies are identified in Schedule 9, and all other water bodies will be managed for aquatic ecosystem purposes. AE and CR classes do not exclude other water quality classes being applied if identified as appropriate through the resource consent process.

- Class AE Water (being water managed for aquatic ecosystem purposes)
  (1) The natural temperature of the water shall not be changed by more than 3° Celsius.
  (2) The following shall not be allowed if they have an adverse effect on aquatic life:
  (a) Any pH change:
  (b) Any increase in the deposition of matter on the bed of the water body or coastal water;
  (c) Any discharge of a contaminant into the water.
  (3) The concentration of dissolved oxygen shall exceed 80% of saturation concentration
  (4) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water

- Class CR Water (being water managed for contact recreation purposes)
  (1) The visual clarity of the water shall not be so low as to be unsuitable for bathing.
  (2) The water shall not be rendered unsuitable for bathing by the presence of contaminants.
  (3) There shall be no biological growths as a result of any discharges of a contaminant into the water.

In some streams on the West Coast the AE standards are unable to be met due to high acidity (both naturally occurring and caused by historic mining activities). This is reflected in Policy 8.3.2.

8.3.2. Rivers which have acid drainage issues will be managed as follows:

(a) Activities that reduce pH of receiving waters must avoid, remedy or mitigate acidity effects and should achieve the natural pH level of the affected river wherever practicable; and

(b) Activities that increase dissolved iron concentrations or the concentration of any other metal or non-metal in the receiving water must avoid, remedy or mitigate adverse effects and the natural metal/non-metal concentration of the receiving water should be achieved wherever practicable.

Explanation
Acid drainage issues will be identified when a resource consent is applied for. Mining activities can cause or exacerbate acid drainage from certain rock types. Some rivers have naturally high acidity and elevated heavy metal levels due to geology. In addition to the requirements of Policies 8.3.3 to 8.3.7 and Chapter 6 Policies (and instead of Policy 8.2.1), this Policy identifies specific parameters that need particular attention if Objective 8.2.1 is to be met. In addition to acidity, contaminants such as iron and manganese; and acid soluble aluminium, zinc, arsenic, nickel, cadmium, chromium, copper, and lead; and sulphate, calcium, and magnesium can lead to serious and long term effects on the aquatic ecosystem. Where natural contaminant levels are high the aim is to require that mining activities avoid, remedy or mitigate effects to maintain water quality as close as practicable to natural conditions. The relevant guideline levels for metals are a developing science and ANZECC guidelines are not necessarily relevant if better localised information is available.

8.3.3 To encourage the remediation of orphan sites as a method to enhance existing water quality and offset adverse effects from new mining developments.

Explanation
This Policy provides a management framework for 'orphan' areas that have existing acid rock drainage issues.

8.3.4 When considering applications for new resource consents for existing discharges of contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Explanation
There is the opportunity, with new resource consents for existing discharges, to achieve an enhancement in water quality. This can occur when the consent holder re-examines the discharge activity and makes use of technological advances in the reduction, reuse, recycling, or treatment of contaminants. The Council will have regard to these opportunities when considering resource consents to discharge contaminants to water.

This Policy applies to any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

8.3.5 When considering applications for resource consents to discharge contaminants to water to have regard to:

(a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
(b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with other options;
(c) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;
(d) The cumulative effects of discharges of contaminants and the assimilative capacity of the water body and actual or potential effects in the coastal marine area;
(e) Any relevant industry codes of practice or guidelines relating to the management of potential discharges; and
(f) The best practicable option for the treatment and disposal of sewage effluent, including the use of land disposal or wetland treatment.

Explanation

When considering the avoidance, remedy, or mitigation of the adverse effects of the discharge of contaminants to land or water under a resource consent, the Council will consider matters identified in (a) to (f) in the Policy. This ensures the recognition of any environmental mitigation technology constraint upon the adoption of alternative treatment or discharge methods, and the best practicable option, cumulative effects and assimilative capacity, and downstream effects on the coastal marine area. With respect to (a) for example, discharges from alluvial mining operations are often temporary in nature. They can be constructed ponds which form part of the treatment system and can occur with minimal effect. Regarding clause (f), the term "wetland treatment" refers to either artificially developed or natural wetlands. A sewage effluent discharge into a Schedule 1 or 2 wetland requires a resource consent.

8.3.6 Mixing zones will be required for the discharge of contaminants to water. These will be limited to the extent necessary to take account of:

(a) Water quality classes;
(b) The size and sensitivity of the receiving environment;
(c) The matters identified in Policy 3.3.1;
(d) The physical processes acting on the area of discharge; and
(e) The particular discharge, including contaminant type, concentration, and volume.

Explanation

Discharges of contaminants authorised under resource consents must meet any water quality standard set in respect of receiving waters after "reasonable mixing". Reasonable mixing occurs in a mixing zone, an accepted area of non-compliance. Matters (a) to (e) of the Policy will be considered in the determination of the size of any mixing zone. In some cases devices may need to be installed to accelerate mixing.

8.3.7 The duration of any new resource consent for an existing discharge of contaminants will take account of the water quality class as listed in Policy 8.3.1 after reasonable mixing, and any anticipated adverse effects of the discharge on an affected water body, and:

(a) Will be up to 35 years where the discharge will meet the water quality class for the duration of the resource consent; or where the discharge achieves Polices 8.3.2 or 8.3.3 or 8.3.4. Or except where the purpose of the Act requires otherwise and/or where mitigation, remediation or offsetting achieves enhancement of water quality within the receiving water body or another water body in the Region;
(b) Will be no more than 15 years where the discharge does not meet the water quality class but will progressively meet that standard within the duration of the resource consent; and
(c) Will be no more than 5 years where the discharge does not meet the water quality class; No resource consent, subsequent to one issued under (c), will be issued if the discharge still does not meet the water quality class.

Explanation

Resource consents to discharge contaminants may be issued for up to 35 years under the RMA. The duration of new resource consents for existing discharges under this Plan will be set having regard to the effect of the matters listed in this Policy.

If a commitment is made to meet the water quality class progressively within the duration of the resource consent, the duration of such resource consents would not exceed 15 years, in accordance with (b). In recognition of any environmental mitigation technology constraints on those proposing to undertake the discharge, a short duration resource consent, which does not exceed 5 years, may be granted in accordance with (c), in which time they must comply with the water quality class. Discharges that do not comply by the time the resource consent has expired will not be granted a further resource consent for the discharge.

8.3.8 With respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, to require:

(a) The separation of sewage and stormwater;
(b) The prevention of contamination by industrial or trade waste; and
(c) The use of techniques to trap debris, sediments and nutrients present in runoff.

Explanation
In terms of the Plan's rules for permitted and discretionary activities for new discharges, or extensions to the catchment area of existing discharges from reticulated stormwater systems, the requirements of (a) to (c) will apply, as required.

8.3.9 To promote and enable the progressive upgrading of the quality of water discharged from existing stormwater reticulation systems where appropriate.

Explanation
The Council will encourage the operator of any existing stormwater reticulation system to improve the quality of stormwater discharged from the system where appropriate. Measures that can be taken to achieve this improvement include:
(a) The separation of sewage and stormwater;
(b) The prevention of contamination by industrial or trade waste; and
(c) The use of techniques to trap debris, sediments and nutrients present in runoff.

Priority will be given to improving discharges to those water bodies where water quality classes cannot be met and natural and human use values are adversely affected. Such measures may not be necessary where an existing discharge meets water quality classes or is having no more than a minor adverse effect on any natural or human use value supported by an affected water body. Resource consents for stormwater may be issued that allow time for water quality classes to be met. This recognises financial and technical constraints associated with these types of discharges.

8.3.10 To avoid the damming and subsequent inundation or diversion of water over contaminated land where it would result in an increased risk of contamination of water or, where avoidance is not practicable, to either require the removal or treatment of the contaminated land flow path management.

Explanation
There is the potential for adverse effects on water quality where land contaminated by hazardous substances comes into contact with water. Such effects may occur:
(a) Within a reservoir created by the damming of a water body;
(b) Within diverted water where the water passes over contaminated land; or
(c) Downstream of that reservoir or diverted water.

When considering any resource consent for new proposals for damming or diversion of water, the Council must be satisfied that the activity would not result in water being contaminated by its coming into contact with sites associated with hazardous substances. The Council maintains a register of these sites on the West Coast. Policy 8.3.10 does not apply to dams designed for the storage of contaminants.

8.3.11 To require the holder of any consent for a dam constructed for the purposes of storage of contaminants to completely remedy any adverse effect of the failure or overtopping of the dam structure, either during or after its construction.

Explanation
Where a resource consent is required for damming of water for the purpose of storing contaminants, the consent authority will require the person erecting the dam to plan for and provide measures, including bonds under Section 108 of the RMA, for the complete remediation of any loss or damage caused by the uncontrolled release of contaminants. There is a risk of such releases where the dam constructed to store the contaminants fails or is overtopped, either during or after its construction. The construction of dams is covered in Chapter 4.

8.3A Transitional Policies – National Policy Statement on Freshwater Management
The National Policy Statement for Freshwater Management 2011 (NPS) contains two objectives and four policies in relation to freshwater quality.

Policy A4 of the NPS, and direction under section 55(2A) of the Resource Management Act 1991 (RMA), requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy A4 of the NPS.

Policy A4 of the NPS is accordingly included in this Plan as Policies 8.3A.1 to 8.3A.3 below.

8.3A.1 When considering any application for a discharge the consent authority must have regard to the following matters:

(a) The extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and

(b) The extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

8.3A.2 Policy 8.3A.1 applies to the following discharges (including a diffuse discharge by any person or animal):

(a) a new discharge; or

(b) a change or increase in any discharge –

of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

8.3A.3 Policy 8.3A.1 does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management took effect on 1 July 2011.

8.4 Methods

8.4.1 The Council will encourage operators of existing stormwater reticulation systems to utilise techniques that will assist to reduce the level of contaminants discharged from the systems.

8.4.2 The Council will encourage district councils, communities and property owners to install reticulated systems for sewerage, where it is appropriate and feasible, in any site where the conditions are such that on-site waste treatment could result in an adverse effect on water bodies, particularly those specifically identified in this Plan.

9. SPECIAL MANAGEMENT AREA: LAKE BRUNNER/KOTUKU-WHAKAOHO CATCHMENT

9.1 Introduction

Lake Brunner/Kötuku Whakaoho is the largest lake in the West Coast region, at 36.1 km². The Lake Brunner/Kötuku-Whakaoho catchment is a special management area as it has values associated with fishery and tourism, is an important recreational resource, is prized highly by tangata whenua and is an important area ecologically. Swimming, fishing, and boating are popular recreational activities on the lake in the summer months.

The catchment provides feeding, roosting and breeding habitat for a diverse range of waterfowl and wading birds. Land-locked populations of koaro, banded and giant kokopu, common bully, upland bully and dwarf galaxiid are present. Poutini Ngäi Tahu value many of the native bird and plant species as taonga.

Lake Brunner/Kötuku-Whakaoho is considered the most vulnerable lake on the West Coast due to high development pressure and high recreational use. Land use in the catchment includes farming (20-25% of the catchment), forestry, recreational use, and residential and tourism development.

Lake Brunner/Kötuku-Whakaoho is of immense significance to Poutini Ngäi Tahu as recognised by its inclusion as a statutory acknowledgement area in the Ngäi Tahu Claims Settlement Act. Kötuku-Whakaoho holds an important place in Poutini Ngäi Tahu history as the site of the tribe's battle with Ngäti Wairaki. Victory in this battle saw Poutini Ngäi Tahu gain manawhenua in the area. Besides being a famous battleground, Kötuku-Whakaoho was important as the site of a permanent settlement, acting as a focal point for food-gathering parties. Kötuku-Whakaoho is also recognised as being a major mahinga kai and a key stopover point for early travellers.

When managing the catchment consideration must be given to the whole Plan, including other objectives and policies and methods as appropriate.

9.2 Objectives

9.2.1 To improve the water quality of Lake Brunner by managing the adverse effects of activities in the catchment to reach an average trophic level index of 2.8 by 2020, and then maintain or enhance this trophic level index.

Explanation

The Lake Brunner catchment water bodies support a range of natural and human use values. Water quality in the lake and its tributaries has been declining. The Council wishes to reverse this decline and achieve water quality enhancement to 2004 levels, and where possible higher.

9.2.2 To avoid, remedy, or mitigate adverse effects on aquatic ecosystems, cultural values, and contact recreation in the Lake Brunner/Kötuku-Whakaoho catchment.

Explanation

Aquatic ecosystems and contact recreation are highly valued in the catchment and any effects on these values need to be appropriately managed.

9.3 Policies

Note: Chapter 3 and Chapter 8 Policies, as relevant, apply to discharges in this catchment in addition to the Chapter 9 Policies.

9.3.1 The Council will manage Schedule 9 swimming areas in the Lake Brunner catchment for contact recreation purposes (Class CR) and all other surface water in the catchment for aquatic ecosystem purposes (Class AE).

Explanation

The water quality standards for aquatic ecosystems and contact recreation are set out in the third schedule of the RMA. The aquatic ecosystem standard will be used across the catchment while the contact recreation standard will be used for particular areas identified in Schedule 9.

9.3.2 To have regard to the cumulative effects of discharges of contaminants and the assimilative capacity of Lake Brunner/Kotuku-Whakaoho.

Explanation
Discharges in the Lake Brunner catchment can exceed the capacity of the sensitive lake ecosystem to assimilate the combined nutrient input from all tributaries. When considering applications for resource consents, the cumulative effect of all other nutrient inputs into the catchment will be considered. The Council is currently undertaking studies to establish the likely assimilative capacity of the lake.

9.3.3 To reduce the loss of phosphorus to water in the Lake Brunner catchment.

Explanation
Phosphorus is the limiting nutrient in Lake Brunner. Reducing discharges of phosphorus to the lake, or its catchment, will result in improved water quality in the lake over time. Discharges of phosphorus can result from discharges of dairy effluent, the use of phosphorus based fertiliser, and stock access to waterways.

9.3.4 To require discharges of dairy effluent in the Lake Brunner catchment to be to land, rather than directly to water.

Explanation
The direct discharge of dairy effluent to water is not considered appropriate in the Lake Brunner catchment. Existing consents for discharge to water, or discharge to land where it may enter water (including consents for stand off pads), will be reviewed by 1 July 2013 with requirements for discharges to land as opposed to water, taking into account the need to reduce the level of phosphorus entering the lake. Appropriate effluent storage will be required for any system. Low application systems are likely to be required in this catchment.

9.3.5 To prevent stock access to waterways.

Explanation
Preventing stock access to waterways ensures that stock are not defecating directly into water or causing pugging and erosion to the banks of the waterways. Preventing stock access is likely to require the fencing of waterway margins and the bridging or culverting of stock crossings. There may be some instances where the number of stock and frequency of crossing is such that expensive infrastructure is unwarranted. For these individual cases, landowners can apply for consent where the effects of their activities can be assessed and managed in the most appropriate way.

9.3.6 To reduce the loss of phosphorus to Lake Brunner associated with the development of land, by managing phosphate fertiliser use in the catchment so that no net increases in annual loss occurs per property.

Explanation
The development of new land in the catchment usually requires high application rates of phosphorus fertiliser to raise soil fertility. This increases the potential phosphorus loss from this land to the Lake. In order to limit potential losses of phosphorus to the Lake, future phosphorus use should not exceed past phosphorus use per property.

9.3.7 To encourage methods of wintering of stock that will reduce the risk of phosphorus loss in the Lake Brunner catchment, including the management of effluent that results from wintering methods.

Explanation

Wintering stock outside the lake catchment avoids potential discharges of phosphorus from excreta deposited onto standoff pads or paddocks during winter. Alternatively, using collection and containment methods such as herd homes allows for better management of effluent compared to standard management practices.

9.4 Methods

In order to give effect to the policies relating to the Lake Brunner catchment, the Council will use the following methods in addition to other methods in this and other Plans:

9.4.1 To encourage the development and implementation of codes of practice and environmental management systems.

The Council will encourage and assist community, recreational and industry groups in the Lake Brunner catchment to prepare codes of practice and environmental management systems for land and water use activities, in order to avoid, remedy or mitigate adverse effects on water. This may involve identifying how land use activities can be carried out in ways which minimise non-point source contamination.

9.4.2 To promote and encourage the rehabilitation of river and lake edges in reaches where water quality may be enhanced as a result.

The Council will identify those parts of wetlands, lakes and rivers in the Lake Brunner catchment where water quality has been degraded by land use activities. Whilst this Plan does not regulate land use activities, this method is designed to promote integrated management of non point source discharges from land use activities. Identifying degraded areas will enable the appropriate management response to occur.

9.4.3 To promote and encourage land use practices that maintain and/or enhance water quality.

Land use significantly influences the water quality in the catchment, and hence the catchment needs to be managed in an integrated way. This includes management of land use through the Grey District Plan.

9.4.4 To place a priority on taking enforcement action in the Lake Brunner catchment, and particularly in relation to any activities that do not comply with this plan or resource consent conditions.

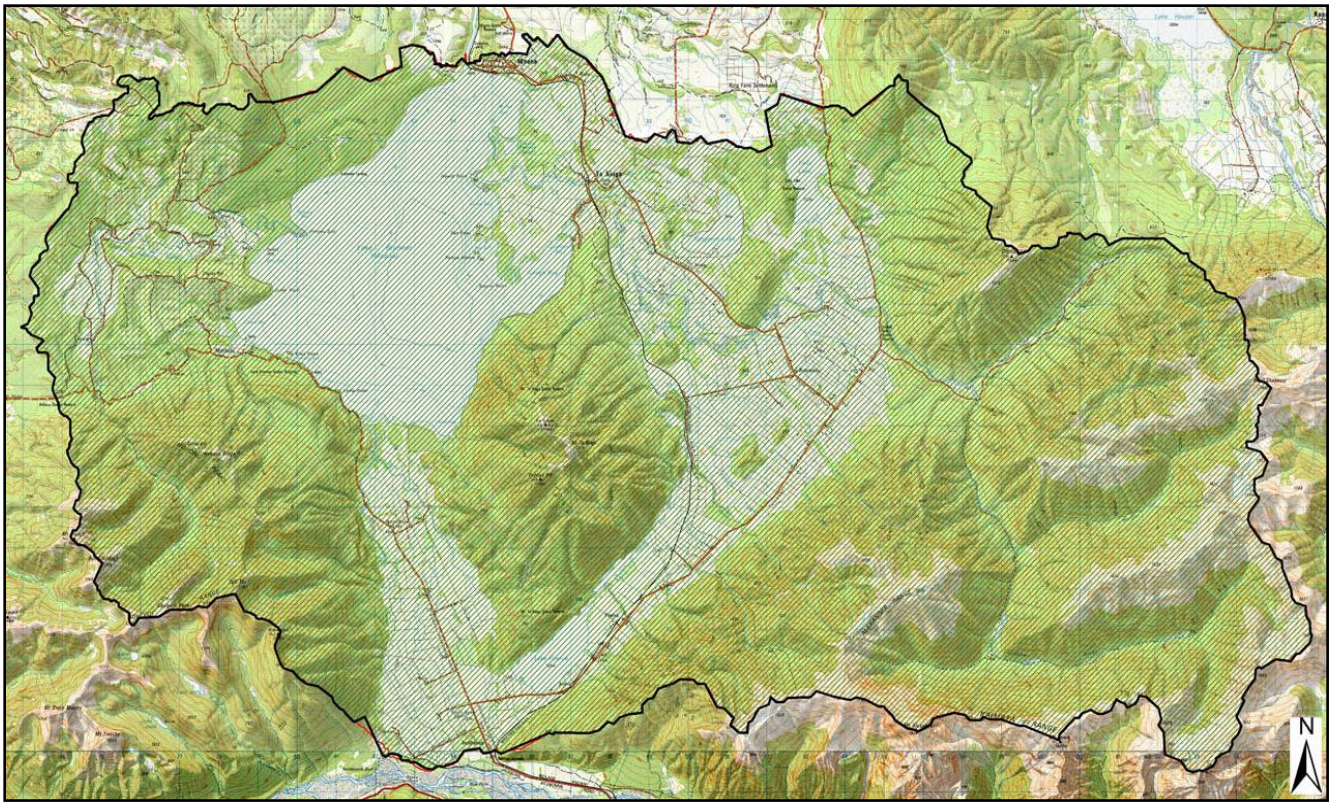
9.4.5 To review all existing farm dairy effluent discharge consents in the Lake Brunner catchment by July 2013, to ensure the best practicable option is adopted to reduce or remove any adverse effects on the lake environment, by minimising phosphorous losses to waterbodies.

Section 128 of the RMA sets out the process for the review of resource consents. Policy 9.3.3 requires a reduction in the amount of phosphorus discharged in the Lake Brunner catchment, in order to improve water quality in the lake over time. Direct discharges of phosphorus occur through discharges of dairy effluent. Policy 9.3.4 requires discharges of dairy effluent in the Lake Brunner catchment be to land, rather than directly to water. Existing discharge to water consents will be reviewed by 1 July 2013 with requirements for discharges to land as opposed to water, given the need to reduce the level of phosphorus entering the lake. Appropriate effluent storage will be required for any system. Low application systems are likely to be required in this catchment.

9.4.6 Encourage the implementation of Nutrient Management Plans and Farm Plans to address best practice on individual farms to reduce effects on Lake Brunner.

In 2005 Landcare Trust funded the development of individual Farm Plans with land owners in the Lake Brunner catchment. The Farm Plans identified areas that farming practices could be improved with both environmental and financial benefits. Consequently many farms in the catchment improved their management practices which included the fencing and bridging of waterways, and nutrient management. There are now new land owners in the catchment and changes in policy for the area, therefore a review of these Plans would provide new opportunities for adoption of best practice.

Map of the Lake Brunner Catchment



Note: Cadastral boundaries in the Lake Brunner catchment can be viewed in more detail on the Council website: www.wcrc.govt.nz/Resources/Images/brunnercatchment.jpg

10. GROUNDWATER

10.1 Introduction

Groundwater is water that occupies or moves through cavities and geological formations and permeable layers or porous material beneath the ground surface. It is an important resource to many West Coast communities, where it serves a number of recognised uses, including domestic and public water supply, stock drinking water, irrigation and industrial uses. This water is largely accessed from shallow aquifers. High rainfall on the West Coast assists recharge of these aquifers. The region also has groundwater in cave and karst systems, which have recreational, cultural, ecological, and aesthetic values.

There is often a hydrological connection between surface water and groundwater. Where the connection is significant, there needs to be recognition of the fact that the use of surface water can affect groundwater, and vice versa. Takes of groundwater can adversely affect other existing groundwater takes through bore interference, and impact on hydraulically linked surface water. Bore interference relates to groundwater takes that lower water levels in a neighbouring bore so that they may be unable to take the water they require, or their pumping costs may increase. Shallow bores that are adjacent to surface water bodies may share water through freely draining gravels. This connection means that lower groundwater levels prevents surface water users from taking their authorised amount of water, or damages the ecological values of the water body. The potential for interference between bores, or between a bore and a surface water body is related to the proximity of the bore to neighbouring bores or a surface water body, the transmissivity within the aquifer and the rate at which water is taken.

The effects of inappropriate land, water use and development on groundwater quantity and quality are often long term, and in some cases may be permanent. It is therefore important that particular consideration be given to the protection of aquifers for the continued benefit of present and future generations.

10.2 Objectives

10.2.1 To sustain existing uses of the West Coast's groundwater, by protecting water quantity and quality and avoiding depleting surface water flows.

Explanation

Groundwater is an important resource in certain areas of the West Coast as it provides water for domestic and public water supply, stock drinking water, industry and irrigation. This Objective seeks to sustain these consumptive uses for the continued benefit of present and future generations.

10.2.2 To minimise conflict between competing uses of groundwater.

Explanation

The taking of water through one bore can reduce the amount of water available at other nearby bores through reductions in groundwater levels. This creates the potential for conflict among users of groundwater bores. This Objective seeks to avoid such conflict by minimising the potential for bore interference.

10.2.3 To avoid, remedy or mitigate adverse effects on surface water bodies associated with groundwater takes.

Explanation

Hydraulically linked surface water bodies can be adversely affected by the taking of groundwater. Effects include contamination and the lowering of water levels. When considering groundwater takes, regard must be had to avoiding, remedying, or mitigating adverse effects.

10.3 Policies

10.3.1 In managing any activity involving the taking of groundwater to ensure that adverse effects are avoided, remedied, or mitigated.

Explanation
Groundwater and surface water can be adversely affected by the taking of groundwater. This requires consideration of connectivity and transmissivity between water bodies. When considering these activities, regard must be had to avoiding, remedying or mitigating adverse effects.

10.3.2 In managing the taking of water from any groundwater aquifer, priority will be given to the avoidance of:
(a) The total take from all bores exceeding the annual renewable yield of the aquifer; and
(b) Depletion of any surface water resource.

Explanation
The taking of groundwater can have adverse effects on both groundwater and surface water resources. When considering the taking of water from any groundwater aquifer, priority will be given to avoiding the adverse effects identified above. If the adverse effects of the taking are considered to be unavoidable, they must be remedied or mitigated. The way in which takes of groundwater affect surface water resources is influenced by the degree to which an aquifer allows water to pass through it (its transmissivity) and the degree to which it is connected to surface water.

10.3.3 In managing the taking of groundwater:
(a) To have regard to avoiding adverse effects on existing groundwater takes, unless the approval of affected persons has been obtained; and
(b) To give priority to avoiding adverse effects on community water takes listed in 7B.

Explanation
This Policy recognises that the taking of groundwater can result in the lowering of water levels in a neighbouring bore. Conditions on a resource consent to take groundwater may limit the instantaneous take of groundwater in order to maintain existing access to water in neighbouring bores. This access includes groundwater takes for community supply outlined in Schedule 7B.

10.3.4 To ensure that the quantity of water granted, under a resource consent for the taking of water, is no more than that required for the intended use of that water having regard to the local conditions.

Explanation
When considering applications for resource consents to take water, the actual quantity required for the intended use of the water taken must be reflected in any consent granted, to avoid over allocating the resource.

10.3.5 To manage the taking of water from any bore such that groundwater contamination by sea water intrusion is avoided.

Explanation
Where pumping from a bore near the coast reduces the water level in an aquifer so that sea water enters the aquifer, contamination occurs. This Policy envisages setting minimum water levels when considering resource consent applications to take groundwater from bores near the coast.

10.3.6 In granting resource consents to take water from any aquifer, to require the volume and rate of take to be accurately measured and groundwater quality to be monitored as or where appropriate.

Explanation
Monitoring groundwater use enables management of the resource for existing and potential users. Requiring the rate, weekly volume and quality of groundwater taken from any bore to be monitored will provide data to determine changes in water quantity or quality in each aquifer.

11. GEOTHERMAL WATER

11.1 Introduction

The West Coast region contains geothermal resources that provide opportunities for geothermal heat and energy use. The geothermal springs of the West Coast are low temperature geothermal systems derived from tectonic activity along the Alpine and Hope Faults. They are very different to the fluids of volcanic geothermal systems found in the central North Island, which are generally much hotter and of a different chemical composition.

Current geothermal resource use in the region is from surface discharges. There are a number of small hot springs in the region, located on the lower slopes of the western flanks of the Southern Alps. Many of these geothermal springs are located within public conservation land and require a Concession from the Department of Conservation before they can be utilised commercially. These include springs within public conservation land in the Wanganui Valley, as well as a spring in the headwaters of the Haupiri River. This spring was the site of a commercial spa developed by the Crown about the turn of last century which has since fallen into disuse.

The major commercial use of geothermal resources occurs at the Maruia Springs, located in the upper reaches of the Maruia River. The surface discharge is tapped and developed as a commercial spa. Some West Coast geothermal water resources, the 'waiwera' of Te Tai Poutini, are used by Poutini Ngäi Tahu for customary cultural purposes.

The taking, using, damming, or diversion of heat or energy from water or from the material surrounding geothermal water requires consent from the Council unless it is provided for by Section 14 of the Act. Activities that do not require consent include:

- Taking and use for: an individual's reasonable domestic needs, or the reasonable needs of an individual's animals for drinking water, where neither activity has or is likely to have an adverse effect on the environment; or
- The heat or energy is taken or used in accordance with tikanga Mäori for the community benefit of the tangata whenua of the area and does not have an adverse effect on the environment.

Bearing this in mind the following objectives and policies are only likely to apply in circumstances relating to commercial or recreational operations.

11.2 Objective

11.2.1 To manage the use of West Coast's geothermal resources by avoiding, remedying or mitigating adverse effects on the environment associated with that use.

Explanation

Any taking, use, damming, diversion, or discharge of geothermal water must be carefully managed to minimise any adverse effect.

11.3 Policies

11.3.1 To manage effects of the use of geothermal water for heat and energy using the following principles and standards:

(a) Preserve geothermal surface features and ecosystems;

(b) Recognise that geothermal takes can result in effects on spring flows;

(c) Allocate available resources according to the level of understanding of system dynamics;

(d) Require efficient use by individual geothermal extractions by ensuring the amount allocated in terms of energy or thermal equivalents does not exceed an amount adequate to service the use sought.

Explanation

The principles above are adopted to avoid, remedy or mitigate adverse effects arising from geothermal water use.

11.3.2 To enable the discharge of geothermal water to water already influenced by geothermal inputs, and to enable re-injection of geothermal fluid provided it is returned into the same geothermal system from which it was taken at a location or depth where the temperature is similar to that of the discharge.

Explanation
Discharge of geothermal water is generally appropriate into water bodies influenced by geothermal inputs as effects are likely to be minor. Policies in Chapter 8 will also apply. Although it would not generally be used for use of spring water emerging at the surface, re-injection of fluids may be appropriate should a bore be put to take the geothermal water from depth at a higher temperature and pressure.

11.3.3 In granting resource consents to take geothermal water, to require the volume and rate of take to be accurately measured and quality of water body receiving wastewater to be monitored as or where appropriate.

Explanation
Monitoring water use enables better management of the resource. For significant takes, Council may require the instantaneous rate and weekly volume to be monitored. Monitoring the effects of discharges enables unforeseen adverse effects to be detected.

12. AGRICULTURAL CONTAMINANTS

12.1 Introduction

There are three main types of agricultural discharges:

1. Discharges of agricultural effluent from the concentration of animals or animal wastes in a small area; for example dairy sheds, piggeries, wintering pads, and feedlots.
2. The discharge of other contaminants to land in association with agricultural activities; for example offal pits, silage stacks, and farm tips.
3. Discharges resulting from the storage and use of fertilisers and agricultural chemicals, including pesticides and herbicides

Agricultural Effluent

Through good management, the fertiliser value of agricultural effluent can be realised. However, agricultural effluent discharged to land can have adverse effects on the land itself (e.g. by changing the soil structure), and on plant growth. Agricultural effluent can have adverse effects on water quality because of its relatively high levels of suspended solids, nutrients and pathogens. These can have some or all of the following adverse effects:

- **Biological Oxygen Demand (BOD_5):** Agricultural effluent has a high organic content which, as it decays, reduces the dissolved oxygen levels in the receiving water. The organic content can cause excessive growths of bacteria and fungi (commonly referred to as sewage fungus). These growths and their associated effects, can change the structure of aquatic ecosystems, and raise the pH of the water.

- **Nutrients:** High nutrient concentrations, particularly of nitrogen compounds (including nitrates and ammonia) and phosphorus compounds, from agricultural effluent and fertilisers can contribute to excessive algal and plant growths in waterways. Ammonia has toxic effects on organisms such as fish and macroinvertebrates. Nuisance growths can affect aquatic ecosystems and the aesthetic values of water.

- **Suspended Solids:** Inorganic and organic materials suspended in the water can affect the clarity and turbidity of water during times when water is naturally clear. This affects aquatic ecosystems and the aesthetic appeal of water. Suspended solids reduce light infiltration (affecting photosynthesis and potentially smothering organisms and habitats).

- **Pathogens:** Animals excrete high levels of bacteria and viruses. While only some of these are pathogenic, animals and humans can contract diseases from agricultural effluent in water which is used for recreation or consumption.

Offal Pits, Silage Stacks, and Farm Tips

The Council needs to ensure that other farm wastes are being disposed of appropriately, so that discharges do not result in adverse effects on the environment. If offal pits and farm tips are located too close to water they have the potential to adversely affect water quality.

Agricultural Chemicals

The safe storage, transportation and use of agrichemicals on farms are largely a matter of good practice. However, poor storage facilities, or practices can result in contamination of soil and water, and risks to human, animal and plant health. Other concerns regarding the use of agrichemicals include the damage to non-target areas, the potential effects on the health of humans and animals and possible contamination of groundwater and surface water due to spray drift. The disposal of agrichemical containers and unwanted agrichemicals is also an issue, particularly when they are disposed of by way of burning, or in farm tips where leachate could enter waterways.

Application of Fertiliser

Fertiliser is applied throughout the region to increase the productivity of land. Apart from the geologically most recent soils (such as those in the Grey Valley and the Kokatahi area) many soils in the region are impoverished with regard to nutrients. These soils need to be supplemented to maintain production; however, improper application of fertiliser resulting in entry into water can degrade aquatic ecosystems.

Stock Carcasses near Waterbodies

Occasionally stock carcasses are stranded along river banks and in the coastal marine area after flood events in the region. The main adverse effects of this are the odour emitted from the rotting carcass, and the threats to human health. The Council works in conjunction with the territorial authorities to remove any such carcasses**.**

12.2 Objective

12.2.1 To ensure that the adverse effects from the discharge of agricultural contaminants into or onto land, on water and soil quality, social, cultural, and amenity values, and human health are avoided, remedied, or mitigated.

12.3 Policies

12.3.1 To ensure that the discharge of agricultural contaminants to land is conducted in such a way that any adverse environmental effects are avoided, remedied, or mitigated.

Explanation
This Policy applies to the treatment or disposal of waste from agricultural effluent, offal pits, silage stacks, or farm tip activities. This Policy reflects the need to ensure that any adverse effects can be avoided, remedied, or mitigated through appropriate management techniques.

12.3.2 To promote the discharge of agricultural effluent to land, provided any adverse effects on the environment are avoided, remedied, or mitigated.

Explanation
The discharge of agricultural effluent can have adverse effects on water quality. The Council is therefore encouraging the discharge of agricultural effluent to land rather than to water.

12.3.3 To promote land management practices which minimise the effects on surface and ground water of runoff and leachate from discharges of agricultural contaminants to land, including:

(a) Management of riparian margins to reduce surface water pollution from animal residues and fertilisers; and

(b) Applying fertilisers and agrichemicals at rates which are appropriate to site and weather conditions.

Explanation
Discharges from agricultural activities can contribute to non-point source pollution. This Policy reflects the direction taken in the Regional Policy Statement to promote land management practices that minimise adverse effects.

13. LIQUID CONTAMINANTS

13.1 Introduction

Discharges can contaminate soil and water potentially having adverse effects on water quality and the health of plants, animals, humans, ecosystems, and aesthetic degradation, and impacts upon mahinga kai resources and the relationship of Maori to their ancestral land, water and other taonga. Contamination can arise from:

- Lack of, or inappropriately, designed, installed, or maintained on-site and reticulated domestic effluent treatment systems;
- The presence of industrial wastes in sewer systems and stormwater systems. These can contaminate the receiving environment, and may also damage biological treatment systems.

The disposal of human effluent from settlements and towns in the region is primarily by reticulated sewerage systems. In rural areas disposal is chiefly via on-site domestic effluent treatment systems, in particular septic tanks. The treatment and disposal of human effluent by on-site effluent disposal systems results in a final discharge to land, with sewage from reticulated systems being mostly discharged to water.

The Disposal to Land of Sewage from Fixed Sources

Given the rural and dispersed nature of the region's population, and the lack of reticulated systems (mainly in rural areas), on-site effluent treatment is often the only option. On-site effluent disposal systems also have problems associated with their operation, including:

- Poorly drained underlying soils, especially clays, becoming saturated (perched water tables);
- The high water table in parts of the region causing problems with soakage;
- System overload from the increased use of household appliances; and
- Lack of maintenance.

Inappropriate system design, bad installation practice, and poor or no system maintenance all contribute to increased levels of nutrients and pathogens on water quality. Elevated pathogen levels increase the chances of disease transmission, particularly skin and gut infections.

Other liquid contaminants that may be discharged to land include unprocessed milk, and discharges from mining and exploration. These contaminants can have adverse effects if they are discharged to land. They may contain hazardous substances, pathogens, or elevated organic loadings, and therefore, may require adequate treatment prior to disposal. In particular, land-based treatment and disposal systems need to be appropriate to the site and to the type of waste to be disposed of.

13.2 Objective

13.2.1 To ensure that the adverse effects from the discharge of liquid contaminants into or onto land, on water and soil quality, social, cultural, and amenity values, and human health are avoided, remedied, or mitigated.

13.3 Policy

13.3.1 To ensure that the discharge of liquid contaminants into or onto land is of a nature or at a rate that does not exceed the ability of the land to assimilate the contaminant, and does not result in soil contamination.

Explanation

The discharge of contaminants such as sewage to land relies upon the soil system to assimilate the contaminants. Where the soil cannot assimilate the contaminant, the contaminant is likely to reach water and may also have adverse effects on human health, cultural or amenity values. Effects of soil contamination include, for example, loss of capacity for pasture, crop or vegetation growth, rendering crops or pasture unsuitable for human or stock consumption, or loss of microbial activity and natural biodiversity in soil.

14. SOLID CONTAMINANTS

14.1 Introduction

In New Zealand, the use of land as a repository for solid wastes is common practice. There are positive aspects of landfills in that they concentrate waste in one area providing for more effective management. However, such use can cause the pollution of groundwater and surface water from leachate, and reduction in air quality in part due to odour. Poorly sited landfills can also have an adverse effect on social, cultural and amenity values. The management of hazardous substances at such facilities is also an issue.

14.2 Objective

14.2.1 To ensure that the adverse effects from the discharge of solid contaminants into or onto land, on water and soil quality, social, cultural and amenity values, and human health are avoided, remedied or mitigated.

14.3 Policies

14.3.1 To ensure that solid waste disposal facilities are sited, designed, constructed and managed to avoid, remedy, or mitigate any adverse effects on the environment.

Explanation

If not properly managed, solid waste disposal facilities may generate harmful environmental effects such as contamination of the site on which the activity is carried out, or contamination of groundwater and surface water. This Policy reflects the need to ensure that any adverse effects can be avoided, remedied or mitigated.

14.4 Methods

14.4.1 The Council will encourage the establishment and development of recycling facilities in the region.

15. HAZARDOUS SUBSTANCES

15.1 Introduction

Hazardous substances have the ability to impair human, plant, or animal health, or may adversely affect the environment. Examples of hazardous substances include liquid fuels, agricultural sprays, paint strippers, solvents, batteries, transformer oils, asbestos, and timber treatment chemicals.

It is important for the protection of public health and environmental quality that hazardous substances are properly managed.

The transportation, storage and use of hazardous substances

Poor storage practices and spills of hazardous substances can create contaminated sites and can also have adverse effects on freshwater quality, air quality, human health, ecosystems and the coastal environment.

The primary concern with the use of hazardous substances is the unauthorised discharge of a hazardous substance to land and/or water. Planned discharges of hazardous substances where there is potential for significant adverse effects will be controlled through the resource consent process.

15.2 Objective

15.2.1 To ensure that the adverse effects from the discharge of hazardous substances into or onto land, on water and soil quality, social, cultural, and amenity values, indigenous flora and fauna, and human health are avoided, remedied, or mitigated.

15.3 Policy

15.3.1 To avoid inappropriate disposal or discharge of hazardous substances to land.

Explanation

The disposal of hazardous substances in the region is an issue of concern. Avoiding uncontrolled or inappropriate discharges of hazardous substances to land involves the provision of alternatives for safe collection, storage, treatment, and disposal. If not properly managed the discharge of hazardous substances may result in harmful environmental effects such as the contamination of the site where the activity is carried out, or contamination of water. This Policy reflects the need to ensure that any adverse effects can be avoided, remedied, or mitigated.

15.3.2 To recognise, where appropriate, relevant industry codes of practice or guidelines relating to the management of hazardous substances and potential associated discharges.

16. SITES ASSOCIATED WITH HAZARDOUS SUBSTANCES AND CONTAMINATED LAND

16.1 Introduction

The Council maintains an inventory of sites in the region that have either been used in the past and/or are presently being used for activities and industries that are likely to have used, stored or disposed of hazardous substances, and are included within the Ministry for the Environments (MfE) 'Hazardous Activities and Industries List' (HAIL). The HAIL helps identify sites where contamination might have occurred. Listing of a site on the Council inventory, because of a HAIL activity, does not indicate that the specific activity has resulted in the contamination of that site. This inventory is known as the 'Sites Associated with Hazardous Substances' (SAHS) database. Sites are classified according to the Contaminated Land Management Guidelines No. 4: Classification and Information Management Protocols, or CLMG#4 (MfE 2006), and include three categories: Contaminated Land; Land use information; and Error. The 'land-use information' category includes both historical or current land use and information about hazardous substances, where available. The 'contaminated land' category describes sites that are contaminated according to the definition of contaminated land in the RMA. The 'error' category is for sites that were mistakenly entered on the database. Site classification information relates to identifiable parcels of land, as defined by legal descriptions or part of a legal description.

Contaminated land includes sites where there are hazardous substances present that have, or are reasonably likely to have, significant adverse effects on the environment. Determining whether a site is contaminated involves a thorough assessment of all exposure pathways in order to determine that the site has hazardous substances present and that those hazardous substances have, or are reasonably likely to have, significant adverse effects on the environment. The evidence required (such as a site investigation) and sampling and analysis should be in keeping with MfE guidelines.

16.2 Objective

16.2.1 To avoid, remedy, or mitigate risks to the environment presented by discharges from contaminated land, including risks to human health, social, cultural, and amenity values, and soil and water quality.

16.3 Policies

16.3.1 To locate and maintain information on sites fitting the HAIL criteria in the West Coast region.

Explanation

These sites pose a potential threat to human health and the environment. It is important that people are aware of the risk and can plan their activities accordingly.

16.3.2. To contain and remediate, or appropriately manage, contaminated land that is causing significant adverse effects on the environment.

Explanation

When contaminated land is identified, it will be necessary to determine the degree to which the contaminants are contained within that site, and the risks posed by the site. Part of this risk assessment includes assessing the significance of adverse effects, and the mobility and toxicity of any discharge. Work may then be required to avoid, remedy, or mitigate any adverse effects on the environment.

17. 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

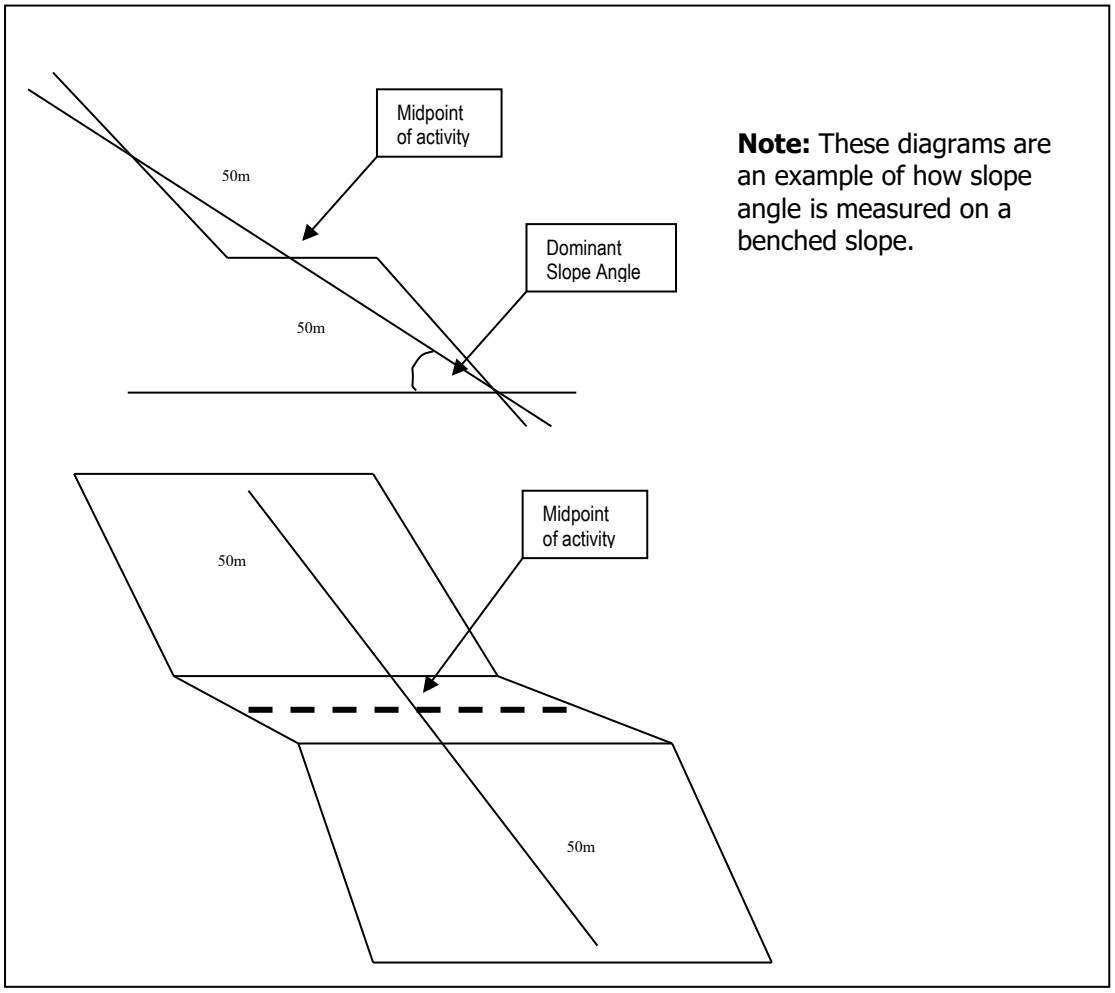
For the purpose of the following rules, land is categorised in accordance with its proneness to erosion in the following manner:	
Greymouth Earthworks Control Area	Land defined by maps in Schedule 4.
Non Erosion Prone Area	Land not in the Greymouth Earthworks Control Area with a dominant slope angle 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

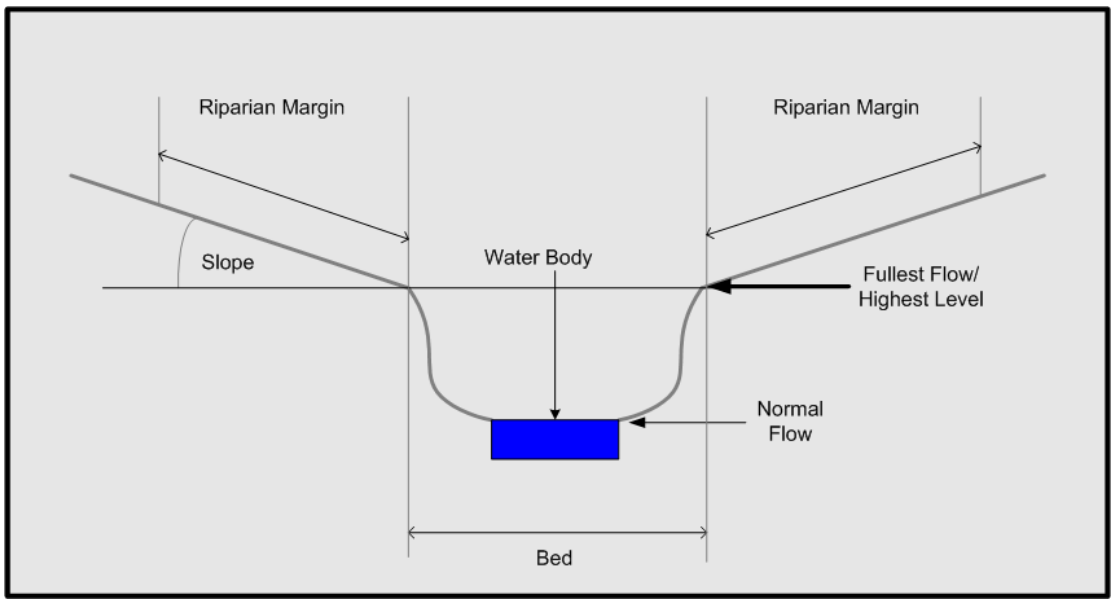
For Vegetation disturbance and earthworks:

- 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.

SUMMARY OF RULES

Note: More than one Rule may apply to an activity. Refer to Section 18, Advice Notes for Rules for guidance on rule interpretation.
*Also includes Restricted Discretionary Rule numbers

PERMITTED		CONTROLLED	DISCRETIONARY*	NON-COMPLYING OR PROHIBITED
	ACTIVITIES ON LAND			
	Humping and hollowing, flipping or v-blading			
1	Humping and hollowing, flipping or v-blading		**13, 17**	**19**
	Humping and hollowing, flipping, v-blading or contouring in the Lake Brunner Catchment		**15**	
	Earthworks			
2	Earthworks within riparian margins		**16, 17**	
3	Earthworks in the Non Erosion Prone Area outside any riparian margins	**12**	**16, 17**	**19**
4	Earthworks in Erosion Prone Area One outside any riparian margins		**16, 17**	**19**
5	Earthworks in Erosion Prone Area Two, and Greymouth Earthworks control area outside any riparian margins		**16, 17**	**19**
6	Earthworks for the purpose of maintenance or repair	**12**	**16,17**	**19**
7	Earthworks and associated vegetation disturbance within a Schedule 2 wetland		**17**	
7A	Sphagnum moss harvesting in a Schedule 2 wetland		**17**	
8	**Vegetation Disturbance and Planting**		**16, 17**	**19**
9	Vegetation disturbance in riparian margins		**16, 17**	**19**
10	Vegetation disturbance in Erosion Prone Area One, Two, or the Greymouth Earthworks Control Area		**17**	**19**
	Vegetation disturbance in the Non-Erosion Prone Area		**14, 17**	**19**
	Planting of exotic trees			
11	**Grazing**		**16, 17**	**19**
	Grazing and livestock access to riparian margins		**18**	
	Stock crossings in the Lake Brunner Catchment			
	RIVERBED AND LAKE ACTIVITIES			
	The use, and other activities for structures			
20	Use, extension, alteration, maintenance, repair, reconstruction, removal, or demolition of structures		**35, 36**	**37**
	Erection or placement of structures			
21	Fences, pipes, lines, and cables over the bed of a lake or river		**35, 36**	**37**
22	Placement of any pipe, line, or cable on or under the bed of a lake or river		**35, 36**	**37**
23	Culverts, fords, and bridges		**35, 36**	**37**
24	Structures for damming water		**35, 36**	**37**
25	Other structures		**35, 36**	**37, 38**
	Alteration of the bed (disturbance, reclamation, or deposition)			
26	Alteration of the bed associated with structures, or the clearance of debris or gravel		**35, 36**	**37**

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

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		**71**	
	Aerial discharge of sodium monofluoroacetate to water			
	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**	

18. RULES

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 (NZHTP) 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.

18.1 ACTIVITIES ON LAND

18.1.1 Permitted Activities on Land

Rule 1. Humping and hollowing, flipping, or v-blading outside riparian margins

Humping and hollowing, flipping, or v-blading in the Non-Erosion Prone Area (less than 12^0 slope or a 1:4.7 ratio) outside of riparian margins, and any associated discharge of sediment are **permitted activities** if all of the following conditions are met:

(a) i) For humping and hollowing and flipping, the area of the activity does not exceed 5 hectares per landholding in any continuous 12 month period; and
   ii) For v-blading either:
      1. The land area for new works does not exceed 10 hectares per landholding in any 12 month period; or
      2. The activity is undertaken on land that has previously been v-bladed; and

(b) The activity must 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 tubidity in the receiving water by more than 10 NTU where the natural tubidity 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

(c) No soil or debris is placed directly in any river or lake bed; and

(d) 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

(e) The activity does not affect any surface water take; and

(f) 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 elsewhere; or
   iii) Any wetland identified in Schedule 1 or 2; or
   iv) The Lake Brunner catchment; and

(g) When operating alongside a riverbed and there is an iron pan or hard pan layer below the surface of the land then the iron pan or hard pan is not to be disturbed or broken within a distance of 20 metres from the edge of the riverbank; and

(h) Any culverts or cut and fill batters are designed, and constructed or installed to prevent their failure and avoid causing erosion; and

(i) The Council is notified in writing of the location and extent of the activity, at least seven working days prior to the works commencing; and

(j) All areas disturbed by humping and hollowing and flipping are re-vegetated as soon as practicable; and

(k) All drainage from land subject to the activity is directed through sediment control devices or traps prior to entry to any waterway; and

(l) Any rivers, streams, or wetlands identified in Schedule 1 or 2, that could be accessed by stock from the pasture created by the humping and hollowing, flipping or v-blading activity, shall be fenced to exclude stock access; and

(m) The discharge does not increase the flow in the receiving waterbody to the extent that it exceeds the carrying capacity of existing infrastructure.

Note: Condition (g) will ensure that low permeability strata within 20 metres of a waterway is maintained to ensure continuity of flow in the waterway. The land within the 20 metre buffer can still be contoured, in accordance with other conditions/rules provided the iron pan or hard pan is not broken.

Explanation
This Rule is intended to address the range of land contouring activities, which can be carried out with minor adverse effects on the environment if all of the above conditions are complied with.

Rule 2. Earthworks in riparian margins

Earthworks within riparian margins, and any associated discharge of sediment are a **permitted activity** if all of the following conditions are met:

(a) The volume of earthworks in the riparian margin must not exceed 25m^3 and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin; and
(b) 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
(c) No soil or debris is placed directly in any river or lake bed; and
(d) There is no conspicuous deposition of sediment on the bed of any water body; and
(e) The activity does not affect any surface water take; and
(f) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
(g) Earthworks are carried out such that:
  i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes, to avoid causing erosion; and
  ii) Any culverts or cut and fill batters are designed and constructed or installed to prevent their failure and avoid causing erosion; and
  iii) Trenches for the purpose of installing pipes, lines, or cables are backfilled and compacted as soon as practicable; and
(h) No refuelling of equipment takes place on any area of a riverbed; and
(i) The activity does not cause or contribute to any slope or land instability, including subsidence or other erosion; and
(j) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and
(k) No earthworks occur within any wetland identified in Schedule 1; and
(l) No earthworks occur within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

Note: These Rules do not apply to works in river and lake beds – refer to Rules 20 - 38 on River and Lake Bed Activities.

Rule 3. Earthworks in the Non Erosion Prone Area, outside riparian margins

Earthworks in the Non Erosion Prone Area (less than 12^0 slope or a 1:4.7 ratio), and outside any riparian margin, and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met:

(a) Earthworks **either**:
  i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; **or**
  ii) Do not exceed an annual volume of 5000m^3 per landholding or hectare, whichever is the smaller; and
(b) 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

(c) No soil or debris is placed directly in any river or lake bed; and

(d) 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

(e) The activity does not affect any surface water take; and

(f) 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 elsewhere; or
- iii) Any wetland identified in Schedule 1; or
- iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7; and

(g) Where earthworks are for the formation, construction, or reconstruction of any road, track, firebreak, landing, line, pipe, or cable:
- i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and
- ii) Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and
- iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted as soon as practicable; and

(h) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and

(i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and

(j) Where earthworks are for the purpose of forming a drain:
- i) There is no erosion of the bed or banks of the receiving water body; and
- ii) The drainage does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure; and
- iii) The activity does not occur within 25 metres of any wetland identified in Schedule 1 or 2;

(k) Where the earthworks are for the purpose of constructing a water supply bore the Council must be notified within five working days of the location depth and purpose of the bore.

Note: For condition (j) the quality of any discharged drainage water must comply with the conditions of the permitted activity Rule 64 in Chapter 18.4 Discharges to Water**.**

Rule 4. Earthworks in Erosion Prone Area One, outside riparian margins

Earthworks in Erosion Prone Area One (between 12^0 and 25^0 slope inclusive or between a 1:4.7 and 1:2.1 ratio inclusive), and outside any riparian margin, and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met:

(a) Earthworks **either**:
- i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; or
- ii) Do not exceed an annual volume of $500m^3$ per landholding or hectare, whichever is the smaller; and

(b) Sufficient sediment control must be 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

(c) No soil or debris is placed directly in any river or lake bed; and
(d) 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
(e) The activity does not affect any surface water take; and
(f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
(g) Where earthworks are for the formation or construction of any road, track, firebreak, landing, line, pipe, or cable:
    i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and
    ii) Any culverts or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and
    iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted within as soon as practicable; and
(h) No refuelling of equipment takes place on any area of a riverbed; and
(i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
(j) 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 elsewhere; or
    iii) Any wetland identified in Schedule1; or
    iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

Note: 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.

Rule 5. Earthworks in Erosion Prone Area Two and the Greymouth Earthworks Control Area, outside riparian margins

Earthworks in Erosion Prone Area Two (slope exceeds 25^0 or a 1:2.1 ratio) and the Greymouth Earthworks Control Area, and outside any riparian margin where:

(i) The volume of earthworks is less than $10m^3$ per land holding in any 12 month period; or
(ii) The activity is for the purpose of laying underground network utility lines, pipes, or cables; or
(iii) The earthworks are for upgrading network utility operations and do not exceed a volume of $50m^3$ in any 100 metres length of the utility operation;

and any associated discharge of sediment are a **permitted activity** if all of the following conditions are met:

(a) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
(b) Sufficient sediment control must be 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
(c) No soil or debris is placed directly in any river or lake bed; and
(d) 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
(e) The activity does not affect any surface water take; and
(f) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and

(g) 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 elsewhere; or
  iii) Any wetland identified in Schedule 1; or
  iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

Rule 6. Earthworks for the purpose of maintenance or repair

Earthworks for the purpose of maintaining or repairing a road, track, railway line, landing, drilling pad, stand off pad, firebreak, structures and infrastructure associated with a hydro electric generation scheme, or network utility line, pipe, or cable, and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met:

(a) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and
(b) Sufficient sediment control must be 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 upsteam from the discharge is less than or equal to 10 NTU;
  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 lesser; and
(c) No soil or debris is placed directly in any river or lake bed, or wetland identified in Schedule 1 or 2; and
(d) 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
(e) The activity does not affect any surface water take; and
(f) Any culverts or cut and fill batters are maintained so as to prevent their failure and avoid causing erosion; and
(g) Trenches for the purpose of maintaining lines, pipes, or cables are backfilled and compacted as soon as practicable; and
(h) Any activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and
(i) No refuelling of equipment takes place on any area of a riverbed; and
(j) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
(k) The activity is not within any wetland identified in Schedule 1; and
(l) The activity is not within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

Note: 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.

Explanation
The Rules in this section allow vegetation disturbance and earthworks activities of a scale that will have no more than minor adverse effects.

Condition (j) of Rule 3 considers the effects on existing infrastructure such as culverts and bridges, from land drainage activities as those structures have generally been designed to manage a given flow based on the environment at the time of their construction. The condition ensures that plan users must take into account the effects of land drainage on the existing environment including the capacity of existing infrastructure to ensure that it is no more than minor. This is because the RMA is based on the premise of 'first come first served' therefore all subsequent activities must take into account their effects on pre-existing activities.

Rule 7. Earthworks and associated vegetation disturbance within a Schedule 2 wetland

Within any wetland identified in Schedule 2, any earthworks and associated vegetation disturbance for the purpose of:

(a) Installing, maintaining, repairing or removing a monitoring device provided that:
- i) The maximum area disturbed is less than $10m^2$ per 10 hectares; and
- ii) The site is left tidy following the installation, maintenance or removal of the device and is revegetated with similar native species; and
- iii) The device is maintained in good repair and removed at the completion of monitoring; and
- iv) There is no change to the natural flow, path or fluctuations in water level; and
- v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
- vi) Any bird nests are left undisturbed; and
- vii) Vehicles and equipment are cleaned prior to entering the Schedule 2 wetland to avoid the introduction of pest plants; and
- viii) Council is notified seven days prior to the activity taking place; or

(b) Constructing, maintaining or repairing any boardwalk provided that:
- i) The earthworks disturbance is limited to the extent necessary to undertake the work;
- ii) Vegetation disturbance does not exceed 1 metre from the edge of the boardwalk unless health and safety considerations require otherwise; and
- iii) The maximum width of the boardwalk does not exceed 2 metres; and
- iv) All non-handheld machinery is operated from the boardwalk; and
- v) Vehicles and equipment are cleaned prior to entering the Schedule 2 wetland to avoid the introduction of pest plants; and
- vi) The site is to be left tidy following construction or any maintenance of the boardwalk, and is revegetated with similar native species; and
- vii) There is no change to the natural flow, path or fluctuations in water level; and
- viii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
- ix) The activity does not disturb any breeding, roosting or nesting sites of indigenous birds; and
- x) Council is notified seven days prior to the activity taking place; or

(c) Maintenance or repair of any pathway existing as at 6 August 2012 provided that any maintenance does not increase the footprint of the pathway; or

(d) Erecting, placing, maintaining or repairing a fence, pipe, line or cable provided that:
- i) The erection, placement or maintenance works do not result in any change to the natural flow, path or fluctuations in water level; and
- ii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
- iii) Any bird nests are left undisturbed; and
- iv) No debris or sediment is to be placed on an area where it is likely to result in the smothering of wetland vegetation; and
- v) No refuelling of equipment, other than handheld equipment with measures in place to prevent spillage of fuel, takes place on any areas of the wetland; and
- vi) The site is left tidy following erection, placement or maintenance works, and is revegetated with similar native species; and
- vii) For a fence:
  - (1) The volume of earthworks must not exceed $10m^3$, or native vegetation disturbance in excess of $150m^2$, over 100 metre of fence line, and is to be no wider than 2 metres at any point; and
  - (2) Either is for the purpose of delineating a property boundary or is to exclude stock from all, or part of, a wetland identified in Schedule 2; and
- viii) For a pipe, line or cable:
  - (1) Earthworks, and native vegetation clearance, must not exceed 0.6 metre in width per any 1 metre length; and

(2) The pipe diameter does not exceed 150mm; and
(3) The activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and
(4) Trenches for the purpose of maintaining pipes, lines or cables are backfilled and compacted within 48 hours of excavation; and

ix) Council is notified seven days prior to the activity taking place; or

(e) Maintaining or repairing any network utility structure provided that:
i) No new access tracks are formed; and
ii) The extent of earthworks or vegetation disturbance does not exceed the footprint of the structure by more than 10%; and
iii) No debris or sediment shall be placed on an area where it is likely to result in the smothering of wetland vegetation; and
iv) Vehicles and equipment are cleaned prior to entering the Schedule 2 wetland to avoid the introduction of pest plants;
v) No refuelling of equipment, other than handheld equipment with measures in place to prevent spillage of fuel, takes place on any area of the wetland; and
vi) Any vegetated surfaces are revegetated with similar native species as soon as practicable where they do not disrupt or interfere with the functions of the utility structure; and
vii) There is no change to the natural flow, path or fluctuations in water level; and
viii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
ix) Any bird nests are left undisturbed; and
x) The activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and
xi) Council is notified seven days prior to the activity taking place;

is a **permitted activity**.

Rule 7a. Harvesting of Sphagnum Moss within Schedule 2 wetlands

The harvesting of Sphagnum Moss within a Schedule 2 wetland is a **permitted activity** if all of the following conditions are met:

(a) The Council is notified in writing of the location of the activity and the area to be harvested at least seven working days prior to the activity taking place;
(b) Photographs are provided to the Council of the area to be harvested at least seven working days prior to the activity taking place;
(c) The post-harvest moss service is at or above mean water level;
(d) Drainage of the area is not altered in any way;
(e) Only existing formed access to the harvest area is used;
(f) Drains and weirs are not used to manipulate water levels;
(g) The weight of machinery used for harvesting is spread by either:
a. Widening the tracks on track-driven vehicles, or
b. Using platforms for machinery to drive on;
(h) Only the living portion (acrotelm) of the moss is removed;
(i) Crushing of vegetation, to maintain sphagnum dominance, is undertaken either during harvesting, as a component of harvesting, or post-harvest, to rehabilitate the sphagnum moss in the wetland area;
(j) Machinery and equipment are cleaned prior to entering the scheduled wetland to avoid the introduction of pest, or exotic, plants;
(k) No harvesting of sphagnum moss or removal of plants is to occur within riparian margins;
(l) No refuelling of machinery or equipment from bulk fuel tankers (i.e containers greater than 20 litres in capacity) takes place in the scheduled wetland;
(m) No fertilisers are dispersed in the scheduled wetland;
(n) The site is left tidy at the completion of harvesting;
(o) The activity does not disturb any breeding, roosting or nesting sites of indigenous birds;
(p) Disturbance of the area is limited to the extent necessary to undertake harvesting;
(q) Harvesters must:
a. Monitor the harvesting operation throughout harvesting;
b. Record the information on the prescribed form in Schedule 18;

c. Provide the prescribed form to Council within 20 working days of the completion of harvesting.

Explanation
Where one or more of the conditions are not met, a resource consent under Rule 17 will be required.

The conditions of Rule 7a are based on best practice processes to manage the effects of harvesting sphagnum moss, and ensure the ecological values of the potentially significant Schedule 2 wetlands are maintained. If the harvesting activity is not undertaken in accordance with good practice, effects such as dryland plants establishing can modify these wetlands and impact on their significant values.

To meet condition (a) the area proposed to be harvested needs to be shown on a map.

Leaving plants along riparian margins protects the moss from wind damage and provides habitat for species such as brown mudfish, and other species of flora and fauna.

Condition (q) is included in the rule so Council can monitor the effects of harvesting within Schedule 2 wetlands and ensure the wetland values are maintained. Harvesters need to note that the form requires harvesters to provide photos of the site pre-harvest (these can be the same photos as provided under condition (a), while harvesting is being undertaken, and post-harvest.

Rule 8. Vegetation disturbance in riparian margins

Vegetation Disturbance within riparian margins is a **permitted activity** if all of the following conditions are met:

(a) Native Vegetation is only removed where:
  i) It is causing bank erosion; or
  ii) It is toxic to livestock; or
  iii) The activity is undertaken in conjunction with permitted activity Rule 2 or 7; and
(b) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
(c) The activity does not cause or contribute to land instability or erosion; and
(d) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and
(e) No debris is placed directly in any river or lake bed, or in any wetland identified in Schedule 1 or 2.

Notes: These Rules do not apply to works in river and lake beds – refer to Rules 20 - 38 on River and Lake Bed Activities.

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.

Rule 9. Vegetation disturbance in Erosion Prone Area One, Two, or the Greymouth Earthworks Control Area and outside any riparian margin

Vegetation Disturbance in Erosion Prone Area One, Erosion Prone Area Two, or the Greymouth Earthworks Control Area, and outside any riparian margin, and any associated discharge of sediment, is a **permitted activity** if all of the following conditions are met:

(a) The area disturbed is less than $20m^2$ if undertaken within Erosion Prone Area Two or the Greymouth Earthworks Control Area; and
(b) 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 the 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 turbiditiy 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

(c) No soil or debris is placed directly in any river or lake bed; and
(d) 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
(e) The activity does not affect any surface water take; and
(f) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and
(g) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
(h) The activity is not within any wetland identified in Schedule1; and
(i) The activity is not within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7 and 7a.

Rule 10. Vegetation disturbance in the Non Erosion Prone Area

Vegetation disturbance in the Non Erosion Prone Area (less than 12^0 slope), and outside any riparian margin, is a permitted activity provided the following conditions are met:

(a) The activity is not within a wetland identified in Schedule 1; and
(b) The activity is not within a wetland identified in Schedule 2 unless it meets the requirements of Rule 7 and 7a.

Note: 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.

Rule 11. Grazing and livestock access to riparian margins

Grazing and livestock access to riparian margins are a **permitted activity** provided that:

(a) The activity does not cause or induce conspicuous slumping, or pugging, or erosion; and
(b) Within the Lake Brunner catchment, all farmed stock animals shall be prevented from entering any waterway, with any fences to be placed a minimum distance of 1 metre from the edge of the waterway
(c) The activity does not contravene Rules 17(iv) and 19(iv).

Note: For the purpose of Rule 11, 'waterway' includes any creek, stream, or major farm drains that contain water, but excludes the hollows of humped and hollowed pasture that do not have permanently flowing water.

Explanation
Grazing in buffer zones can reduce the effectiveness of the vegetation in them to trap sediments and reduce runoff. Livestock trampling can cause considerable disturbance to the banks of rivers and streams and the margins of lakes contributing to sediment loading, bank erosion, and increased runoff.

18.1.2 Controlled Activities on Land

Rule 12. Earthworks not complying with Rules 3 or 6

Any earthworks outside of a wetland identified in Schedule 1 or 2 that contravene any one of the conditions of the relevant permitted Rules 3 or 6 of this Plan, and are less than 20,000 cubic metres per land holding, are a **controlled activity** if:

(i) The area of land disturbed does not exceed five hectares per landholding in any 12 month period; and
(ii) The activity does not occur within 50 metres of the coastal marine area; and

(iii) The area disturbed is in the Non Erosion Prone Area; and
(iv) The area is outside any riparian margin; and
(v) 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 Turbiditiy 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
(vi) All areas of bare ground and any stockpiles of material created by the activity are protected from soil erosion as soon as practicable; and
(vii) For the purpose of forming a drain, the activity does not occur within 25m of any wetland identified in Schedule 1 or 2; and
(viii) No soil or debris is placed directly in a wetland identified in Schedule 1 or 2.

A resource consent is required and must be granted, however, the Council reserves control over the following:
(a) The location, design, surface area, and timing of earthworks;
(b) Requirements to address the effects of erosion, subsidence, sedimentation, and increased surface runoff;
(c) Measures to avoid, remedy, or mitigate adverse effects on the stability of beds and banks of rivers and streams;
(d) Adherence to a certified engineering plan;
(e) Volume of earthworks and the extent of the area disturbed and / or rehabilitated at any time;
(f) The disposal and stabilisation of excavated material or fill, including location of dump sites;
(g) Loss of or damage to soil;
(h) Effects on indigenous biological diversity and ecological values;
(i) Effects on water quality;
(j) Effects on surface or subsurface water levels and flows;
(k) Requirements for stormwater controls, batters, water tables, cutoffs, swales, sediment control and culverts;
(l) Effects on natural character of the coastal environment, wetlands, and lakes and rivers and their margins;
(m) Setback distances from wetlands, lakes, rivers, and the coastal marine area;
(n) Potential damage to any cultural heritage site or area;
(o) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga;
(p) Monitoring provisions;
(q) The duration of the resource consent;
(r) Bonds and financial contributions;
(s) Review conditions of the resource consent.

An application for resource consent under this Rule does not need to be served on persons who may be adversely affected by the activity.

18.1.3 Restricted Discretionary Activities on Land

Rule 13. Humping and hollowing, flipping, and v-blading

Humping and hollowing, flipping, and v-blading, outside of a wetland identified in Schedule 1 or 2 and the Lake Brunner Catchment, that cannot meet any one of the conditions of a permitted activity in Rule 1, or that occurs within a riparian margin is a **restricted discretionary activity**.

In considering any resource consent under this Rule, the Council will restrict the exercise of its discretion to the following:

(a) The effects of erosion, sedimentation of waterways, changes in surface runoff, and measures to avoid, remedy, or mitigate adverse effects on affected persons and infrastructure located downstream;
(b) Effects on the stability of beds and banks of rivers and streams;
(c) Adherence to a certified engineering plan;
(d) Setback distances from wetlands, lakes, rivers, and the coastal marine area;
(e) Timing of the activity;
(f) Damage to riparian vegetation, soil, natural habitats and features, and significant sites;
(g) Effects on surface and sub surface water levels, flows, and quality;
(h) Erosion and sediment control methods;
(i) Effects on the natural character of wetlands, ecological values or intrinsic values;
(j) Measures to avoid, remedy, or mitigate adverse effects on stream morphology and substrate deposition;
(k) Cumulative effects;
(l) Potential damage to any cultural or heritage site/area;
(m) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga;
(n) Monitoring provisions;
(o) The duration of the resource consent;
(p) Bonds and financial contributions;
(q) Review conditions of the resource consent.

Explanation
V blading and humping and hollowing are forms of land drainage commonly employed on the West Coast for reshaping the ground surface, and along with flipping, alter the structure of the soil substrate. This may result in change in the hydrology of the catchment. Depending on the soil structure, it may result in an increase in surface runoff due to an increase in the land surface gradient, or a reduction in surface runoff due to significantly increased drainage to groundwater.

During heavy rainfall an increase in surface runoff could significantly increase the flow and velocity of receiving rivers and streams, and can lead to scouring and erosion, ponding of water beyond the subject property boundary, as well as causing damage and destruction of aquatic habitats, including trout fisheries. Such adverse effects are likely to be more significant in the catchments of smaller streams, depending on the scale and type of land drainage carried out.

Elevated levels of surface runoff can also result in adverse effects on downstream landowners and network utility operators. It may be necessary for those who carry out land drainage to address adverse effects. There is also a need to consider whether cumulative effects may arise because of other areas in the same catchment that have already been drained. Furthermore, a significantly increased drainage to groundwater from the developed pasture may result in an effect on groundwater quality and level.

Rule 14. Planting of exotic trees

The planting of exotic trees for subsequent harvest within 5 metres of any river with a bed width greater than 3 metres, or lake provided that it is outside any wetland identified in Schedule 1 or 2 is a **restricted discretionary activity**.

In considering any resource consent under this rule, the council will restrict the exercise of its discretion to the following:

(a) The effects of erosion, sedimentation of waterways, changes in surface runoff, and measures to avoid, remedy, or mitigate adverse effects on affected persons and infrastructure located downstream;
(b) The management of those trees on the edge of the plantation closest to the water body to reduce the potential for adverse effects through techniques such as pruning and reducing the number of stems per hectare;
(c) Effects on the stability of beds and banks of rivers and streams;
(d) Damage to riparian vegetation, soil, natural habitats and features, and significant wetlands;
(e) Effects on surface and sub surface water levels, flows, and quality;
(f) Effects on in-stream values including habitat;
(g) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga.

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 notification or the council considers that because of special circumstances the application should be publicly notified.

Explanation
Exotic plantation forests can cause adverse effects on the in-stream values of water bodies and on the ability of banks and riparian margins to withstand erosion. Furthermore, there are associated adverse effects that can be caused during harvesting which are exacerbated where trees have been planted too close to water bodies. This Rule ensures that these matters will be taken into account at the time of processing the application.

18.1.4 Discretionary Activities on Land

Rule 15. Humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner catchment

Any humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner catchment is a discretionary activity.

Explanation
This Rule is not intended to prohibit further development, but requires the applicant to consider methods of reducing potential future phosphorous loss into Lake Brunner.

Note: For fertiliser use in the Lake Brunner catchment, refer to Rule 87.

Rule 16. Discretionary activities outside of a wetland identified in Schedule 1 or 2

Outside of a wetland identified in Schedule 1 or 2, any:
(i) Vegetation disturbance that contravenes Rules 8 or 9;
(ii) Earthworks that contravenes Rules 2, 3, 4, 5, 6 or 12; or
(iii) Grazing within, and livestock access to, riparian margins that contravenes Rule 11;
is a **discretionary activity**.

Rule 17. Discretionary activities inside a wetland identified in Schedule 2

Within a wetland identified in Schedule 2, any:
(i) Humping and hollowing, flipping or v-blading; or
(ii) Vegetation disturbance that contravenes Rules 7, 7a, 8, 9, or 10; or
(iii) Earthworks, including the excavation of any new drain or the deepening of any existing drain below its depth as at October 15 2005, that contravenes Rules 2, 3, 4, 5, 6, 7 or 12; or
(iv) Grazing within, and livestock access to, riparian margins within a Schedule 2 wetland that contravenes Rule 11; or
(v) The planting of exotic trees;
is a **discretionary activity**.

Assessment Matters
When a resource consent is required in accordance with Rule 17 an ecological assessment of that wetland is required to accompany the resource consent application. The ecological assessment will be undertaken in accordance with Schedule 3. In considering any resource consent under these rules, the Council will retain full discretion over any matter, which includes but is not limited to the effect on any wetland, including those identified in Schedule 1 or 2, or any adjoining wetland.

Explanation
Activities including humping and hollowing, flipping or v-blading, vegetation disturbance and earthworks have the potential to result in significant adverse effects such as on the erosion potential of the land from the volumes of material disturbed. In order to ensure that these effects are addressed, activities that cannot meet the requirements of the permitted, controlled or restricted discretionary activity rules within this section are discretionary or non-complying.

These Rules also covers activities that may impact on the aquatic environment such as those in close proximity to the margins of lakes or rivers.

Rule 18. Stock crossings in the Lake Brunner catchment

As of July 1 2011, stock crossings through waterways in the Lake Brunner catchment are a **discretionary activity**.

Explanation
The Council is concerned about phosphorus from effluent due to continued stock crossings through waterways in the Lake Brunner catchment. This Rule requires a resource consent for any stock crossing that has not been bridged or culverted by 1 July 2011.

Note: For the purpose of Rule 18 'waterway' includes any creek, stream, or major farm drains that contain water, but excludes the hollows of humped and hollowed pasture that do not have permanently flowing water.

18.1.5 Non-Complying Activities on Land

Rule 19. Non-complying activities within a wetland identified in Schedule 1

Within a wetland identified in Schedule 1, any:
(i) Humping and hollowing, flipping or v-blading; or
(ii) Vegetation disturbance outside of a riparian margin; or
(iii) Vegetation disturbance within a riparian margin, that contravenes Rule 8; or
(iv) Grazing within, and livestock access to, riparian margins within a Schedule 1 wetland that contravenes Rule 11; or
(v) Earthworks, including the excavation of any new drain of the deepening of any existing drain below its depth as at 15 October 2005; or
(vi) The planting of exotic trees;
is a **non-complying activity**.

Principal Reasons for Adopting
Wetlands in Schedule 1 have been verified and include some of the significant wetlands in the region. Humping and hollowing, flipping or v-blading, vegetation disturbance and earthworks have the potential to result in significant and irreversible adverse effects. While not prohibited, these activities are considered to be inappropriate unless adequate measure are available to overcome the risk of adverse effects on the values of wetlands in Schedule 1.

This Rule also covers activities that may impact on the aquatic environment such as those in close proximity to the margins of lakes or rivers.

18.2 LAKE AND RIVERBED ACTIVITIES

This Section covers activities in the beds of lakes and rivers, including structures in riverbeds, riverbed disturbance and excavation. The damming of water may require separate consent, or may be permitted under Section 18.3.

Where an activity occurs within a wetland included in Schedule 1 or 2 that involves both the use of land and the bed of a lake or river, activities will be managed under the Rules in both Sections 18.1 and 18.2.

18.2.1 Permitted Activities in Riverbeds and Lakes

Note: Rules 20 to 25 do not authorise the alteration of the bed, including the disturbance, reclamation or deposition of materials in the bed of a lake, river or wetland identified in Schedule 1 or 2. In using, maintaining, repairing, demolishing, extending, altering or reconstructing any structure other than a whitebait stand, in, under, on or over the bed of a lake, river or wetland identified in Schedule 1 or 2, the conditions of Rule 26 must also be met for any associated bed disturbance, or if this Rule cannot be met, the activity requires a resource consent.

Rule 20. Use, extension, alteration, maintenance, repair, reconstruction, removal or demolition of structures

(i) The use, maintenance, repair, removal or demolition of any structure in, on, under, or over any river or lake bed; and
(ii) The extension, alteration or reconstruction, of any structure in, on, under, or over any river or lake bed other than a whitebait stand,

is a **permitted activity** provided the following conditions are met:

(a) Any change in the use of a structure does not result in effects that are greater in character, scale or intensity compared to effects occurring under the previous use; and
(b) No reconstruction, extension or alteration of any structure in the bed results in a change of more than 10% to the overall dimensions, orientation, or outline of any structure in the bed from that originally authorised; and
(c) The extension, alteration, maintenance, repair, reconstruction, removal or demolition does not result in, or contribute to:
    i) Blocking or damming of any river, or impedance of fish passage; or
    ii) Scouring of any riverbed or bank erosion; or
    iii) Reduction of channel capacity to carry flood flows; and
(d) No explosives are used in water; and
(e) No refuelling of equipment takes place on any area of a river or lake bed; and
(f) The site is left tidy on completion of the work; and
(g) Except for demolition or removal, the structure is maintained in good repair; and
(h) Where the activity is undertaken in any wetland identified in Schedule 1 or 2;
    i) No reconstruction, extension or alteration to the dimensions, orientation or outline is greater than 10% of the structure as it existed as at 17 May 2012; and
    ii) For any pipe, line or cable, native vegetation clearance does not exceed 0.6 metres in width per 1 metre in length; or
    iii) For any fence, native vegetation clearance does not exceed 150m^2 over 100 metres of fence line and does not exceed 2 metres in width at any point; and
    iv) There is no change to the natural flow, path or fluctuation in water level; and
    v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive, except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
    vi) No bird nests are disturbed.

Note: Rules 21 to 25 do not authorise the alteration of the bed, including the disturbance, reclamation or deposition of materials in the bed of a lake, river or wetland identified in Schedule 1 or 2. When undertaking any activity under these Rules, the conditions of Rule 26 must also be met for any associated bed disturbance, or if this Rule cannot be met, the activity requires a resource consent.

Within any wetland identified in Schedule 1 or 2, the erection or placement of any outfall or intake structure does not authorise water abstraction or discharge. These activities are managed under Sections 18.3 and 18.4.

Regarding condition (b), consent holders will require resource consent if their structure increases by more than 10% from the original dimensions that were authorised.

Rule 21. Fences, pipes, lines and cables over the bed of a lake or river

The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, is a **permitted activity**, provided the following conditions are met:

(a) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river; and
(b) No part of any pipe, line or cable is less than two metres above the banks, unless it is attached to a structure; and
(c) Where it is attached to a structure, no part of any pipe, line or cable extends below the underside of the structure; and
(d) Any fence over the bed of a lake or river does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river; and
(e) The fence, pipe, line or cable does not interfere with navigation; and
(f) The fence, pipe, line or cable is maintained in good repair; and
(g) Where the pipe is located within any wetland identified in Schedule 1 or 2 its maximum diameter is 150mm; and
(h) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) There is no change to the natural flow, path or fluctuation in water level; and
    ii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
    iii) No bird nests are disturbed.

Rule 22. Placement of any pipe, line, or cable on or under the bed of a lake or river

The placement of any pipe, line, or cable on or under the bed of a lake or river, is a **permitted activity**, provided the following conditions are met:

(a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and
(b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and
(c) The pipe, line, or cable is maintained in good repair; and
(d) Where the pipe is located within any wetland identified in Schedule 1 or 2 its maximum diameter is 150mm; and
(e) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) There is no native vegetation clearance in excess of 0.6 metres in width per 1 metre in length; and
    ii) There is no change to the natural flow, path or fluctuation in water level; and
    iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
    iv) No bird nests are disturbed.

Rule 23. Culverts, fords, and bridges

The erection or placement, of a culvert, ford or bridge, in, on, under, or over the bed of a river is a **permitted activity** provided the following conditions are met:

(a) For a culvert, the riverbed at the point of crossing does not exceed 5 metres in width and the base of the culvert is installed and maintained flush with the bed level; and
(b) Any culvert is designed to pass the river's fullest flow, and is constructed with sufficient bank armouring to prevent scour or erosion of abutting river banks; and
(c) Any ford does not raise the bed of a river by more than 300mm (compared with average bed level of the 50_metre reach centred on the crossing); and

(d) The underside of any bridge is at least 600mm above the level of the river's natural bank level; and
(e) For bridges, there are no piers in the riverbed; and
(f) Any bridge does not interfere with navigation; and
(g) Activities do not result in or contribute to:
    i) The impedance of fish passage; or
    ii) Erosion or scouring of any riverbed; or
    iii) Reduction of channel capacity to carry flood flows; and
(h) No refuelling of equipment takes place on any area of a riverbed; and
(i) The structure is maintained in good repair; and
(j) The site is left tidy following the erection or placement; and
(k) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) For any culvert where the bed is no more than 2.5 metres wide at the point of crossing, native vegetation disturbance does not exceed 25m^2; for any culvert where the bed is between 2.5 to 5 metres wide at the point of crossing, native vegetation disturbance does not exceed 50m^2; or
    ii) For any ford, native vegetation disturbance does not exceed 25m^2; or
    iii) For any bridge, native vegetation disturbance does not exceed 50m^2; and
    iv) There is no change to the natural flow, path or fluctuation in water level; and
    v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
    vi) No bird nests are disturbed.

Notes:
1. Culverts include cylinders or boxes and may be arched or stacked. If multiple barrels are used then at least one is to be positioned to allow fish passage during low flows.
2. In erecting or maintaining a structure, the conditions of Rule 26 must also be met for any associated bed disturbance.

Rule 24. Structures for damming water

The erection or placement of a structure for the damming of water that is fixed in or on the bed of any lake or river is a **permitted activity**, provided the following conditions are met:

(a) The size of the catchment upstream of the dam does not exceed 50 hectares; and
(b) The depth of water at the dam face does not exceed 3 metres and the total volume of water stored by the dam does not exceed 20,000 cubic metres; and
(c) The damming does not cause or exacerbate flooding or damage to another person's property, erosion, land instability or sedimentation; and
(d) The dam is not located less than 20 metres above mean sea level; and
(e) If constructed in permanently flowing streams, the dam allows residual flow of 75% or the instantaneous flow whichever is the lesser; and
(f) The Council is notified in writing of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and
(g) A spillway is constructed, designed to pass the maximum probable flood; and
(h) For sites where fish are present, effective fish passage is provided for; and
(i) The dam is not located in the Ohikanui River or its tributaries, Rahu River, Station Creek, Wooley River, or Blue Grey River or its tributaries; and
(j) The structure is maintained in good repair; and
(k) The site is left tidy following the erection or placement; and
(l) The structure is not located within, and does not affect the hydrology of any wetland identified in Schedule 1 or 2.

Notes: Council will check the sites where a dam is to be constructed and undertake fish surveys to ensure that the person undertaking this activity has complied with condition (~~k~~ h). Council staff may also be available to assist with fish surveys prior to the dam's construction, if requested**.**

This rule permits the structure in the river bed, however a resource consent is required to disturb the bed for the construction of the structure.

Rule 25. Other structures

The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure that is fixed in, on or under the bed of any lake or river is a **permitted activity**, provided the following conditions are met:

(a) The base of the structure does not exceed $2m^2$ in area; and
(b) The structure does not cause any flooding or erosion; and
(c) The Council is notified in writing of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and
(d) Except in the case of a navigational aid or the sight board of any gauge, any visible part of the structure is of a colour to blend in with the surroundings; and
(e) The structure is maintained in good repair; and
(f) The site is left tidy following the erection or placement; and
(g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) There is no vegetation disturbance in excess of $10m^2$; and
    ii) There is no change to the natural flow, path or fluctuation in water level; and
    iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
    iv) No bird nests are disturbed.

Rule 26. Alteration of the bed associated with structures, or the clearance of debris or gravel

The disturbance of the bed or the reclamation or deposition of material on the bed of any lake or river associated with:

(i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal of any structure carried out under Rules 20 to 25; or
(ii) The clearance of debris or gravel from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure

is a **permitted activity**, provided the following conditions are met:

(a) The bed disturbance is limited to the extent necessary to undertake the work; and
(b) The bed disturbance does not damage any riverbank or cause any flooding or erosion; and
(c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance; and
(d) In the case of any reclamation or deposition, only cleanfill is used and no pest plant is introduced; and
(e) No refuelling of equipment takes place on any area of a river or lake bed; and
(f) The site is left tidy following completion of the activity; and
(g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) Any disturbance, including deposition or reclamation, does not exceed:
        1) 0.6m in width per 1m in length for placement of any pipe, line or cable authorised under Rule 20, 21, or 22; or
        2) For any culvert, authorised under Rule 23, where the bed is no more than 2.5 metres wide at the point of crossing, any disturbance does not exceed $25m^2$; for any culvert where the bed is between 2.5 to 5 metres wide at the point of crossing, any disturbance does not exceed $50m^2$; or
        3) For any ford authorised under Rule 23, any disturbance does not exceed $25m^2$; or
        4) $50m^2$ for bridges authorised under Rule 23; or; or
        5) $10m^2$ for any device or structure authorised under Rule 25; or
        6) 25m2 in all other cases; and
    ii) Vehicles and equipment are cleaned prior to entering the Schedule 1 or 2 wetland to avoid the introduction of pest plants; and
    iii) Any native vegetated surfaces disturbed are revegetated following completion of the activity with similar native species where they do not disrupt or interfere with the function of the structure; and
    iv) The site is left tidy following completion of the activity including the removal of any weeds; and
    v) There is no change to the natural flow, path or fluctuation in water level; and

vi) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
vii) No bird nests are disturbed; and
viii) Council is to be notified seven days prior to commencing any bed disturbance, including deposition or reclamation associated with any placement erection or reconstruction referred to in Rule 26(g)(i).

Rule 27. Debris clearance excluding gravel

The disturbance of the bed of any river for the purpose of clearing debris, excluding gravel, is a **permitted activity**, provided the following conditions are met:

(a) The bed disturbance is limited to the extent necessary to clear the debris; and
(b) The bed disturbance does not damage any riverbank or cause any flooding or erosion; and
(c) The debris removal is carried out within twelve months of the flood event that deposited the debris; and
(d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity; and
(e) No refuelling of equipment takes place on any area of a river or lake bed; and
(f) The site is left tidy following completion of the activity; and
(g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) There is no native vegetation disturbance, except to extent necessary to access and clear the debris using where possible existing access points and tracks; and
    ii) There is no change to the natural flow, path or fluctuation in water level; and
    iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
    iv) No bird nests are disturbed.

Rule 28. Flood protection works

The protection, partial reinstatement, or reinstatement of any bank of a lake or river which has been eroded by a flood event is a **permitted activity** provided the following conditions are met:

(a) The work does not extend any further into the river or lake bed than the bank did before the flood event; and
(b) The works are no higher above the bed than the bank was before the flood event; and
(c) The works are carried out within 12 months of the flood event that caused the erosion; and
(d) The work is commenced and completed within a period of 10 consecutive days; and
(e) The work does not cause and will not cause any flooding or bank erosion elsewhere in the river; and
(f) All reasonable reasonable steps are taken to minimise the release of sediment to the lake or river during the activity; and
(g) Only cleanfill is used and no pest plant is introduced; and
(h) No refuelling of equipment takes place on any area of a river or lake bed; and
(i) The site is left tidy following completion of the activity; and
(j) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
    i) Native vegetation disturbance is limited to the extent necessary to access and undertake the activity; and
    ii) Reinstatement is limited to returning the bank to its previous pre-event state (for the avoidance of doubt this does not require revegetation); and
    iii) Vehicles and equipment are cleaned prior to entering the Schedule 1 or 2 wetland to avoid the introduction of pest plants; and
    iv) There is no change to the natural flow, path or fluctuation in water level; and

v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
vi) No bird nests are disturbed.

(k) The person in charge of the works must hold, and provide to Council on request:
i) Evidence of the event that caused the damage, including the date or dates the event occurred; and
ii) Evidence of the effects the event had on the bank, including bank alignment and the height of the bank; and
iii) What works were carried out; and
iv) When the works were carried out; and
v) The materials used.

Notes
Regarding condition (d), if a contractor cannot complete the works consecutively within the 10 days, they should contact the Council for advice.

Photographic evidence of the site following flooding, and once the works have been completed, are considered to meet the requirements of condition (k).

Rule 29. Gravel extraction

Gravel extraction from the bed of a river is a **permitted activity** provided the following conditions are met:

Either:
(i) The gravel is extracted from the bed for use in reasonable domestic or agricultural purposes on a landholding adjacent to the extraction site, and the quantity does not exceed 1000 cubic metres in any 12 month period from rivers listed under Schedule A or 500 cubic metres in any 12 month period from rivers listed in Schedule B; or
(ii) The gravel is extracted from one of the sites listed in Schedule 12 and the quantity extracted from each site does not exceed 300 cubic metres per person in any 12 month period; or
(iii) If Rule 29 (i) or (ii) do not apply, the quantity extracted per person from any river does not exceed 10 cubic metres per month.

And:
(a) Persons wishing to remove gravel must notify the Regional Council in writing of the location, size and timing of the take prior to the take occurring; and
(b) No refuelling of equipment, or fuel storage, is to occur on any area of a riverbed; and
(c) Extraction takes place:
i) Only on the dry bed of the river and;
ii) At least 5 metres from any river bank; and
iii) No deeper than the level of water in the river and;
(d) Activities do not result in diversion of floodwater, or erosion of any banks, or damage to or scouring of structures and no pest plant is introduced; and
(e) The area from which the material is taken is smoothed over and the site is left tidy on completion of the work; and
(f) The activity is not undertaken within 50 metres upstream or downstream of any structure including whitebait stands, culverts, bridges and structures used for flood and river protection; and
(g) No more than $1m^3$ per person per year may be taken within 50 metres of the Coastal Marine Area; and
(h) Vehicle and machinery movement in the wet bed of the river shall be avoided where possible and minimised where not able to be avoided; and
(i) Vehicles and equipment must be appropriately cleaned before moving between waterways; and
(j) The activity does not occur within a wetland identified in Schedule 1 or 2.

SCHEDULE A ($1000m^3$)	**SCHEDULE B ($500\ m^3$)**
Arawhata River	Waiatoto River

SCHEDULE A (1000m^3)	SCHEDULE B (500 m^3)
Turnbull River	Havelock Creek
Okuru River	Ohinetamatea River (Saltwater)
Haast River	Clearwater River
Waita River above SH 6 Bridge	Docherty Creek (Franz Josef)
Boulder Creek, near Moeraki	Little Man River (above SH6)
Paringa River	Mikonui River
Bullock Creek, near Karangarua	Donnelly Creek (Ross)
Karangarua River	Kawhaka Creek
Cook River below SH 6	New River
Fox River, South Westland, below SH 6	Slaty Creek, Rotomanu (above Station Road)
Waiho River between SH 6 Bridge and the line from the oxidation ponds to the end of refuse tip road	Blackball Creek
Waitangitaona River (reach draining into L Wahapo)	Craigieburn Creek
Whataroa River	Canoe Creek (Barrytown)
Poerua River (South Westland)	Inangahua River, below Reefton rail bridge
Harold Creek (Hari Hari)	Devil's Creek (Reefton)
Wanganui River	Mokihinui River, below bridge
Waitaha River	Little Wanganui River
Kakapotahi River	Tidal Creek, Karamea
Totara River (Ross)	Oparara River, below limeworks
Hokitika River above 1km upstream of SH 6 bridge	
Kokatahi River	
Vine Creek (Kowhitirangi)	
Taramakau River (see note) above 1 km upstream of SH 6 Bridge	
Crooked River downstream of NZTopo BU20 834 798	
Haupiri River	
Nelson Creek	
Ahaura River, below Nancy River confluence	
Grey River, between the Arnold River confluence and the Waipuna Creek confluence	
Big River (Atarau)	
Rough River	
Mawheraiti River, below Cassoli Creek	
Buller River, below Te Kuha	
Granite Creek, Kongahu	
Karamea River	
Moonlight Creek, 1km either side of Atarau Road Bridge	

Notes:
Under Conditions 2 and 3 the meaning of "person" includes The Crown, a corporation sole, and also a body of persons, whether corporate or unincorporate. This means that a corporation comprised of a group of people or a number of employees is one person. The same applies to an unincorporated group or a family. Individuals who operate together with others, as an incorporated or unincorporated body cannot collectively extract more gravel than what is permitted under this rule.

Condition (i) is intended to require vehicles to be cleaned so that they do not spread pest organisms. In particular, to avoid the spread of Didymo, no equipment should be used that has been used previously to undertake activities in any water body known to contain Didymo, unless that equipment has been thoroughly cleaned in accordance with the Biosecurity New Zealand document titled "Cleaning Methods for Freshwater Activities" dated 13 October 2005.

This Rule applies only to the activity of removal of gravel. Persons exercising it should be aware that permission may need to be obtained, at their own expense, from the:

(a) Legal owner or administering body of the bed of the river and of the resource; concession is required from the Department of Conservation if gravel extraction occurs on any riverbed that it administers;
(b) The owner of land via which access to the riverbed is obtained;
(c) Holder of any mining licence for gravel extraction who has prior rights to the resource;
(d) The relevant road controlling authority for new access ways onto roads, or sealing existing access ways.

Persons wishing to extract gravel from riverbeds between 1 August and 1 February should be aware that a number of threatened bird species are nesting during this time. Where possible, gravel extraction should occur outside this time to avoid disturbing these nesting birds. If this is not possible, then operators should avoid working within 100 metres of nest sites.

If the effects, including cumulative, of permitted and / or consented gravel extraction activities at any of the sites result in adverse effects on the environment, the Council will review the application of Rule 29, and if necessary, undertake a plan change to address any issues.

Rule 30. Activities undertaken without motorised assistance, or geotechnical testing, suction dredging, or vegetation recovery

The disturbance of a riverbed for the following purposes:
(i) Any activity undertaken without motorised assistance; or
(ii) Temporary geotechnical testing which returns the riverbed to its previous state once testing is completed; or
(iii) Suction dredging using a motor less than or equal to 7 kilowatts in power; or
(iv) Recovering vegetation felled into a river under the permitted Rules 2, 8, or 11;

is a **permitted activity** provided the following conditions are met:

(a) The activity does not cause or contribute to the following:
  i) Diversion of the natural course of a river; or
  ii) Blocking or damming of any river, or the impedance of fish passage; or
  iii) Erosion or scouring of any riverbed or bank erosion; and
(b) No refuelling takes place on any area of the riverbed; and
(c) Disturbance does not conspicuously change the visual clarity of water beyond 12 times the river's width or 200 metres, whichever is the lesser; and
(d) Suction dredging is not undertaken within 20 metres of any structure, or in the Ohikanui River or its tributaries, Blackwater River, Ohikaiti River, Te Wharau Ck (Stony R), Buller River above TeKuha, Maruia River, Alfred River, Rahu River, Station Creek, Wooley River, Blue Grey River or its tributaries or Ahaura River above Hamers Flat, or wetland identified in Schedule 1 or 2; and
(e) In relation to the activities (i), (ii) and (iv) and within any wetland identified in Schedule 1 or 2:
  i) No debris, or sediment shall be placed on an area where it is likely to result in the smothering of wetland vegetation; and
  ii) There is no change to the natural flow, path or fluctuation in water level; and
  iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  iv) No bird nests are disturbed; and
(f) In relation to the activity in (ii), in addition to the requirements in Rule 30 (e), any geotechnical testing within any wetland identified in Schedule 1 or 2 does not result in native vegetation disturbance in excess of $25m^2$ per wetland per 5 years.

Rule 31. Removal of selected rock and stone for non-commercial purposes or personal use

The removal of selected rock and stone for non-commercial purposes or personal use is a **permitted activity** provided that:

(a) The quantity extracted per person is no greater than $1m^3$ per annum; and
(b) The activity does not cause or contribute to the following:
  i) Diversion of the natural course of a river; or
  ii) Blocking or damming of any river, or the impedance of fish passage; or
  iii) Scouring of any riverbed or bank erosion; and
(c) The activity does not take place within 20 metres of a structure in the bed.

Rule 32. Introduction or planting of plants

The introduction or planting of any plant in or on the bed of any lake or river and any associated disturbance of the bed, is a **permitted activity** provided the following conditions are met:

(a) Any bed disturbance is limited to the extent necessary to undertake the work; and
(b) The planting does not reduce the flood carrying capacity of any river or cause any bank erosion; and
(c) No pest plants including Crack willow (*Salix fragilis*) and Grey willow (*Salix cinerea*) are introduced or planted; and
(d) The site is left tidy following completion of the activity; and
(e) Where the activity occurs within a wetland identified in Schedule 1 or 2, planting is restricted to native vegetation.

Explanation
Provided these activities meet the conditions of the Rules, these small-scale disturbance activities will have an effect on the riverbed environment that is no more than minor. They are permitted in order to avoid unnecessary costs and to enable efficient use of natural and physical resources.

18.2.2 Restricted Discretionary Activities in the Beds of Lakes and Rivers

Rule 33. Gravel extraction

The extraction of gravel from the dry part of a riverbed outside of a wetland identified in Schedule 1 or 2 is a **restricted discretionary activity** unless permitted under Rule 26 or 29.

In considering any resource consent under this rule the Council will restrict the exercise of its discretion to the following:
(a) The amount to be taken, the removal method and the location and timing of the take;
(b) The resource available at the proposed extraction site;
(c) The resource already allocated from that river;
(d) Any adverse or beneficial environmental effects;
(e) Any potential effects on existing river users or existing structures;
(f) Any potential effects on statutory acknowledgement areas or pounamu resources;
(g) The duration of the resource consent;
(h) The information and monitoring requirements;
(i) Any bond; and
(j) The review of conditions of the resource consent.

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 34. Whitebait stands

The erection of whitebait stands in the rivers listed in Tables 1 and 2 of Schedule 17 is a **controlled activity.**

In granting any resource consent under this Rule the Council will exercise control over the following matters:

(a) The location of the stand and the timing of its construction and dismantling;
(b) Any potential for the stand to cause or contribute to bed or bank erosion from construction or operation during the season;
(c) The dimensions and appearance of the structure;
(d) Provision for public use and access;
(e) Any effects on the flood carrying capacity of the river;
(f) The information and monitoring requirements;
(g) The duration of the resource consent;
(h) Any administrative charges, bond or financial contribution; and
(i) The review of conditions of the resource consent.

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.

Explanation
There are over 600 registered whitebait stands on the West Coast. These are generally temporary structures, which may be erected immediately prior to the commencement of the season and must be dismantled immediately after the season. Provided simple precautions are followed there is little likelihood of adverse effects.

This Rule applies to fixed or mobile stands and any nets raised or lowered by the use of fulcrums, pulleys, or other mechanical means of leverage.

The whitebait fishery is a significant resource in rivers. Whitebait stands require controls to avoid, remedy, or mitigate any adverse effects on stability of riverbeds and riverbanks arising from their construction and use.

18.2.3 Discretionary Activities in the Beds of Lakes and Rivers

Rule 35. Discretionary activity rule for activities outside of a Schedule 1 or 2 wetland

Unless permitted by Rules in Section 18.2.1, or managed by Rules in Sections 18.2.2 or 18.2.4, in relation to the bed of any lake or river the following activities outside of a wetland identified in Schedule 1 or 2 are a **discretionary activity:**

(a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
(b) To excavate, drill, tunnel, or otherwise disturb the bed; or
(c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or
(d) To deposit any substance in, on, or under the bed; or
(e) To reclaim or drain the bed.

Rule 36. Discretionary activity rule for activities inside a Schedule 2 wetland

Unless permitted by Rules in Section 18.2.1, or managed by Rules in Sections 18.2.2 or 18.2.4, in relation to the bed of any lake or river the following activities inside a wetland identified in Schedule 2 are a **discretionary activity:**

(a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
(b) To excavate, drill, tunnel, or otherwise disturb the bed; or
(c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or
(d) To deposit any substance in, on, or under the bed; or
(e) To reclaim or drain the bed.

Assessment Matters
Wetlands contained in Schedule 2 are either known to be or are likely to be significant, but have not been assessed against the criteria in Schedule 3. Activities are regulated within these wetlands to ensure that the values are not compromised. These wetlands require an assessment through the resource consent process. The ecological assessment will be undertaken in accordance with Schedule 3.

In considering any resource consent under Rule 36 Council will retain full discretion over any matter, which includes but is not limited to, the effect on the wetland listed in Schedule 2, or any adjacent Schedule 1 or 2 wetland.

18.2.4 Non-complying Activities in the Beds of Lakes and Rivers

Rule 37. Non-complying activity rule for activities inside a Schedule 1 wetland

Unless permitted by Rules in Section 18.2.1 or managed by Rules in Sections 18.2.2 or 18.2.3, in relation to the bed of any lake or river the following activities inside a wetland identified in Schedule 1 are a **non-complying activity**:

(a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
(b) To excavate, drill, tunnel, or otherwise disturb the bed; or
(c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or
(d) To deposit any substance in, on, or under the bed; or
(e) To reclaim or drain the bed.

Rule 38. Erection or placement of a structure for the damming of water that affects a wetland identified in Schedule 1

Erection or placement of a structure for the damming of water that is outside of a wetland identified in Schedule 1 that affects the hydrology of that wetland is a **non-complying activity**.

Principal Reasons for Adopting
Wetlands in Schedule 1 have been verified and include some of the significant wetlands in the region. Activities such as excavation, bed disturbance, reclamation, or deposition have the potential to result in significant and irreversible adverse effects. While not prohibited, these activities are considered to be inappropriate unless adequate measures are available to overcome the risk of adverse effects on the values of wetlands in Schedule 1.

18.2.5 Prohibited Activities in the Beds of Lakes and Rivers

Rule 38a. Prohibited whitebait stands

The erection of whitebait stands in rivers, other than those listed in Tables 1 and 2 of Schedule 17, is a **prohibited activity.**

Explanation
This Rule clarifies the intent of Schedule 17: "Management of Whitebait Stands", to not allow whitebait stands on any rivers, except for those listed in Schedule 17.

18.3 TAKES, USES, DIVERSIONS, AND DAMMING OF WATER

18.3.1 Permitted Activities

Note: Rules in Section 18.2 also apply to bed disturbance and erecting or altering any structure in a lakebed or riverbed.

Rule 39. Take and use of water from listed sources

The taking and use of surface water from the main stem of the:
- Karamea River;
- Buller River downstream of Te Kuha (BS21:921678);
- Grey River downstream of the Clarke River confluence;
- Ahaura River downstream of Jims flat (BT21:955015);
- Taramakau River downstream of the Otira River confluence;
- Hokitika River;
- Whataroa River;
- Haast River;
- Arawhata River;
- Mikonui River;
- Waitaha River;
- Wanganui River;
- Waiho River;
- Karangarua River; or
- Paringa River

is a **permitted activity** if all of the following conditions are met:

(a) The total take per landholding including both consented and permitted takes does not exceed 50 litres per second, up to a maximum volume of 1,500,000 litres per day; and
(b) The water is used on the land holding except where the purpose is for a community water supply; and
(c) The intake is protected by a fish screen which ensures as far as is practicable, that eels, fish and fry are prevented from passing through the intake and from being trapped against the fish screen; and
(d) The Council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring and contact details of the person taking.

Note: The Council will from time to time monitor and verify the location, frequency, and rate of take as appropriate.

Rule 40. Take and use of water where not permitted by Rule 39

Where not permitted by Rule 39, the taking and use of surface water is a **permitted activity** if all of the following conditions are met:

(a) The total take per landholding does not exceed 2 litres per second, up to a maximum volume of 25,000 litres per day; and
(b) No other lawful take of water is adversely affected as a result of the take; and
(c) The intake is protected by a fish screen which ensures as far as is practicable, that eels, fish and fry are prevented from passing through the intake and from being trapped against the fish screen; and
(d) The Council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring and contact details of the person taking**.**

Rule 41 Water take and use or diversion for small scale hydro electricity generation

The take, use or diversion of surface water for small scale hydro electricity generation is a **permitted activity** provided that all of the following conditions are met:
(a) The total rate of take does not exceed 200 litres per second; and
(b) The rate of take does not exceed 25% of the instantaneous river flow at the point of take; and

(c) No other lawful take of water is adversely affected by the take; and
(d) The intake is protected by a fish screen which ensures as far as is practicable that eels, fish and fry are prevented from passing through the intake and from being trapped against the fish screen; and
(e) The Council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring, and contact details of the person taking water; and
(f) On request from the Council, the user shall cease water use for a period not exceeding 48 hours to undertake monitoring of the natural water flows; and
(g) On request from the Council, the user shall measure and record daily totals of water taken and the residual water flow immediately downstream of the take or diversion point. These records shall be provided to Council when requested.

Explanation
This Rule enables people to use water to generate hydroelectricity, provided the above conditions are met. If all conditions are met, the effects of such an activity will be no more than minor. This Rule is considered to be consistent with, and reflect the intent of the National Policy Statement for Renewable Electricity Generation (2011). The conditions of Rule 67 must be met for the subsequent discharge of water.

Rule 42. Temporary take and use

Any take and use of surface water for no more than ten days in any one month and for no more than six consecutive months, is a **permitted activity**, providing:

(a) The rate of take is no greater than ten litres per second, up to a maximum volume of 150,000 litres per day; and
(b) No other lawful take of water is adversely affected by the take; and
(c) No more than one take per person occurs from any surface water body; and
(d) The intake is protected by a fish screen which ensures as far as is practicable, that eels, fish and fry are prevented from passing through the intake and from being trapped against the fish screen; and
(e) The total volume of water taken does not exceed 20% of the instantaneous flow.

Rule 43. Transfer of a water permit

In accordance with s136(2)(b)(i) of the RMA, the transfer of a water permit for the taking of surface water is a **permitted activity**, provided:

(a) The transfer is within the same river to any point downstream (excluding downstream tributaries) of the location to which the permit currently applies; and
(b) Written notice signed by the transferor and transferee is given within 14 days to the Council, specifying:
    i) Full names and addresses of transferor and transferee; and
    ii) The current permit number; and
    iii) The location of new take site (show on map or give NZTopo 250 map reference); and
    iv) The proposed daily volume and rate of take at new site; and
    v) The date of transfer; and
    vi) A description of the purpose for which water is to be used.

Explanation
Rules 39 and 40 provide for takes that have no more than a minor effect as a permitted activity, to avoid the need for these activities to apply for a resource consent. Rule 42 allows for short duration takes at a higher rate than Rule 40. Rule 43 reduces administration costs for transfers to downstream locations on the same water body.

Rule 44. Take and use of groundwater

The taking and use of groundwater is a **permitted activity** if all of the following conditions are met:

(a) The total take does not exceed two litres per second, up to a maximum volume of 50,000 litres per day; and
(b) Any well shall be located not less than 20 metres from any adjacent well or the Coastal Marine Area and from any septic tank disposal field or effluent treatment ponds or silage storage areas; and
(c) Any well or bore not primarily used for potable water supply shall be located not less than 20 metres from any sewage effluent disposal field, agricultural effluent treatment ponds, silage storage areas, or feed lots or wintering pads; and
(d) Any well or bore used primarily for potable water supply shall be located not less than:
    i) 100 metres from a sewage effluent discharge, where the discharge is from a soak pit; or
    ii) 50 metres from a sewage effluent discharge where the discharge is from other treatment systems; or
    iii) 50 metres from a pit toilet; or
    iv) 50 metres from any effluent treatment ponds, silage storage areas, feed lots or wintering pads, or offal pits; and
(e) Any bore shall be located not less than 200 metres from any adjacent bore; and
(f) No existing lawful take of water is adversely affected as a result of the taking; and
(g) The council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring and contact details of the person taking; and
(h) The bore or well casing and headworks prevent:
    (i) The infiltration of contaminants; and
    (ii) The uncontrolled discharge or leakage of water to the surface and between aquifers.

Note: The Council has best practice information available on the materials and construction of wells and bores to prevent contamination. The Council will from time to time monitor and verify the location, frequency and rate of take as appropriate.

Rule 45. Bore development and pumping tests

The taking and use of groundwater for bore development and pumping tests is a **permitted activity** if all of the following conditions are met:

(a) Any well shall be located not less than 20 metres from any adjacent well or the Coastal Marine Area or from any septic tank disposal field or effluent treatment ponds or silage storage areas; and
(b) Any bore shall be located not less than 200 metres from any adjacent bore; and
(c) No existing lawful take of water is adversely affected as a result of the taking.

Note: The 20m setback from septic tank disposal fields applies unless the bore or well is for potable use, then a greater separation distance is required under Rule 79 and 80 for permitted on-site sewage effluent discharges to land.

In addition to these permitted activities for the taking and use of surface and groundwater, the RMA (S14) permits the taking and use of water for an individual's reasonable domestic needs, or for the reasonable needs of an individual's animals for drinking water; provided the taking does not, or is not likely to have an adverse effect on the environment.

Rule 46. Slope dewatering

The taking or diversion of groundwater for the purpose of slope dewatering associated with road or railway maintenance or construction is a **permitted activity**, provided it does not affect a natural wetland.

Explanation
Rules 44 to 46 provide for small groundwater takes where effects will be no more than minor to avoid the need for a resource consent.

The Rules in Section 18.2 of this Plan also apply to any activity that involves bed disturbance and erecting or altering any structure in a lakebed or riverbed. Section 18.1 contains earthworks rules that control land drainage activities.

Rule 47. Temporary diversion of water

The temporary diversion of water for the purpose of the:
(i) Maintenance or repair of any lawfully existing structure (excluding any whitebait stand); or
(ii) Erection or placement, extension or alteration, maintenance, repair or reconstruction, or removal or demolition of any structure in accordance with Rules 20, 22, 23, 24 or 25 of this Plan.

is a **permitted activity** if all of the following conditions are met:

(a) The diverted river flow remains within the river bed; and
(b) The duration of the diversion does not exceed two weeks; and
(c) No lawful take of water is adversely affected as a result of the diversion; and
(d) Fish passage through the diversion area is maintained and any fish stranded during the works are transferred to the flowing part of the river; and
(e) The diversion does not cause or exacerbate flooding of another person's property, erosion, land instability, or property damage; and
(f) At least seven days prior to the diversion occurring the Council is provided with a plan showing the proposed works in relation to the river flow and bed form, and a photo of the area of river to be diverted taken from a fixed reference point, and within seven days of the completion of the works a second photo is provided to the Council taken from the same fixed reference point; and
(g) Upon completion of the work, the river is returned as far as is practicable to its previous course, with similar bed form.

Note: Rule 47 does not apply to the damming of water.

Rule 48. Permanent diversion of water

The permanent diversion of water from an existing lawful structure (excluding any whitebait stand) or from a new structure erected or placed in accordance with Rules 22, 23, 24, or 25 is a **permitted activity** if all of the following conditions are met:

(a) The diverted river flow remains within the river bed; and
(b) The diversion does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage.

Note: This Rule relates to existing authorised structures in rivers that cause water to divert off their surfaces (e.g. rock protection works).

Rule 49. Diversion and/or take of water in a drain

The diversion and/or taking of water in a drain, provided the drain is formed in accordance with Rule 3 (f)(iii) and (iv), and Rule 3 (j), is a **permitted activity**.

Rule 50. Damming of water

The damming of water is a **permitted activity** if all of the following conditions are met:

(a) The size of the catchment upstream of the dam does not exceed 50 hectares; and
(b) The water depth is no more than 3 metres at the dam face and the total water volume stored by the dam does not exceed 20,000 cubic metres; and
(c) The damming does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage; and
(d) The dam is not located less than 20 metres above mean sea level; and
(e) If constructed in permanently flowing streams, the dam allows a residual flow of 75% of MALF or the instantaneous flow whichever is the lesser; and
(f) Council is informed in writing of the location of the dam and the method of construction proposed, at least seven days prior to commencing the erection or placement of the dam; and
(g) A spillway is constructed, designed to pass the probable maximum flood; and

(h) For sites where fish are present, effective fish passage is provided for; and
(i) No lawful take of water is affected by the damming; and
(j) There shall be no inundation of a natural wetland.

Notes: Council will check the sites where a dam is to be constructed and undertake fish surveys to ensure that the person undertaking this activity has complied with condition (b). Council staff may also be available to assist with fish surveys prior to the dam's construction, if requested.

Rule 24 may also be relevant to this activity.

Rule 51. Diversion of natural runoff - contaminated and uncontaminated

The diversion (whether in pipes, constructed channels or otherwise) of stormwater runoff that is not contaminated, or of runoff that is contaminated to a water treatment system, is a **permitted activity** provided:

(a) For the non-contaminated water:
  i) The diversion does not cause or exacerbate: flooding or ponding of water on another person's property, erosion, land instability, sedimentation or property damage; and
  ii) The diversion does not affect any natural wetland; and
  iii) The diversion is incidental to permitted or consented earthworks; and
  iv) The diversion does not relate to the diversion of runoff from an area greater than 20 hectares; and
(b) For contaminated water:
  i) The water is diverted to a water treatment system or plant; and
  ii) The diversion is incidental to permitted or consented earthworks.

Explanation
Rules 47, 48, 49, and 50 provide for activities that will result in no more than minor effects and avoid the need for a resource consent.

Note: Any discharge associated with a waterbody must meet the conditions of Rule 64.

18.3.2 Controlled Takes, Uses, Diversions and Damming of Water

Rule 52. Community water supply takes from surface water

The taking and use of surface water for community water supply by any take identified in Schedule 7B, up to the volume and rate authorised as at 31 March 2004, is a **controlled activity**.

In granting any resource consent for the taking of surface water in terms of this Rule, the Council will restrict the exercise of its control to the following:
(a) Any need for a residual flow at the point of take;
(b) The intake is protected by a fish screen which ensures as far as it is practicable, that eels, fish and fry are prevented from passing through the intake and from being trapped against the fish screen;
(c) The means and timing of the take, and the rate of take;
(d) The quantity of water required to meet the needs of the community;
(e) The duration of the resource consent;
(f) The information and monitoring requirements;
(g) Any bond; and
(h) The review of conditions of the resource consent.

Note: An application for resource consent under Rules 52 and 53 does not need to be notified.

Explanation
Rule 52 ensures security of community water supplies while allowing environmental effects to be addressed.

Rule 53. Community water supply takes from groundwater

The taking and use of groundwater for community water supply by any take identified in Schedule 7B, up to the volume and rate authorised as at 31 March 2004, is a **controlled activity**.

In granting any resource consent for the taking of ground water in terms of this Rule, the Council will restrict the exercise of its control to the following:
(a) Any adverse effect on any existing lawful take of water;
(b) Any adverse effect on any connected surface water body;
(c) The means and timing of the take, and the rate of take;
(d) The quantity of water required to meet the needs of the community;
(e) The duration of the resource consent;
(f) The information and monitoring requirements; and
(g) The review of conditions of the resource consent.

Note: An application for resource consent under Rules 52 and 53 does not need to be notified.

Explanation
Rule 53 ensures security of community water supplies while allowing environmental effects to be addressed.

Rule 54. Hydroelectric generation

For the hydro-electricity operations identified in Schedule 13 of this Plan:
(i) The damming of water for hydroelectric power generation purposes; or
(ii) The taking of water for hydroelectric power generation purposes; or
(iii) The use of water for hydroelectric power generation purposes; or
(iv) The discharge of water and trace contaminants to water for hydroelectric power generation purposes; or
(v) The diversion of water for hydroelectric power generation purposes;

is a **controlled activity**.

In considering any resource consent for the damming, taking, use, discharge or diversion of water in terms of this rule, the Council will restrict the exercise of its control to the following matters:
(a) Any adverse effect of continuing or discontinuing the damming, taking, use, discharge or diversion of water on:
    i) Any natural or human use value identified in Policy 3.3.1, 3.3.2, and 3.3.3 of any affected water body, including the impoundment itself; or
    ii) The water quality of the lake or river; or
    iii) The amenity values of the lake or river; or
    iv) Fish passage; or
    v) Any existing lawfully established take, use, dam, discharge or diversion of water; or
    vi) Public access to and along any lake or river, and present and future access to the water resource for the purpose of taking or using water or discharging contaminants or water to water; and
(b) Any maximum or minimum level or flow of water, and the range, or rate of change, levels or flows of water; and
(c) Any potential flooding, erosion, land instability, sedimentation or property damage resulting from the damming, diversion, taking, use, or discharging of water or from the discontinuation of the damming, diversion, taking, use or discharging of water; and
(d) The management of the lake or river shores; and
(e) Invasion by or proliferation of aquatic plants; and
(f) Any restoration of exposed lake bed resulting from any reduction in authorised lake levels; and
(g) The purpose of the existing dam or lake level control; and
(h) The duration of the resource consent; and
(i) The information and monitoring requirements; and
(j) Any financial contribution; and
(k) Any bond; and
(l) Review of the conditions of the resource consent.

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, provided that Council will serve the application on the Director General of Conservation if it considers the Director General may be adversely affected by the activity.

Explanation
Rule 54 relates to the reconsenting of existing activities associated with lawfully authorised and established hydroelectric power generation schemes. This Rule recognises that certain dams identified in Schedule 13 have been lawfully established and operated responsibly for a number of years and the range of issues which require consideration by the Council is not as wide as for a new dam. It is not expected within the lifetime of this Plan that a new consent an existing hydroelectric generation scheme would be declined, therefore a controlled activity status is appropriate and it provides certainty for the applicant.

The Department of Conservation has particular functions involving the preservation and protection of freshwater fisheries and freshwater fish habitat. Furthermore, many of the existing hydro schemes listed in Schedule 13 are located on (in full or in part) or connected to, areas administered by the Department.

18.3.3 Restricted Discretionary Takes, Uses, and Diversions of Water

Rule 55. Take and use of surface water

Unless permitted by Rules 39, 40, or 42, or controlled by Rules 52 or 53, the taking and use of surface water where:

(i) The total volume of water allocated from the river is less than 20% of the mean annual low flow (MALF) of the river; or
(ii) The applicant accepts a minimum flow based on 75% of the mean annual low flow (MALF) of the river;

is a **restricted discretionary** activity.

In considering any resource consent under this rule the council will restrict the exercise of its discretion to the following:

(a) The amount of water to be taken;
(b) The flow available in the source water body;
(c) The current allocation from the source water body;
(d) The minimum flow to be applied to the take, if required;
(e) Any adverse effect on any existing lawful take of water, if consent is granted;
(f) The instream values supported by the source water body and related waterbodies, and any potential adverse effect of the taking on those values, if consent is granted;
(g) Any need to prevent fish and eel entering the intake;
(h) The means and timing of the take, and the rate of take;
(i) The quantity of water required for the intended use;
(j) The duration of the resource consent;
(k) The information and monitoring requirements; and
(l) The review of conditions of the resource consent.

An application for resource consent under this Rule does not need to be notified.

For smaller streams with high instream values the location and rate of take and the seasonal timing of the take can be controlled by conditions on the consent as set out in the explanation to Policy 7.3.1.

Rule 56. Other takes and uses of groundwater

Unless permitted by Rules 44, 45, or 46, or controlled by Rule 52, the taking and use of groundwater is a **restricted discretionary activity**.

In considering any resource consent under this rule the council will restrict the exercise of its discretion to the following:
(a) The amount of water to be taken;
(b) The current allocation from the aquifer and the estimated annual yield;
(c) Any adverse effect on any existing lawful take of water;
(d) Whether a minimum water level needs to be applied to the take;
(e) Any adverse effect on any connected surface water body;
(f) Any adverse effect on the existing quality of groundwater in the aquifer;
(g) The means and timing of the take, and the rate of take;
(h) The quantity of water required for the intended use;
(i) The duration of the resource consent;
(j) The information and monitoring requirements; and
(k) The review of conditions of the resource consent.

Explanation
Rule 55 minimises transaction costs for those who are prepared to accept minimum flows required under this Plan. Rule 56 ensures any other groundwater take is considered as a restricted discretionary activity so that any adverse effects can be addressed appropriately.

18.3.4 Discretionary Takes, Uses, Diversions, and Damming of Water

Rule 57. Other takes and uses of surface water

Unless provided for by Rules 39, 40, 42, 43 49, 50 or 55, the taking and use of surface water is a **discretionary activity**.

Rule 58. Other diversion activities

Unless permitted by Rules 47, 48, 49, 51, or controlled by Rule 54, the diversion of water is a **discretionary activity**.

Rule 59. Other damming activities

The damming of water, unless permitted by Rule 50, controlled by Rule 54, or prohibited by Rule 62, is a **discretionary activity**.

Explanation
Rule 57 retains the discretion to address any adverse effects for those wanting a lower minimum flow than is set by the policies in the Plan. Rules 58 and 59 ensure any other damming or diversion is considered as a discretionary activity, including the waters covered by the Buller Conservation Order, so that any adverse effects can be addressed appropriately.

Rule 60. Other hydroelectric activities

Except as provided by Rule 54, each of the following activities is a **discretionary activity** and will be considered under the following rules:

(a) The damming of water for hydroelectric power generation purposes – Rule 59;
(b) The taking and use of water for hydroelectric power generation purposes – Rule 57;
(c) The discharge of water and trace contaminants to water for hydroelectric power generation purposes – Rule 71;
d) The diversion of water for hydroelectric generation purposes - Rule 58.

Explanation
New dams require full consideration to be given to all effects and therefore are full discretionary activities.

Rule 61. Take and use of geothermal water

The taking and use of geothermal water is a **discretionary activity**.

18.3.5 Prohibited Takes, Uses, and Diversions of Water

Rule 62. Damming of the Ahaura Gorge

The damming of the Ahaura Gorge is a **prohibited activity** for which no consent will be granted.

Explanation
Rule 62 reflects the requirements of the Grey River Water Conservation Order.

18.4 DISCHARGES TO WATER

18.4.1 Permitted Discharges to Water

Rule 63. Discharge of stormwater from reticulated systems

The discharge of stormwater from any reticulated stormwater system to water is a **permitted activity** if all of the following conditions are met:

(a) For any stormwater system installed after 31 March 2004, provision is made for the interception and removal of any contaminant which would give rise to the effects identified in condition (e); and
(b) The discharge does not originate from areas within industrial or trade premises where hazardous substances are stored or used unless:
    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 must be contained on-site until removed to an approved disposal facility for the type of hazardous substance concerned; and
(c) The discharge does not contain any human sewage or agricultural effluent; and
(d) The discharge does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage; and
(e) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not give rise to the following effects:
    i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
    ii) Any conspicuous change in the colour or visual clarity; or
    iii) Any emission of objectionable odour; or
    iv) The rendering of fresh water unsuitable for consumption by farm animals; or
    v) Any significant adverse effects on aquatic life; or
    vi) Adverse effects on any take of water for human consumption.

Note: A reticulated stormwater system is any system that collects water from impervious surfaces such as roofs, buildings and other structures. A drain is a collection and delivery system that collects water from generally unsealed surfaces (e.g. on farm or rural roadside drains) but also includes water collected from sealed surfaces with no associated reticulated stormwater system such as roadside swales and concrete dish swales. The hollows of humped and hollowed land are considered drains.

Rule 64. Discharge from any drain

The discharge from any drain to a water body, or another drain beyond the property boundary, is a **permitted activity** if all of the following conditions are met:

(a) The discharge does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage; and
(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not give rise to the following effects:
    i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
    ii) Any conspicuous change in the colour or visual clarity; or
    iii) Any emission of objectionable odour; or
    iv) The rendering of fresh water unsuitable for consumption by farm animals; or
    v) Any significant adverse effects on aquatic life; or
    vi) Adverse effects on any take of water for human consumption; and
(c) Any discharge to the Rahu River, Station Creek, Wooley River or Buller River upstream of Te Kuha must meet the requirements of Clause 11 of the Buller River Conservation Order (see Schedule 5).
(d) The discharge does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure.

Note: Rule 1 must also be met for humping and hollowing.

Cross reference: Stormwater discharge or runoff containing sediment from earthworks that enters a waterbody is dealt with under the permitted, controlled or discretionary earthworks rules (Rule 3, 12, 16 or 17).

Rule 65. Discharge of cooling water, swimming pool water, or water from any drinking water supply pipeline or reservoir

The discharge of cooling water, swimming pool water or water from a drinking water supply pipeline or reservoir into water is a **permitted activity** if all of the following conditions are met:

(a) The discharge contains no:
  i) Disinfectant, antiseptic, or pesticide; or
  ii) Residual flocculant, except aluminium at acid-soluble aluminium concentrations less than 0.1 g/m^3; or
  iii) Free or residual chlorine at concentrations greater than $0.1g/m^3$; or
  iv) Any other hazardous substance; and
(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not:
  i) Change the pH of the receiving water by more than 0.5 pH units; or
  ii) Raise the temperature in the receiving water by more than 3 degrees Celsius, or cause the temperature to rise above 25 degrees Celsius; and
(c) The discharge does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage.

Rule 66. Incidental discharge of contaminants to water from temporary activities associated with maintenance of structures

The incidental discharge of contaminants to water resulting from temporary activities associated with maintenance of structures is a **permitted activity** if all of the following conditions are met:

(a) The incidental discharge shall be for no more than 10 working days; and
(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not give rise to the following effects:
  i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
  ii) Any conspicuous change in the colour or visual clarity; or
  iii) Any emission of objectionable odour; or
  iv) The rendering of fresh water unsuitable for consumption by farm animals;
  v) Any significant adverse effects on aquatic life; or
  vi) Adverse effects on any take of water for human consumption; and
(c) Any discharge to the Rahu River, Station Creek, Wooley River or Buller River upstream of Te Kuha must meet the requirements of Clause 11 of the Buller River Conservation Order (see Schedule 5).

Rule 67. Discharge of water to water excluding activities permitted by Rules 63, 64, 65, or 66

Excluding the activities permitted by Rules 63, 64, 65, or 66 any discharge of water to water is a **permitted activity** if all of the following conditions are met:

(a) The discharge contains no contaminants beyond trace concentrations, or hazardous substances; and
(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not:
  i) Change the pH of the receiving water by more than 0.5 pH units where the pH is above 8 or below 6.5; or
  ii) Raise the temperature in the receiving water by more than 3 degrees Celsius, or cause the temperature to rise above 25 degrees Celsius; and
(c) The discharge does not cause flooding of another person's property, erosion, land instability, sedimentation or property damage.

Rule 68. Discharge of aquatic herbicide in gel form

The discharge of aquatic herbicide in gel form to water for the purpose of controlling aquatic plants is a **permitted activity** if all of the following conditions are met:

(a) The herbicide and any additive are authorised for aquatic use in New Zealand, and is applied in accordance with that authorisation and any directions issued by the herbicide manufacturer; and
(b) The applicator holds a Growsafe© Registered Chemical Applicator Certificate of Qualification, or comparable qualification, or is working under the direct supervision of someone who does and a copy of that certificate is produced to an officer of the Council, on request; and
(c) No lawful take of water is adversely affected as a result of the discharge; and
(d) The applicator notifies all persons taking water within 1 km downstream of the discharge, at least one week prior to the discharge occurring, advising of the time the discharge is to occur; and
(e) The discharge does not have any adverse effects on any take of water for human consumption.

Rule 69. Discharge of herbicide to water

The discharge of herbicide to water incidental to its application to emergent aquatic plants or plants adjacent to a water body is a **permitted activity** if all the following conditions are met:

(a) The herbicide and any additive are authorised for use in or over water, in New Zealand, and is applied in accordance with that authorisation and any directions issued by the herbicide manufacturer; and
(b) All reasonable measures are taken to minimise the quantity of incidental discharge into water; and
(c) No lawful take of water is adversely affected as a result of the discharge; and
(d) The applicator notifies all persons taking water within 1 km downstream of the discharge, at least one week prior to the discharge occurring, advising of the time the discharge is to occur; and
(e) The discharge does not have any adverse effects on any take of water for human consumption.

Rule 70. Aerial discharge of sodium monofluoroacetate to water

The aerial discharge of sodium monofluoroacetate to water, incidental to its application to adjacent land, is a **permitted activity** if all of the following conditions are met:

(a) The baits shall not contain more than 0.15% weight/weight of sodium monofluoroacetate (1080 poison) and the application rate of baits containing sodium monofluoroacetate shall not exceed 5 kilograms per hectare; and
(b) The applicator holds a 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 certificate is produced to an officer of the Council, on request.

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

18.4.2 Discretionary Discharges to Water

Rule 71. Discharge of any contaminant, or water to water, not complying with Rules 63 to 70

Unless permitted by Rules 63, 64, 65, 66, 67, 68, 69 or 70 the discharge of any contaminant or water to water is a **discretionary activity**

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 fertiliser[1], 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

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

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.

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 aerially 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/NZS1547:20~~00~~*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/NZS1547:20~~00~~*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 monofluroacetate 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**.

19. INFORMATION REQUIREMENTS

19.1 Introduction

The Council recommends that prospective applicants should discuss their application with Council staff before submitting an application. However, in general, applications for resource consent for activities affecting the West Coasts resources will be required to demonstrate that:

(a) The effects of the proposed activity comply with the relevant objectives, policies and rules;
(b) Enough relevant information has been included to enable the consent authority to make an assessment of the effects of the proposed activity; and,
(c) Where practicable, consultation has occurred with parties likely to be affected by the proposed activity.

The Council may require further information and explanations, an applicant to consider alternatives, or commission reports before the hearing of an application for resource consent. Such information will only be sought if it is necessary to enable the Council to better understand the nature of the activity proposed, the effect it will have on the environment, or the way adverse effects may be mitigated. Pending receipt of further information, the Council may postpone the notification, or if there is no hearing, the determination of an application. The information is to be made available for public inspection, and any reports commissioned are to be supplied to the applicant at least 15 working days before the hearing.

Without limiting the requirements of Section 88 of the RMA, or of the Fourth Schedule to the Act, any application for any activity which this Plan specifies as being a discretionary activity will be required to include information, as specified in this Chapter.

Applications will also be assessed in terms of policies in the Regional Policy Statement for the West Coast. There may be additional information requirements once regard has been had to the Regional Policy Statement.

19.2 General Information Required

The following information must be supplied with all resource consent applications:

1. The name and address of the applicant.
2. A description of the activity, its nature, purpose, duration, and scale.
3. The location of the activity together with a site plan, legal description, and relevant map references.
4. A description of the physical nature of the site and surrounding area (including, where appropriate, landforms, geology, soils, stability of land slopes and riverbeds, climate etc).
5. A description of possible alternative locations or methods and the reasons for making the proposed choice.
6. An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be avoided, remedied, or mitigated. This assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule of the RMA. In particular, the assessment of environmental effects shall include coverage of:
   a) Any adverse effects on:
      - The environment;
      - Human health;
      - The stability of land slopes riverbeds and river banks;
      - Potential effects on access to nearby or underlying mineral resources;
      - Landscape and amenity values;
      - Resources or values of significance to the tangata whenua;
      - Soil, plants, animals, and ecosystems;
      - Surface water and groundwater;
      - The coastal environment; and
      - A wetland.
   b) Any cumulative effects which may arise over time or in combination with other effects;
   c) Any effects of low probability but high potential impact;
   d) The proposed monitoring provisions;
   e) Any additional information that may be required in relation to applications for specific types of activities;
   f) An assessment against the criteria in Schedule 3 undertaken by an appropriately qualified ecologist (where the application relates to a wetland in Schedule 1 or 2).

7. The nature of the discharge (contaminants, quantity, frequency, duration, hazardous properties etc).
8. A description of the measures to be undertaken to avoid, remedy or mitigate any adverse effect on the environment, and the extent to which environmental compensation, if any, has already been provided with respect to the activity.
9. An identification of those persons affected by the activity, any consultation undertaken, and any response to the views of those consulted.
10. A statement of whether any other resource consent is required from any other consent authority to undertake the activity and whether any such consent has been applied for, or obtained.

Notes:

1. If the application for resource consent is for a controlled or restricted discretionary activity, then the assessment of environmental effects need only address those matters over which the Council has retained control or restricted its discretion (specified in the relevant rule).

2. Provisions in other Regional Plans may apply in addition to those in this Plan. This will be the case if the activity includes discharges of contaminants into the air. The Regional Coastal Plan should also be referred to if activities involving land and riverbeds or discharges occur close to the coast. Council staff will be able to provide information on this.

Ecological significance criteria under Schedule 3

For activities in or affecting Schedule 1 or 2 wetlands the applicant is to provide an assessment of ecological significance under the criteria in Schedule 3 prepared by an appropriately qualified ecologist as part of the assessment of the effects of the activity on the environment.

An assessment of ecological significance under the criteria in Schedule 3 prepared by an appropriately qualified ecologist is also to be provided by an applicant for activities in or affecting a wetland not on Schedule 1 and 2 but which may contain an area of ecological significance.

19.3 Specific Information Requirements

In addition to the general information required by 19.2 above, where the proposed activity involves the following activities, the information listed will be required.

19.3.1 Earthworks or vegetation disturbance

1. Duration, timing, and area of bare ground;
2. Measures to address the effects of erosion, sedimentation, or increased surface runoff;
3. Measures to address adverse effects on affected persons;
4. Location, timing of disturbance, design, density of earthworks, including roads, tracks, or landings;
5. Adherence to a certified engineering plan;
6. Work programmes or management plans;
7. Measures to avoid or mitigate loss of, or damage to, soil;
8. Measures to avoid land subsidence, slumping, and erosion;
9. Measures to address effects on the stability of beds and banks of rivers and streams;
10. Setback distances from wetlands, lakes, rivers, and the coastal marine area;
11. Measures to avoid, remedy, or mitigate adverse effects on stream morphology;
12. Disposal and stabilisation of waste material, or fill (including backfill);
13. Effects on surface and subsurface water levels and flows;
14. Requirements for water tables, cutoffs and culverts;
15. Effects on aquatic habitats, riparian vegetation and habitats;
16. The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga.

19.3.2 Structures or bed disturbance

1. Location and sensitivity of location to human or habitat values;
2. Extent of bed area disturbed;
3. Linear dimensions, shape, orientation, and gradient of any structure;
4. Effects on water flow;
5. Effects on flood carrying capacity, bed pattern, channel cross section, and profile;
6. Timing of the activity;
7. Measures to address effects of erosion or sedimentation;

8. Measures to address adverse effects on affected persons;
9. Effects on wildlife habitats including fish spawning areas;
10. Effects on fish passage;
11. Effects on bank and channel stability;
12. Effects of machinery in riverbeds;
13. Effects on public access;
14. Disposal of waste material;
15. The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga;
16. Addressing assisting the spread of pest plants.

19.3.3 The taking of surface water or groundwater

1. A description of the quantity, rate and timing, including the 7-day take, of the proposed take and an assessment of the need for the take;
2. A statement of the intended use for which the water is to be taken;
3. A description of the means of the take, delivery, storage (if any) and application to be used;
4. With respect to an application for a new take, an assessment of the effect of the take on other users of the source water body;
5. In the case of the taking of groundwater, a description of the bore used or to be used and bore head management;
6. In the case of the taking of groundwater, a description of the likely adverse effect on the aquifer or any connected surface water body;
7. In the case of the taking of groundwater for irrigation purposes, a description of the quality of the groundwater where there is likely to be any adverse effect on soils;
8. In the case of any resource consent application for the taking of water under Policy 7.3.3, an assessment of the effects of the activity on:
   (a) The values identified in Schedules 7A, 7B and 7C for any affected water body; and
   (b) Significant indigenous vegetation and significant habitats of indigenous fauna; and
   (c) Instream values; and
   (d) The natural character of any affected water body; and
   (e) The amenity values supported by any affected water body.

19.3.4 The taking of geothermal water

1. A description of the volume and of the proposed take and an assessment of the need for the take;
2. A statement of the intended use for which the water is to be taken;
3. A description of the means of the take, delivery, storage (if any) and application to be used.
4. With respect to an application for a new take, an assessment of the effect of the take on other users of the geothermal system and the geothermal system itself;
5. In the case of the taking of geothermal water, a description of the likely adverse effect on spring flows and the quality of waterbodies receiving wastewater.

19.3.5 The damming or diversion of water

1. An assessment of the effects of the activity on:
   (a) The values set out in Schedules 7A, 7B and 7C for any affected water body; and
   (b) Significant indigenous vegetation and significant habitats of indigenous fauna; and
   (c) The natural character of any affected water body; and
   (d) The amenity values supported by any affected water body; and
   (e) Other users of any water or water body affected by the activity; and
   (f) The movement of water and sediment; and
   (g) Any defence against water;
   (h) Adjacent land;
   (i) Fish passage;
2. An assessment of the effect on upstream and downstream users of any affected water bodies, land or water, including any likely effect should a dam fail or be overtopped either during or after construction;
3. A description of the anticipated effect of the activity on public access to or along the water body including a description of:
   (a) The extent to which members of the public would be excluded or restricted from the area; and

(b) Where existing public access would be excluded or restricted as a result of the activity, a description of the methods, if any, proposed to bring about enhanced access in the area or elsewhere;

4. An assessment of the effect of the activity on any natural hazard, and the extent to which it is likely to create or exacerbate a natural hazard;
5. An assessment of the effects of the activity on heritage values in any district plan, any archaeological site, or any place with interim historic place registration including interim registration;
6. A description of the provisions made for the remediation of any adverse effect of the failure or overtopping of the dam;
7. In the case of a dam, the intended timing and duration of the filling of any reservoir and the proposed discharges from the dam;
8. A description of the flow regime intended to be maintained in the water body downstream of the dam or diversion;
9. In the case of a diversion, the total quantity or proportion of the flow that is intended to be diverted;
10. An assessment of any known contaminated land, for example a recognised "contaminated site" that may be flooded or inundated by the damming or diversion;
11. In the case of a flood detention dam, a description of the mechanism for releasing water;
12. An assessment of the effects on cultural values.

19.3.6 The discharge of water or contaminants

1. A description of the nature, method, volume, contents, rate and frequency of the proposed discharge;
2. A description of the treatment, if any, of the water or contaminant prior to the proposed discharge;
3. A description of any measures that may be in place to contain an emergency spill or discharge, should any occur;
4. An assessment of the ability of the receiving water to assimilate the discharge, in terms of both quantity and quality;
5. An assessment of the effects of the activity on:
   (a) The values set out in Schedule 7A, 7B and 7C for any affected water body; and
   (b) Significant indigenous vegetation and significant habitats of indigenous fauna; and
   (c) The natural character of any affected water body; and
   (d) The amenity values supported by any affected water body;
6. An assessment of the likely effect of the discharge on groundwater quality;
7. An assessment of the effect of the activity on any natural hazard, and the extent to which it is likely to create or exacerbate a natural hazard;
8. An assessment of the effects of the activity on heritage values, including those identified in any district plan, any archaeological site, or any place with interim historic place registration;
9. In the case of stormwater or drainage water discharge:
   (a) A description of the nature of activities served by the system; and
   (b) Details of the design of the system, in particular its capacity, its specifications and its maintenance regime;
10. In the case of human sewage or animal waste discharge, details of the design of the system, in particular its capacity, its specifications and its maintenance regime;
11. In the case of pesticide or fertiliser discharge, details of any manufacturer's directions for handling or application;
12. An assessment of the effects on cultural values.

19.3.7 Acid mine drainage

1. A detailed description of the geology and geochemistry of the proposed area to be mined including the percentage and type of sulphitic minerals in various lithologies that will be affected by mining;
2. A detailed description of the geology and geochemistry of the proposed area to be mined;
3. A description of the testing regime undertaken to identify acid producing potential;
4. An assessment of the likely contaminants (including heavy metals) in any leachate; and
5. A description of the mitigation measures that will be employed to manage or prevent acid drainage.

19.3.8 Discharges to land

1. Provisions adopted to avoid, remedy or mitigate any adverse effects on surface water, groundwater, soil, human health and the health of plants, animals and ecosystems that may arise from the discharge of contaminants or any runoff, including the sensitivity of the receiving environment and the proximity of the discharge to waterbodies and the coastal marine area;
2. Operational and management procedures, including contingency provisions and maintenance programmes, and for accidental discharges;
3. Design and construction standards, including the provision of bunds and sealing as they relate to any actual or potential discharge of contaminants;
4. The location of the facility relative to sites of high natural or recreational value, registered under the Historic Places Act 1993, of significance to Poutini Ngai Tahu, or distance to any dwelling or public facility not on the site;
5. Monitoring provisions, charges for monitoring and inspections;
6. Review of conditions and duration of resource consents;
7. Establishment of a bond;
8. After-care and rehabilitation of the facility following closure;
9. Extent and location of discharge, including cumulative effects arising from proximity of other discharges to land;
10. The types of waste to be disposed of at the facility, or to be composted;
11. Provisions for the development of alternative waste disposal options and measures the applicant will take to implement waste minimisation procedures on site;
12. The storage and disposal of hazardous substances at the facility;
13. Effluent collection, disposal and treatment systems, including the method and rate of effluent application, extent of effluent distribution, and rate of nutrient loading;
14. Provisions for desludging the system and applying sludge to land;
15. Size and construction of treatment and storage facilities;
16. Identification of potential hazards and exposure pathways and the acceptability of any risks to the environment;
17. The characteristics, source, composition and volume of wastes being discharged and of any likely by-products occurring from the degradation of these wastes;
18. Method and timing of discharge in relation to weather conditions.

20. FINANCIAL CONTRIBUTIONS

20.1 Introduction

This Chapter describes the circumstances, purposes, manner, and matters the Council will have regard to when deciding to impose financial contributions and bonds.

20.2 Financial Contributions

The term "financial contribution" is defined in Section 108(9) of the RMA as a contribution of:

(a) Money; or

(b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or

(c) A combination of money and land".

Financial contributions will not be applied in addition to a bond unless it is to address a separate issue.

When deciding how financial contributions should be levied or allocated, consideration will be given to matters contained in public submissions on a resource consent application.

In deciding on any financial contribution, the Council will take into account that requiring a contribution may not be appropriate in every case, even where there are adverse effects. Every resource consent application needs to be considered on a case by case basis as to the nature and extent of any contribution that may be required. The actual amount of particular contributions will vary depending upon the circumstances.

20.2.1 Circumstances, Purpose, and Method of Determining Contribution Amount

A financial contribution condition may be imposed on any resource consent in the circumstances and for the purposes set out below.

(a) To enable legal public access to and along any lake or river or their margin.

Circumstances: Where legal public access to or along any lake or river or their margin will be restricted by the activity for which a resource consent is granted, and the effects cannot be avoided.

Purposes: To offset such effects by providing for alternative legal public access.

Method of determining contribution amount: The amount of the contribution will be determined having regard to the criteria set out in 20.3, but will reflect the actual cost of providing legal public access sufficient to offset adverse effects on such access.

(b) To enhance amenity values of lakes and rivers.

Circumstances: Where the activity, for which a resource consent is granted, occupies or adversely affects any part of a lake or river or adjoining shoreline which contains facilities or space used by the public, and the effects cannot be avoided or sufficiently remedied or mitigated.

Purposes: To offset such effects by providing for public open space or public facilities at an alternative location directly within the affected area or as close as possible to where the adverse effect is occurring or serving the same general community (including a contribution to any public reserves).

Method of determining contribution amount: The amount of the contribution will be determined having regard to the criteria set out in 20.3, but will reflect the actual cost of providing land to provide public open space or public facilities of a reasonably equivalent standard or extent to those which are adversely affected by the granting of the resource consent.

(c) To maintain or enhance riparian vegetation or riparian habitat.

Circumstances: Where the activity for which a resource consent is granted will, or is likely to, result in destruction or damage to riparian vegetation or habitats, and the effects cannot be avoided.

Purposes: To offset the loss of vegetation by providing for transplanting or maintaining, new or existing vegetation directly within the affected area or as close as possible to where the adverse effect is occurring.

Method of determining contribution amount: The amount of the contribution will be determined having regard to the criteria set out in 20.3, but will reflect the actual costs of the works and of providing land to provide for planting, transplanting or maintaining new or existing vegetation.

(d) To enable landscaping or planting.

Circumstances: Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on the natural character of the lake or river and their margins, or the amenity values supported by it, and the effects cannot be avoided or sufficiently remedied or mitigated.

Purposes: To offset the adverse effects of land clearance, land disturbance and structures in a lake or river or its marginal area by providing for the purposes of landscaping or planting directly within the affected area or as close as possible to where the adverse effect is occurring.

Method of determining contribution amount: The amount of the contribution will be determined having regard to the criteria set out in 20.3, but will reflect the actual costs of carrying out such works and of providing land sufficient to offset the adverse effects of the activity.

(e) To protect aquatic ecosystems or their habitat, including the quantity and/or quality of wetland habitat.

Circumstances: Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem values, the natural character of the wetland or the habitat values supported by it, particularly those identified in Schedule 1 or 5A of this Plan, and the effects cannot be avoided or sufficiently remedied or mitigated.

Purposes: To offset the adverse effects of the activity by providing for the protection, reinstatement, purchase or enhancement of ecosystem values or habitats of a similar type directly within the affected area where the adverse effect is occurring, or where this cannot occur beyond the area occupied by, or immediately affected by, the activity.

Method of determining contribution amount: The amount of the contribution will be determined having regard to the criteria set out in 20.3, but will reflect the actual costs of works and of providing land and habitat sufficient to offset such effects.

(f) To maintain or enhance the stability of land, riverbanks, and riverbeds.

Circumstances: Where the activity, for which a resource consent is granted, adversely affects soil quality or quantity or the integrity of riverbanks and riverbeds, and the effects cannot be avoided.

Purposes: To offset such effects by providing for the replacement or reinstatement of soil or riverbank or riverbed resources at the same location, or provide an alternative location in the same general locality.

Method of determining contribution amount: The amount of the contribution will be determined having regard to the criteria set out in 20.3, but will reflect the actual cost of replacing soil, riverbank or riverbed resources of a reasonably equivalent standard or extent to those which are adversely affected by the granting of the resource consent.

20.3 Matters to be Considered for Financial Contribution

In deciding whether or not to impose financial contributions, the types of contribution, and their value, the Council will have particular regard to the following matters:

1. The significance of the effects attributable to the activity;
2. Where such adverse effects are likely to occur notwithstanding the activity, or are contributed to by other activities, the extent to which those effects can be reasonably attributed to the activity for which consent is granted;

3. The extent to which any positive effects offset any adverse effects;
4. Whether a contribution for the same purpose has been required by another regulatory agency;
5. The adverse effects for which a contribution is imposed cannot be avoided, remedied, or mitigated directly by project design or adoption of the best practicable option for preventing or minimising the effects;
6. Granting a resource consent and requiring a financial contribution would be more effective in achieving the purpose of the RMA (including recognition of the economic and social benefits of the activity) and the objectives and policies of this plan than declining consent or granting a consent without a condition requiring a financial contribution.

In deciding the actual value of the financial contribution required, the Council will have particular regard to:

1. Any contribution sought shall be in reasonable proportion to the significance of adverse effects caused or contributed to by the activity;
2. The actual amount of particular contributions will vary depending on the circumstances and the application of the guidelines and criteria outlined above;
3. The Council does not intend that adverse environmental effects must be fully mitigated or fully compensated in every case by way of financial contributions;
4. Any financial contribution required shall be reasonable, consistent with the purpose of the RMA, and reasonably relate to the effects of the activity for which the resource consent has been granted.

20.4 Financial Contributions General Provisions

1. All financial contributions shall be GST inclusive;
2. Where the financial contribution is, or includes, a payment of money, the Council may specify in the condition:
   (a) The amount to be paid by the consent holder or the methods by which the amount of the payment shall be determined;
   (b) How payment is to be made, including whether payment may be made by instalments;
   (c) When payment shall be made;
   (d) Whether the amount of the payment is to bear interest and, if so, the rate of interest;
   (e) If the amount of the payment is to be adjusted to take account of inflation and, if so, how the amount is to be adjusted;
   (f) Whether any penalty is to be imposed for default in payment and, if so, the amount of the penalty or formula by which the penalty is to be calculated;
3. Where the financial contribution is, or includes, land, the value of the land shall be determined by the Council. In granting a consent the Council shall give reasons in its decision for its assessment of the value of the land;
4. Where the financial contribution is, or includes, land the Council may specify:
   (a) The location and the area of the land;
   (b) When and how the land is to be transferred to, or vested in, the Council.

20.5 Bonds

Bonds may be imposed on a resource consent, to ensure that one or more of its conditions are complied with. These could apply where the Council considers that an adverse effect may continue, or arise, during the period of, or at any time after the expiry of, a resource consent. In such cases it may require a bond. Such a bond will endure for an appropriate time, as considered necessary, to ensure that any adverse effect is avoided, remedied, or mitigated.

In deciding whether or not to impose bonds, matters that the Council will consider include the extent to which:

- Adverse effects can and should be avoided, remedied, or mitigated;
- Other forms of compensation that have been, or are being, provided;
- The activity can offset adverse environmental effects;
- It is required to achieve the objectives and policies of this Plan.

In determining the amount of a bond, matters that the Council will consider include what the actual cost would be to the Council to meet resource consent conditions itself, in order to avoid, remedy, or mitigate adverse effects in the event that a consent holder becomes unable to do so itself, or defaults from their resource consent conditions.

It should be noted that bonds will not be appropriate, or imposed, in every case, even if there are adverse effects.

21. MONITORING AND REVIEW

21.1 Introduction

Subject to the funding available in its Annual Plan, the Council will monitor the elements of the West Coast's resources, and the effects of their use and development on the environment, as necessary to assess the efficiency and effectiveness of the Objectives and Policies within this Plan.

21.2 Elements to be monitored

The following will be monitored to measure the effectiveness of this Plan:
General:

- Analysis of complaints received and responses to complaints;
- Analysis of consents issued, including numbers and types of consents granted;
- Number and type of unauthorised activities and their outcomes;
- Effectiveness of the policies, rules, and methods contained within the Plan;
- Information from Council staff and staff in other agencies;
- Any relevant reports or research undertaken.

Water:

- Information pertaining to the quality and quantity of the West Coast's surface and groundwater water resources, and in particular the State of Environment Report.

Land and Riverbed Activities:

- The incidence of unauthorised activities pertaining to land disturbance or works in the beds of rivers or wetlands;
- Effect of whitebait stands on riverbank and bed stability;
- Relationship between the removal of material from riverbeds and the integrity of authorised structures;
- Change in extent of various classes of wetlands and the condition of selected wetlands identified in Schedule 1 and 2.

21.3 Review

This Plan, once approved, could be in force for a period no longer than 10 years, unless reviewed earlier. In considering the need to review this Plan, the Council will have regard to the extent to which any of the following matters significantly affect the framework established by, and the contents of the Plan:

- Changes in legislation dealing with any aspect of the management of resources;
- The results of monitoring the environment and the improved knowledge and understanding of the West Coast's resources;
- Greater knowledge of natural processes and the effects of activities on these;
- Issues identified by the monitoring of the efficiency and effectiveness of the objectives and policies within this Plan;
- The development, implementation and review of the Regional Policy Statement and other Regional Plans by the Council;
- Requests for a plan change or review made by any person in accordance with Part II of the First Schedule of the RMA.

GLOSSARY

Note: Definitions in italics are from Section 2 of the RMA.

Affected person means someone who the Council believes may be adversely affected by the granting of a resource consent application and whose written approval is sought prior to granting a non-notified consent application. See definition of "person".

Agrichemical means any substance, whether inorganic or organic, manufactured or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture, forestry management, or public amenity areas, or related activity, to eradicate, modify, or control flora or fauna, and excludes fertiliser and organisms used for biological control.

Agricultural effluent means effluent from livestock which is collected or otherwise managed and disposed of as a point source discharge to land, and includes sludge and whey. The term does not include effluent discharges from individual animals direct to land.

Amenity values means the natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Bed in relation to any river- the space of land which the waters of the river cover at its fullest flow without overtopping its bank.
In relation to any lake - the space of land which the waters of the lake cover at its highest level without exceeding its margin.
In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level.
Fullest flow refers to the maximum amount of flow or highest water level that can occur without the river water overtopping the banks and beginning to flow over the flood plain. **Highest level** refers to the highest water level that can occur without the lake water exceeding its margin.

Cleanfill is material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
(a) combustible, putrescible, degradable or leachable components
(b) hazardous substances
(c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
(d) materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances
(e) liquid waste
(f) Protruding reinforcing, any reinforcing must be cut off from the concrete face.

Code of practice refers to a document assembled by an industry or association outlining what kinds of environmental practice are expected of people who carry out the particular resource use it relates to. While these may be voluntary, some resource user associations who have developed codes of practice expect members to comply with them.

Contact recreation refers to recreational activities involving contact with water; either primary (full immersion) or secondary (that which may result in some form of contact with water).

Contaminant includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar or other substances, energy or heat -
(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
(b) when discharged into or onto land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged.

Contaminated land means land that has a hazardous substance in or on it that;
(a) Has significant adverse effects on the environment; or
(b) Is reasonably likely to have significant adverse effects on the environment.

Dairy sheds includes all hard surfaces (e.g. holding yards) from which effluent is collected.

Dam means a structure used or to be used for the damming of any water, or water body. 'To dam', in relation to the damming of water, is the process of impounding the water for any purpose and for any period of time, as in a reservoir.

Deposition means the deposit of any substance, other than water or water borne contaminants (discharge), or fill material (reclamation).

Discharge includes emit, deposit, and allow to escape.

Divert in relation to the diversion of water, is the process of redirecting the flow of water.

Domestic property means a property used primarily as a place of residence, whether occupied or not, where no agricultural/horticultural commercial gain is generated from the property.

Drain refers to an artificial channel or subsurface conduit (e.g. mole drain, tile drain or drainage tunnel, or roadside swale) constructed for the purpose of:

- Collecting and diverting surface runoff, but also includes water collected from sealed surfaces with no associated reticulated stormwater system such as roadside swales and concrete dish swales, or
- Intercepting groundwater in order to lower the water table or divert water (excluding a water race), and directing it to a receiving water body.

The channel must not incorporate the bed of an existing river or creek, or the water from the bed of an existing river or creek. The hollows of humped and hollowed land are considered drains.

Earthworks means the disturbance of soil or earth by any means including excavation (including subsurface), tunneling, drilling, infilling, land rehabilitation or restoration, stockpiling, dumping of soil or sand, and the construction/reconstruction of any track, embankment, or drainage channel.
Earthworks does not include:

- Disturbing the topsoil for domestic gardening
- Vegetation disturbance that does not affect the topsoil or the root plate of trees.
- V-blading, flipping, humping and hollowing.

Effect includes—

(a) Any positive or adverse effect; and
(b) Any temporary or permanent effect; and
(c) Any past, present, or future effect; and
(d) Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
(e) Any potential effect of high probability; and
(f) Any potential effect of low probability which has a high potential impact.

Ephemeral water body a water body, which has the physical characteristics of the bed of a river, that dries up periodically, typically holding water for only a few days to months.

Feed lot, wintering/stand-off pad means an area where stock are confined in order to avoid damage to pasture, and for feeding out during periods when soils are saturated. These areas can be located either indoors or outdoors, and can include sacrifice lots but exclude piggeries.

Fertiliser means any proprietary substance specifically manufactured for use in increasing the nutrient status of land.

Flipping is the turning over of the soil horizons, usually to a depth of 1-2 metres in order to improve the drainage characteristics of land without altering its natural contour.

Geothermal energy is energy derived or derivable from and produced within the earth by natural heat phenomena; and includes all geothermal water.

Geothermal water is water heated within the earth by natural phenomena to a temperature of 30 degrees Celsius or more; and includes all steam, water, and water vapour, and every mixture of all or any of them that has been heated by natural phenomena.

Green waste means organic material including:

- vegetative material;
- vegetable peelings or trimmings but no other kitchen wastes;
- soil attached to plant roots;

that may be physically modified, but is otherwise in its natural state, but not including animal products (e.g. manure, feathers, carcasses).

Grey water means human waste water, excluding human excreta, and including, for example, laundry, kitchen and bathroom waste water.

Groundwater is water that occupies or moves through openings, cavities or spaces in geological formations under the ground. Groundwater does not include geothermal water, for the purpose of the Rules.

Gravel is a mix of stones (up to 250mm in diameter), pebbles and finer material such as silt and sand.

Hazardous substance is, unless expressly provided otherwise by regulations, any substance--

(a) With one or more of the following intrinsic properties:
  (i) Explosiveness:
  (ii) Flammability:
  (iii) A capacity to oxidise:
  (iv) Corrosiveness:
  (v) Toxicity (including chronic toxicity):
  (vi) Ecotoxicity, with or without bioaccumulation; or

(b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazardous waste means any waste which has any of the properties of a hazardous substance. This includes:

(a) a hazardous substance which has not been used and requires disposal, or
(b) the residue of a hazardous substance which has been used and requires disposal, or

waste material containing a hazardous substance.

Herbicide means a substance toxic to plants and used to kill or control plants.

Humping and hollowing means an activity that results in excavation of parallel undulating mounds and hollows in order to improve land drainage for grazing farm stock.

Industrial or trade premises means-

(a) any premises used for any industrial or trade purposes; or
(b) any premises used for the storage, transfer, treatment, or disposal of waste materials for other waste management purposes, or used for composting organic materials; or
(c) any other premises from which a contaminant is discharged in connection with any industrial or trade process-

but does not include any production land.

Industrial or trade process includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter or product.

Instream values means any values associated with water in streams.

Kaitiaki means a person or agent who cares for taonga; may be spiritual or physical. A guardian, steward, but the meaning of kaitiaki in practical application may vary between different hapu and iwi.

Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

Land as Section 2 of the RMA defines land as including "land covered by water and the air space above land."

"Land" for the purposes of Section 18.1 and 18.5 of this plan, means land covered by s9(3) of the RMA, and does not apply to the bed of any lake or river.

"Land" for the purposes of Section 18.2 of this plan means the bed of any lake or river.

Landfill means any premises used for the lawful deposit or disposal of waste materials into or onto land. (Source: Hazardous Substances and New Organisms Act 1996).

Landholder refers to the occupier.

Landholding means for land subject to the Land Transfer Act 1952, land in
(i) A single certificate of title; or
(ii) Two or more adjoining certificates of title, with a common occupier.
For land not subject to the Land Transfer Act 1952, all contiguous land last acquired under one instrument of conveyance and occupied by a common occupier.

Line does not include any pole or other support structure (this definition only applies to Section 18.2 of the Plan.

Liquid contaminant means liquid residue of domestic, industrial, commercial and agricultural waste, including but not limited to, water, leachate, detergents, human and animal effluent/by-products.

Low application rate system is a system which is capable of applying a depth of less than 5mm/hour when necessary.

Major farm drain refers to the primary drain that:
(a) Collects water from humped, hollowed, and flipped pasture;
(b) Has a defined channel;
(c) Carries water the majority of the time.

Mahinga kai refers to places associated with traditional food gathering.

Maintenance means to keep in existing or working order, to prevent loss or deterioration, to restore an authorised structure to working order, while not exceeding the general scale and effects, form, orientation, or outline of the structure.

Main stem refers to the principal course of a river (i.e., does not include tributaries).

Mean Annual Low Flow (MALF) (Seven Day) means the seven-day low flow in any year is determined by calculating the average flow over seven consecutive days for every seven consecutive day period in the year, and choosing the lowest. When this is done for every year of record, the seven-day mean annual low flow can be determined by adding the lowest seven-day low flows for every year of record and dividing by the number of years in the record. The MALF is "naturalised" by including an estimate of upstream takes on the flow.

Minimum flow is the flow below which the holder of any resource consent to take water must cease taking water from that river.

Minor upgrading are works resulting in an increase in the carrying capacity, efficiency or security of electricity transmission lines utilising existing support structures or structures with effects of a similar scale and character, and includes:
(i) the addition of circuits and conductors;
(ii) the reconductoring of the line with higher capacity conductors;
(iii) the resagging of conductors;
(iv) the addition of longer and/or more efficient insulators;
(v) the addition of earthwires, which may contain telecommunication lines, earthpeaks, and lightning rods;
(vi) the strengthening or replacement of support structures with structures of the same or similar scale and character provided that the replacement structures are installed in the same location, or where this is not practicable, at a location adjacent to the existing structure.

Minor upgrading shall not include:
An increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage and/or existing support structures are used and there will be no physical change to the line (other than the type of activities described in (i) to (v) and any necessary tower or foundation strengthening).

Mixing zone refers to an area of water associated with a discharge within which any standards or requirements relating to water quality are set aside to enable reasonable mixing to occur.

Network utilities includes telecommunication, electricity operation distribution, and generation water supply, drainage and sewage systems, roads, railways and airports.

Nohoanga refers to sites for exclusive use by Ngai Tahu for seasonal occupation.

Non-metal for the purpose of Policy 8.3.2 of this Plan, is restricted to the elements arsenic, boron, sulphur, selenium and their compounds.

Non-point discharge means a discharge of contaminants to air, water or land where the point of discharge is not clearly defined or identifiable.

Offal means waste comprised only of animal matter, and does not include agricultural effluent.

Offal pit means a hole excavated in the ground for the purposes of disposing of offal.

Open coast line refers to the part of the coastal marine area that is subject to the influence of open coastal water wave action. The 'open coast line' does not extend up rivers from the mouth but is determined by a straight line extending between the mean high water spring marks on the headlands on either side of the mouth. The above also applies for situations where there are multiple channels forming the river mouth.

Organic waste means waste material of plant (including green waste), animal or microbiological origin.

Person includes The Crown, a corporation sole, and also a body of persons, whether corporate or unincorporated. This means that a corporation comprised of a group of people or a number of employees is one person. The same applies to an unincorporated group or a family.

Pest plant means an introduced plant which has the potential to impact upon natural ecosystems, agricultural productivity, or other human activity, or a native plant toxic to stock.

Point source discharge means a discharge of water or contaminant that enters a water body at a definable point, often through a pipe or drain.

Potable Drinking Water means water that does not contain or exhibit any determinand~~d~~ *t* to an extent above its maximum acceptable value specified in the Ministry of Health's Draft Guidelines for Drinking Water Management for New Zealand 2005.

Production land

(a) means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products):
(b) does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals.

Public amenity areas means those areas to which the public have right of access under any statute, regulation, law or bylaw.

Railway line includes the actual railway lines/tracks, as well as the railway embankment/formation and structures physically supporting, protecting or carrying the lines/track and embankment formation.

Regionally significant infrastructure means:

i) facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;
ii) the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;
iii) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;
iv) the road and rail networks as mapped in the Regional Land Transport Strategy;
v) the Westport, Greymouth, and Hokitika airports;
vi) the Regional Council stopbanks;
vii) telecommunications and radio communications facilities;
viii) public or community sewage treatment plants and associated reticulation and disposal systems;
ix) public water supply intakes, treatment plants and distribution systems;
x) public or community drainage systems, including stormwater systems; and
xi) the ports of Westport and Greymouth.

Registered organic farm means any property registered or certified provided that this registration or certification was established before any discharge activity is commenced.

Rehabilitation means any disturbance/work undertaken at the completion of an activity, the purpose of which is to return land and/or water into a state or condition that allows for its post activity use.

Reticulated stormwater system means any system that collects water from impervious surfaces such as roofs, buildings and other structures (incl. kerb and channel).

Riparian margin refer to Section 17.3 for definition.

River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include an artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal) or ephemeral water bodies. A storm flowpath that carries flow only for a short period after heavy rain is not considered to be a river.

Rocks are stones greater than 250mm in diameter.

Sediment Armouring the long term filling of interstitial spaces in the riverbed.

Septage means the total solid and liquid contents of septic tank systems or aerated wastewater treatment systems which are periodically collected during desludging operations.

Septic tank means a single or multiple chambered tank specifically designed for the treatment of sewage and/or sullage by retention of solids, combined with a subsoil soakage system for disposal.

Sewage means any human faecal matter, urine, wastewater containing human waste, and grey water, prior to any treatment.

Sewerage means the pipes and infrastructure through which sewage flows.

Slope dewatering are works to control naturally occurring groundwater flows from cut batter slopes.

Sludge means the semi-liquid solids which accumulate in septic tanks or agricultural effluent treatment systems.

Solid waste means the solid residue of domestic, industrial and commercial waste that excludes green waste, hazardous waste, and organic waste.

Stopbanks are embankments, normally constructed from materials such as gravel and earth, but not necessarily confined to those materials. They are built higher than the normal flood flows. Most of these structures protect the region's most intensely used agricultural land or urban centres from flooding.

Stormwater flowpath is a channel that does not have the physical characteristics of the bed of a river, and carries water only during storm events or for short periods thereafter.

Stormwater runoff refers to the overland flow of rainwater not contained within or forming part of a water body.

Structure refers to any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

Subsidence refers to a form of land instability which causes the falling, sinking, or settling of the ground surface. This may be the result of land disturbance activities such as tunnelling and land filling.

Surface water does not include geothermal water, for the purpose of the Rules.

Tangata whenua refers to The iwi or hapu that holds mana whenua (customary authority or rangatiratanga) over an area. In terms of the West Coast Region the Tangata Whenua is Ngai Tahu, through Te Runanga o Ngai Tahu, Te Runanga o Makaawhio, and Te Runanga o Ngati Waewae.

Trace Concentrations in terms of Rule 64 means the presence of a contaminant in concentrations that will not alter the background concentration in receiving waters by more than 20 percent or exceed the ANZECC aquatic ecostystem guidelines. Note: The Australian and New Zealand Guidelines for Freshwater Quality are produced by the Australian and New Zealand Environmental and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand.

Track means a constructed pathway or trail where the formation or construction is at least to a standard capable of carrying a crawler, tractor, or other motor vehicle and includes any road. Tracks of a lesser capability do not constitute an issue for the purposes of this Plan unless located in a Schedule 1 or 2 wetland.

Trophic level index The Trophic Level Index (TLI) is used to measure changes in the nutrient (trophic) status of lakes in New Zealand. This index considers phosphorus and nitrogen levels, as well as visual clarity and algal biomass. These four factors are combined to generate a single TLI number (score). Higher TLI scores indicate greater enrichment and higher lake trophic status.

V blading is a technique of land preparation commonly used by the forest industry to provide for tree seedling growth in wet areas. A V-shaped blade mounted on a crawler tractor is used to plough furrows and create raised mounds through wet areas, improving soil drainage and providing more suitable conditions for plantation tree seedling growth.

Vegetation disturbance includes the cutting, felling, harvesting, clearing, burning, or spraying of vegetation. Unless expressly managed by a rule in relation to a Schedule 1 or 2 wetland, vegetation disturbance excludes tree pruning, silviculture, pest plant control, grazing or mowing, clearance for fencing, maintenance of a structure, or maintenance and/or minor upgrading by network utility operators.

Note that the harvesting of sphagnum moss within Schedule 2 wetlands is a permitted activity under Rule 7a and harvesting within Schedule 1 wetlands is a non-complying activity under Rules 9 and 10.

Waahi tapu means a place which is particularly sacred or spiritually meaningful to tangata whenua. It includes burial grounds and places where significant events have taken place.

Water means water in all its physical forms whether flowing or not and whether over or under the ground. Includes fresh water, coastal water and geothermal water; but does not include water in any form while in any pipe, tank or cistern.

Water body fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer or any part thereof, that is not located within the coastal marine area.

Waste minimisation means the modification of existing processes or behaviours to reduce waste production to a minimum.

Waste oil means any oil refined from crude oil, or any synthetic oil, which has been used or which is unwanted, and which is contaminated by physical or chemical impurities, or by the breakdown of its original properties. It does not include oils derived from animal or vegetable fats and oils.

Well is defined as being less than 20 metres deep as measured from ground level, while a bore is defined as being greater than 20 metres deep as measured from ground level.

Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of native plants and animals that are adapted to wet conditions and excludes areas of pasture where water ponds after rain.

Schedule 1 and 2: Significant Wetlands of the West Coast Region

Significant Wetlands of the West Coast Region

These wetlands support significant values in terms of Section 6(a) and/or 6(c) of the RMA. The Objectives and Policies in Chapter 6 explain the approach to managing wetlands. The general location of the Schedule 1 wetlands is found on the Overview Maps and details of the individual wetlands are to be found in the following Schedule on the maps entitled West Coast Schedule 1 and 2 Wetlands.

Schedule 1 wetlands are identified in the colour red on the following maps.

Schedule 2

Schedule 2 has been inserted into the Plan as a result of appeals on Variation 1 to the Proposed Land and Riverbed Management Plan.

The Objectives and Policies in Chapter 6 explain the approach to managing wetlands. Schedule 2 identified wetlands that either are, or are likely to be, ecologically significant. A wetland in Schedule 2 is considered to be significant if it meets any one of the ecological criteria in Schedule 3. Wetlands identified in Schedule 2 require an assessment using the ecological criteria on Schedule 3 during any resource consent process.

The general location of the Schedule 2 wetlands can be found on the Overview Maps and details of the individual wetlands are to be found in the following Schedule on the maps entitle West coast Schedule 1 and 2 Wetlands.

Schedule 2 wetlands are identified in the colour blue on the following maps.

Scheduled wetlands within or adjacent to the Coastal Marine Area (CMA)

Wetland areas within the CMA are assessed under the provisions of the Regional Coastal Plan. Wetland areas above the CMA are assessed under the provisions of this Plan. Given the fluid nature of the CMA boundary, an assessment of whether a wetland is within the Coastal Marine Area or above it will be made on a case by case basis. Therefore, anyone wanting to undertake an activity in or near a scheduled coastal wetland should check to see whether the rules in the Regional Land and Water Plan or the Regional Coastal Plan apply.

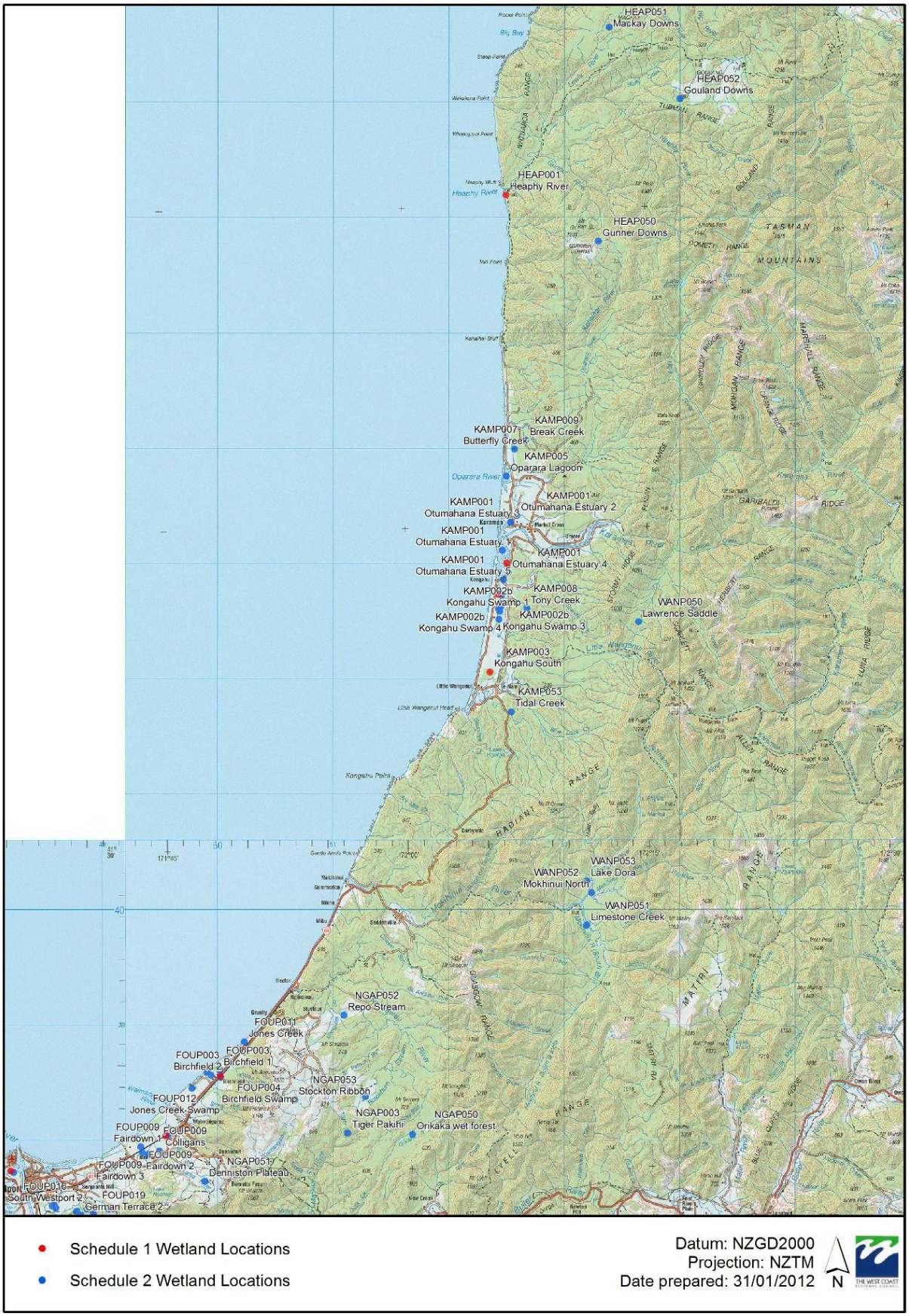
Some of the Schedule 1 and 2 wetland boundaries are amended by Plan Change 1. These are shown on a set of maps that are part of the Land and Water Plan:

"Plan Change 1: Schedule 1 and 2 wetland maps showing changes to wetland boundaries, excluding the Lake Kini wetlands KAGP008 on Māori land under appeal"

These maps can be viewed electronically on Council's website in greater detail.

Maps of other Schedule 1 and 2 wetlands with no boundary changes are retained in the Plan.

West Coast Schedule 1 and 2 Wetlands
Overview Map 1


HEAP051
Mackay Downs
HEAP052
Gouland Downs
HEAP001
Heaphy River
HEAP050
Gunner Downs
KAMP009
Break Creek
KAMP007
Butterfly Creek
KAMP005
Oparara Lagoon
KAMP001
Otumahana Estuary 2
KAMP001
Otumahana Estuary 3
KAMP001
Otumahana Estuary 1
KAMP001
Otumahana Estuary 4
KAMP001
Otumahana Estuary 5
KAMP002b
Kongahu Swamp 1
KAMP008
Tony Creek
KAMP002b
Kongahu Swamp 4
KAMP002b
Kongahu Swamp 3
WANP050
Lawrence Saddle
KAMP003
Kongahu South
KAMP053
Tidal Creek
WANP053
Lake Dora
WANP052
Mokihinui North
WANP051
Limestone Creek
NGAP052
Repo Stream
FOUP011
Jones Creek
FOUP003
Birchfield 1
FOUP003
Birchfield 2
NGAP053
Stockton Ribbon
FOUP004
Birchfield Swamp
FOUP012
Jones Creek Swamp
NGAP003
Tiger Pakihi
NGAP050
Orikaka wet forest
FOUP009
Fairdown 1
FOUP009
Colligans
FOUP009
FOUP009
Fairdown 2
Fairdown 3
NGAP051
Denniston Plateau
FOUP016
South Westport 2
FOUP019
German Terrace 2
Schedule 1 Wetland Locations
Schedule 2 Wetland Locations
Datum: NZGD2000
Projection: NZTM
Date prepared: 31/01/2012
N
THE WEST COAST REGIONAL COUNCIL

West Coast Schedule 1 and 2 Wetlands
Overview Map 2


FOUP009 Fairdown 1
FOUP009 Colligans
FOUP009
FOUP009 Fairdown 2
Fairdown 3
NGAP051 Denniston Plateau
FOUP019 German Terrace 4
NGAP003 Tiger Pakihi
NGAP050 Onkaka wet forest
REEP002 Manuka Flat
BULP001 Lake Rahui
REEP007 Welshmans Pakihi 1
REEP007 Welshmans Pakihi 2
BULP050 Oweka kahikatea forest
REEP051 Rough Creek 1
REEP051 Rough Creek 2
REEP057 Johnnie Walker Creek
REEP001 Coal Creek
MAIP003 Fletcher Creek
MAIP006 Te Wharau 2
MAIP006 Te Wharau 3
MAIP006 Te Wharau 1
MAIP006 Te Wharau 4
MAIP004 Giles Creek
REEP061 Larry Saddle
Reefton
TOTP001 Slab Hut
ROTP050 Lake Rappahannock
MAIP002 Craigieburn Pakihi
MAIP002 Craigieburn
REEP012 Big River 1
REEP012 Big River 2
REEP010 Bald Hill 7
REEP010 Bald Hill 9
REEP010 Bald Hill 6
REEP010 Bald Hill 8
ROTP051 Rocky Hill
REEP062 Maruia West Bank 1
REEP062 Maruia West Bank 2
REEP009 Rahu Saddle 2
REEP009 Rahu Saddle 3
ROTP053 Maruia River
REEP060 Palmers 1
REEP060 Palmers 2
ROTP002 Hunter Wetland
ELLP002 Lewis Pass Reserve
ELLP001 Blue Grey bogs 4
REEP011 Palmers Road
ELLP001 Blue Grey bogs 3
ELLP001 Blue Grey bogs 9
ELLP001 Blue Grey bogs 7
ELLP001 Blue Grey bogs 8
HOCP006 Lake Hochstetter
HOCP055 Souters Creek
BRUP053 Deep Creek pakihi 4
BRUP053 Deep Creek pakihi 5
TOTP002 Nancy Clearing
HOCP005 Lake Haupiri
BRUP051 Deep Creek bogs 2
BRUP051 Deep Creek bogs 1
BRUP050 Lady Lake wetland 1
BRUNNER RANGE
VICTORIA RANGE
ST ARNAUD RANGE
NELSON TOPS
Schedule 1 Wetland Locations
Schedule 2 Wetland Locations
Datum: NZGD2000
Projection: NZTM
Date prepared: 31/01/2012
N
THE WEST COAST REGIONAL COUNCIL

West Coast Schedule 1 and 2 Wetlands
Overview Map 3

West Coast Schedule 1 and 2 Wetlands
Overview Map 4

Schedule 1 and 2 Wetlands
Overview Map 5


HARP006
Kakapotahi Forest 1
HARP006
Kakapotahi Forest 2
HARP006
Kakapotahi Forest 3
HARP010
Te Rahotaiepa River
HARP015
Wanganui River Flat
HARP020
Oneone Swamp
HARP004
Pye Creek
HARP023
La Fontaine Stream 1
HARP021
Lake Ianthe
HARP005
Saltwater Ecological Area
HARP023
La Fontaine Stream 2
HARP023
La Fontaine Stream 3
HARP050
Whataroa Mouth Swamp
HARP001
Mumu Creek
HARP023
La Fontaine Stream 7
HARP023
La Fontaine Stream 6
HARP023
HARP008
Saltwater State Forest
HARP023
La Fontaine Stream 8
La Fontaine Stream 5
HARP022
HARP017
Lake Rotokino
HARP023
La Fontaine Stream 9
HARP022
Okarito Lagoon 2
HARP022
Okarito Lagoon 4
HARP022
Okarito Lagoon 1
HARP017
Gunn Creek
HARP022
Okarito Lagoon 8
HARP022
Okarito Lagoon 9
WAIP011
Oroko Swamp
HARP052
HARP022
Okarito
Okarito Lagoon 12
WAIP003
WAIP052
WAIP051
Okarito Forks
Lake Wahapo
Three Mile swamp
WAIP002
Five Mile Lagoon
WAIP005
Waiho Beach
WAIP050
Waiho kahikatea forest
WAIP008
Sandfly Beach
WAIP010
WAIP012
Lake Pratt
WAIP010
Jacks Creek 2
Jacks Creek 1
WAIP010
Jacks Creek 3
WAIP010
WAIP010
Jacks Creek 5
Jacks Creek 6
WAIP010
WAIP010
WAIP007
Waihapi Creek 2
Wilson Swamp 2
Quinlin Creek
WAIP010
WAIP010
WAIP010
Waihapi Creek 3
Waihapi Creek 4
Lake Gibb
Lake Mueller 2
WAIP013
Plateau & Skiffington
KAGP012
Meyer Swamp
KAGP014
Ohinetamatea River / Saltwater Creek
SOUTHERN ALPS
MOANA
Schedule 1 Wetland Locations
Schedule 2 Wetland Locations
Datum: NZGD2000
Projection: NZTM
Date prepared: 31/01/2012
N
THE WEST COAST

Schedule 1 and 2 Wetlands
Overview Map 6


WAIP007
Quinlin Creek
KAGP012
Meyer Swamp
KAGP014
Ohinetamatea River / Saltwater Creek
KAGP018
Hunts Beach State Forest
KAGP011
Manakaiaua Wetland
KAGP006
Jacobs River
KAGP008a
Jacobs River
KAGP008a
Lake Kini
KAGP008b
Pakihi Swamp
KAGP004
Heretaniwha Swamp
PARP050
Paringa River
PARP002
Lake Paringa
PARP002
Lake Paringa 3
PARP002
Lake Paringa 1
PARP052
Lake Moeraki 1
PARP052
Lake Moeraki 2
PARP052
Lake Moeraki 3
PARP052
Lake Moeraki 4
HAAP006
Ship Creek
HAAP006
Waita River
HAAP006
Waita Haast 2
HAAP006
Haast River 1
HAAP006
Waita Haast 1
MATP050
Horseshoe Flat
LANP002
Marks Flat
HAAP008
Haast Okuru 1
HAAP006
Haast River 6
HAAP008
Haast Okuru 9
MATP051
Thomas Swamp
MATP052
Mataketake Range 2
HAAP008
Haast Okuru 21
HAAP009
Okuru Estuary
HAAP008
Haast Okuru 8
HAAP008
Haast Okuru 22
HAAP008
Haast Okuru 33
HAAP008
Haast Okuru 35
HAAP008
Haast Okuru 34
HAAP002
Okuru Turnbull 5
HAAP002
Okuru Turnbull 6
HAAP012
Turnbull Waiatoto 3
LANP001
Clarke Bog
OKUP002
Landsborough Station2
OKUP001
Franklin swamp Okuru
Schedule 1 Wetland Locations
Schedule 2 Wetland Locations
Datum: NZGD2000
Projection: NZTM
Date prepared: 31/01/2012
N

Schedule 1 and 2 Wetlands
Overview Map 7

Reference Guide to the Schedule 1 and 2 Wetlands

*means the wetland is shown in "Regional Land and Water Plan: Plan Change 1: Schedule 1 and 2 wetland maps with changes to wetland boundaries, excluding the Lake Kini wetlands KAGP008 on Maori reserved land under appeal"

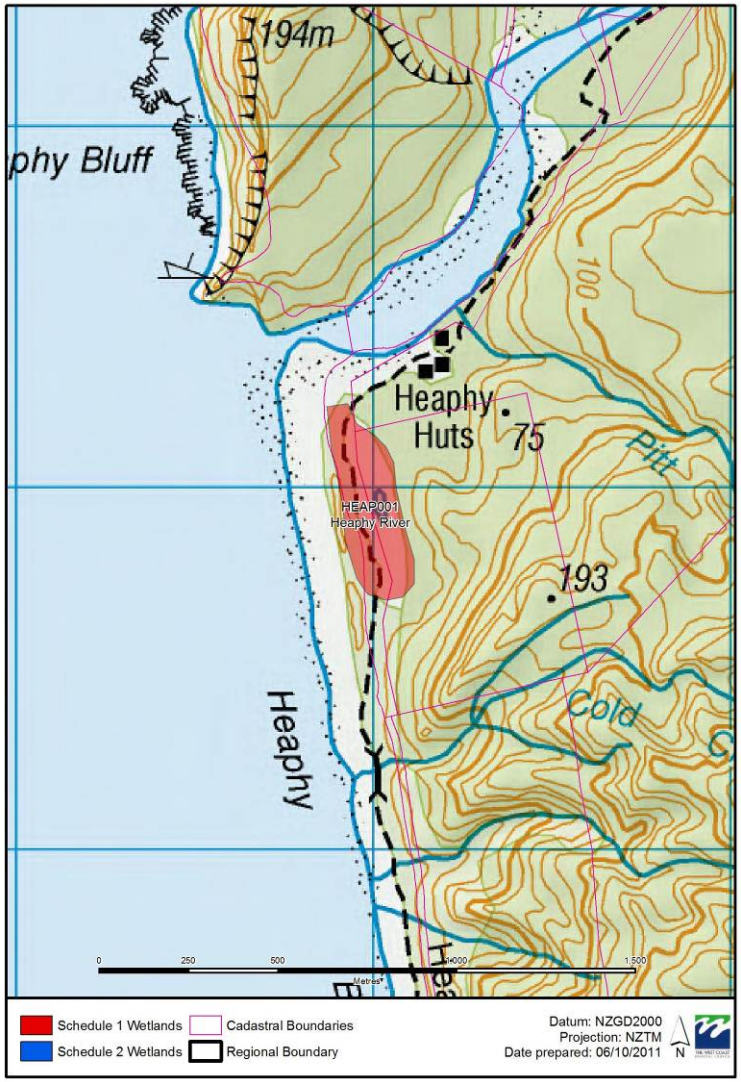
Wetland Name	**Reference**	**Schedule 1**	**Schedule 2**	**Pg. No**	In or adjacent to CMA
Heaphy River	HEAP001	x		137	
Gunner Downs	HEAP050		x	137	
Mackay Downs	HEAP051		x	138	
Gouland Downs	HEAP052		x	138	
Otumahana Estuary	KAMP001	x	x	*	x
Kongahu Swamp North	KAMP002a	x	x	*	
Kongahu Swamp	KAMP002b		x	*	
Kongahu South	KAMP003	x		139	
Oparara Lagoon	KAMP005		x	*	x
Butterfly Creek	KAMP007		x	139	
Tony Creek	KAMP008		x	140	
Break Creek	KAMP009		x	140	
Tidal Creek	KAMP053		x	*	
Lawrence Saddle	WANP050		x	141	
Limestone Creek	WANP051		x	141	
Lake Dora and Mokihinui North	WANP052 & 053		x	142	
Blackburn Pakihi	NGAP001		x	142	
Tiger Pakihi	NGAP003		x	143	
Orikaka Wet Forest	NGAP050		x	143	
Denniston Plateau	NGAP051		x	144	
Repo Stream	NGAP052		x	144	
Stockton Ribbon	NGAP053		x	145	
O'Malley Creek	FOUP001		x	145	
Birchfield Swamp	FOUP002, 003, 008, 012		x	*	x
Birchfield Swamp	FOUP004	x	x	*	
Gillows	FOUP005		x	*	
Bradshaws Lagoon	FOUP006	x	x	*	
Buller River Mouth Saltmarsh	FOUP007	x	x	*	
Waimangaroa Swamp	FOUP009	x	x	*	
Jones Creek	FOUP011		x	*	x
Lockington Pakihi	FOUP013		x	146	
Okari Lagoon	FOUP014		x	*	x
South Westport	FOUP016		x	*	
German Terrace	FOUP019		x	146	
Virgin Terrace	FOUP020		x	147	
Caledonian Terrace	FOUP023		x	*	
Costello Hill	FOUP024		x	*	
Bassett's Swamp	FOUP026		x	*	
Silverstream	FOUP029		x	*	
Awakiri River	FOUP030		x	147	
Okari Road	FOUP052		x	*	
Addisons Flat	FOUP053		x	148	
Lake Rahui	BULP001		x	148	
Coal Creek	REEP001		x	149	
Manuka Flat	REEP002		x	149	
Welshmans Pakihi	REEP007		x	150	
Rahu Saddle	REEP009		x	150	
Bald Hill	REEP010		x	151	
Palmers Road	REEP011	x	x	151	
Big River	REEP012		x	152	

Wetland Name	Reference	Schedule 1	Schedule 2	Pg. No	In or adjacent to CMA
Rough Creek	REEP051		x	152	
Johnnie Walker Creek	REEP057		x	*	
Palmers Road	REEP060		x	*	
Larry Saddle	REEP061		x	153	
Maruia West Bank	REEP062		x	153	
Barrytown Flats, Maher Swamp	PUNP001	x	x	*	x
Razorbank Point	PUNP002		x	154	
Tiropahi River	PUNP003		x	154	
Nikau Scenic Reserve	PUNP005		x	155	
Bullock Creek West	PUNP006		x	155	
Bullock Creek North	PUNP007		x	156	
Deep Creek	PUNP051		x	156	
White Horse Hill	PUNP053		x	157	
Craigieburn	MAIP002		x	157	
Fletcher Creek	MAIP003		x	*	
Giles Creek	MAIP004		x	*	
Te Wharau	MAIP006		x	158	
Slab Hut	TOTP001		x	158	
Nancy Clearing	TOTP002		x	159	
Moonlight Creek	BLAP001		x	159	
Ngahere Swamp	BLAP002		x	160	
Springs Junction	ROTP001		x	160	
Hunter Wetland	ROTP002		x	161	
Lake Rappahannock	ROTP050		x	161	
Rocky Hill	ROTP051		x	*	
Alfred River	ROTP053		x	162	
Blue Grey	ELLP001		x	162	
Lewis Pass	ELLP002		x	*	
Kamaka	HOCP001		x	163	
Candlelight Pakihi	HOCP004		x	*	
Lake Haupiri	HOCP005	x	x	*	
Lake Hochsetter	HOCP006		x	163	
Souters Creek	HOCP055		x	164	
Saltwater Creek	GREP005	x	x	164	x
Rapahoe	GREP050		x	*	
Kaiata Creek	GREP054		x	165	
Orangipuku River Mouth	BRUP001		x	*	
Lake Poerua	BRUP003		x	*	
Kangaroo Lake	BRUP004	x	x	165	
Lake Brunner Mitchells	BRUP005	x		166	
Te Kinga, Ruru	BRUP006	x	x	*	
Te Kinga, Iveagh Bay	BRUP007	x	x	*	
Lady Lake	BRUP050		x	*	
Deep Creek	BRUP051		x	166	
Rotomanu	BRUP052		x	*	
Deep Creek Pakihi	BRUP053		x	*	
Aratika	BRUP056		x	167	
Glenn Creek	BRUP057		x	167	
Back Creek	HOKP002		x	168	
Groves & Harman Swamp	HOKP003		x	168	
Kapitea and Kumara Reservoirs	HOKP005		x	*	
Mikonui River Mouth	HOKP007		x	169	
Ogilivie Lagoon	HOKP008		x	169	
Totara Lagoon	HOKP009, HOKP064		x	*	x
Paynes Gully	HOKP011	x		170	

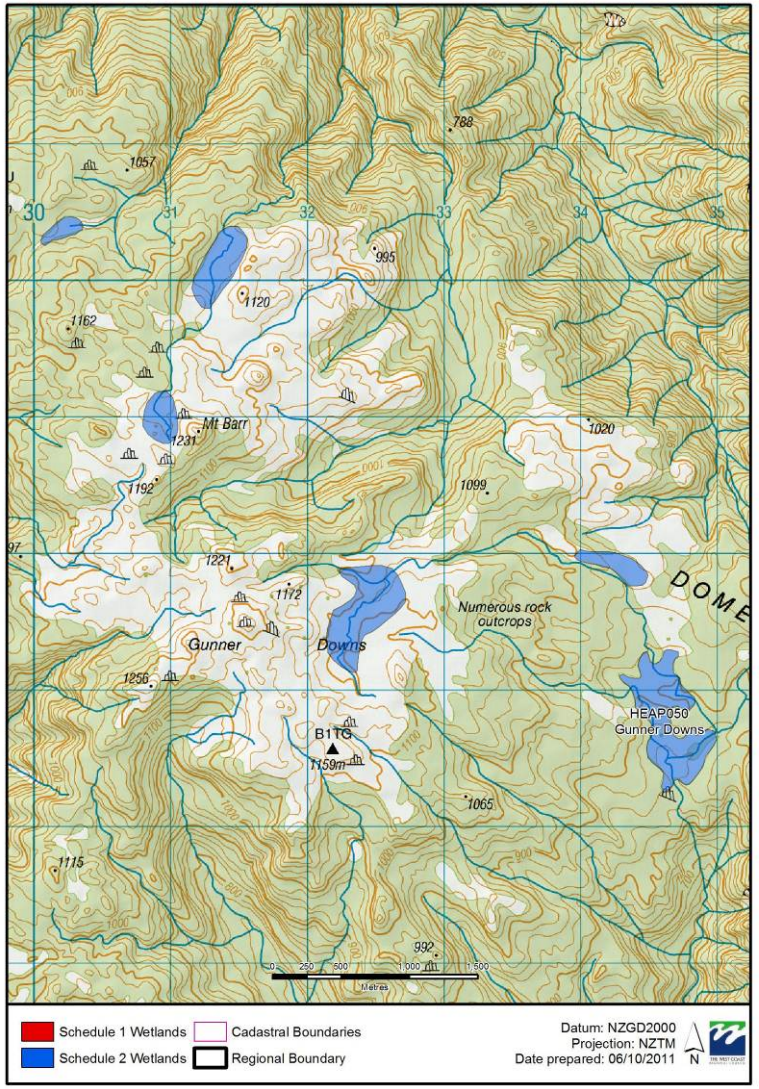
Wetland Name	Reference	Schedule 1	Schedule 2	Pg. No	In or adjacent to CMA
Totara Valley	HOKP013		x	170	
Styx	HOKP014		x	171	
Whiley Creek	HOKP018		x	*	
Mahinapua 1	HOKP020a, HOKP020b, HOKP020c	x	x	*	x
Mahinapua 2	HOKP020a, HOKP020b, HOKP020c	x	x	*	
Mt Rangitoto	HOKP059		x	*	
Upper Mikonui	HOKP060		x	172	
Upper Mikonui	HOKP061		x	172	
Falls Creek	HOKP068		x	173	
Lake Arthur Scenic Reserve	HOKP071		x	173	
Mirror Creek	HOKP077		x	174	
Wall Road	HOKP078		x	*	
Cropp Road, Kowhitirangi	HOKP079		x	*	
Kowhitirangi	HOKP080		x	174	
Frosty Creek Headwaters	HOKP081		x	175	
Ross	HOKP086		x	*	
Kennedy Creek	HOKP091		x	175	
Sunny Bight	HOKP093		x	176	
Lake Kaniere, Big Bay	HOKP094		x	176	
Lake Kaniere, Slip Bay	HOKP095		x	177	
Little Houhou Creek	HOKP099		x	*	
Houhou Creek	HOKP100		x	*	
Awatuna	HOKP103		x	*	x
Kapitea Creek	HOKP104		x	*	x
Serpentine Creek, Acre Creek	HOKP107		x	*	
Upper Serpentine Creek	HOKP109		x	177	
Dillmanstown	HOKP114		x	178	
Bell Dam	HOKP115		x	178	
Taramakau River	HOKP116		x	179	
Lake Mudgie	HOKP119		x	*	
Lake Misery (Arthus Pass)	WHIP052		x	179	
Mumu Creek	HARP001		x	*	
Pye Creek	HARP004		x	*	
Shearer Swamp	HARP009	x		180	
Saltwater Ecological Area	HARP005		x	*	x
Kakapotahi Forest	HARP006		x	*	x
Saltwater State Forest	HARP008		x	180	
Te Rehotaiepa	HARP010		x	181	
Waitangiroto River	HARP014	x	x	181	
Wanganui River Flat	HARP015		x	182	
Gunn Creek Lake Rotokino	HARP017		x	*	
Oneone Swamp	HARP020		x	182	
Lake Ianthe	HARP021		x	*	
Okarito Lagoon 1	HARP022		x	183	
Okarito Lagoon 2	HARP022		x	183	
La Fontaine Stream	HARP023		x	*	
Ianthe Mudfish Habitat	HARP024		x	*	
Whataroa Mouth Swamp	HARP050		x	184	
Okarito	HARP052		x	184	
Lake Joan & Lake Darby	HARP059		x	185	
Five Mile Lagoon	WAIP002		x	185	
Okarito Forks	WAIP003		x	186	
Waiho Beach	WAIP005		x	186	
Quinlin Creek	WAIP007	x		187	x
Sandfly Beach	WAIP008	x	x	187	

Wetland Name	Reference	Schedule 1	Schedule 2	Pg. No	In or adjacent to CMA
Waikukupa Area 1	WAIP010		x	188	
Waikukupa Area 2	WAIP010		x	188	
Waikukupa Area 3	WAIP010		x	189	
Oroko Swamp	WAIP011		x	189	
Lake Pratt	WAIP012		x	190	
Lateau & Skiffington	WAIP013		x	190	
Okarito, Deep Creek	WAIP014		x	191	
Waiho Kahikatea Forest	WAIP050		x	191	
Three Mile Swamp	WAIP051		x	192	
Lake Wahapo	WAIP052		x	192	
Heretaniwha Swamp	KAGP004		x	*	x
Jacobs River	KAGP006		x	193	
Lake Kini	KAGP008a		x	193	
Lake Kini	KAGP008b		x	194	
Manakaiua	KAGP011		x	194	
Meyer Swamp	KAGP012		x	195	
Ohinetamatea River	KAGP014		x	*	
Hunts Beach State Forest	KAGP018		x	*	x
Lake Paringa1	PARP002		x	195	
Lake Paringa 2	PARP002		x	196	
Paringa River	PARP050		x	196	
Lake Moerki	PARP052		x	*	
Horseshoe Flat	MATP050		x	197	
Thomas River	MATP051		x	197	
Mataketake Range	MATP052		x	198	
Clarke Bog	LANP001		x	198	
Marks Flat	LANP002		x	199	
Waiatoto Arawhata 1	HAAP001		x	199	
Waiatoto Arawhata 2	HAAP001		x	200	
Okuru Turnbull	HAAP002		x	*	
Haast River 1	HAAP006		x	200	
Haast River 2	HAAP006		x	201	
Haast Okuru 1	HAAP008		x	201	
Haast Okuru 2	HAAP008		x	202	
Okuru Estuary	HAAP009		x	*	x
Turnbull Waiatoto 1	HAAP012		x	*	
Turnbull Waiatoto 2	HAAP012		x	*	
Cascade River	CASP001		x	202	
Smoothwater River	CASP050		x	203	
Cascade & Teer Plateau	CASP051		x	203	
Matyr River	CASP052		x	204	
Smiths Ponds	CASP053		x	204	
Cascade Tops	CASP054		x	205	
Franklin Swamp	OKUP001		x	205	
Landborough Station	OKUP002		x	206	
Waiatoto	OKUP003		x	206	
Charlies Ponds	OKUP004		x	207	
Gorge Plateau 1	PYKP050		x	207	
Gorge Plateau 2	PYKP050		x	208	
Duncan Saddle Bogs	PYKP051		x	208	
Roa Spur	ARAP051		x	209	

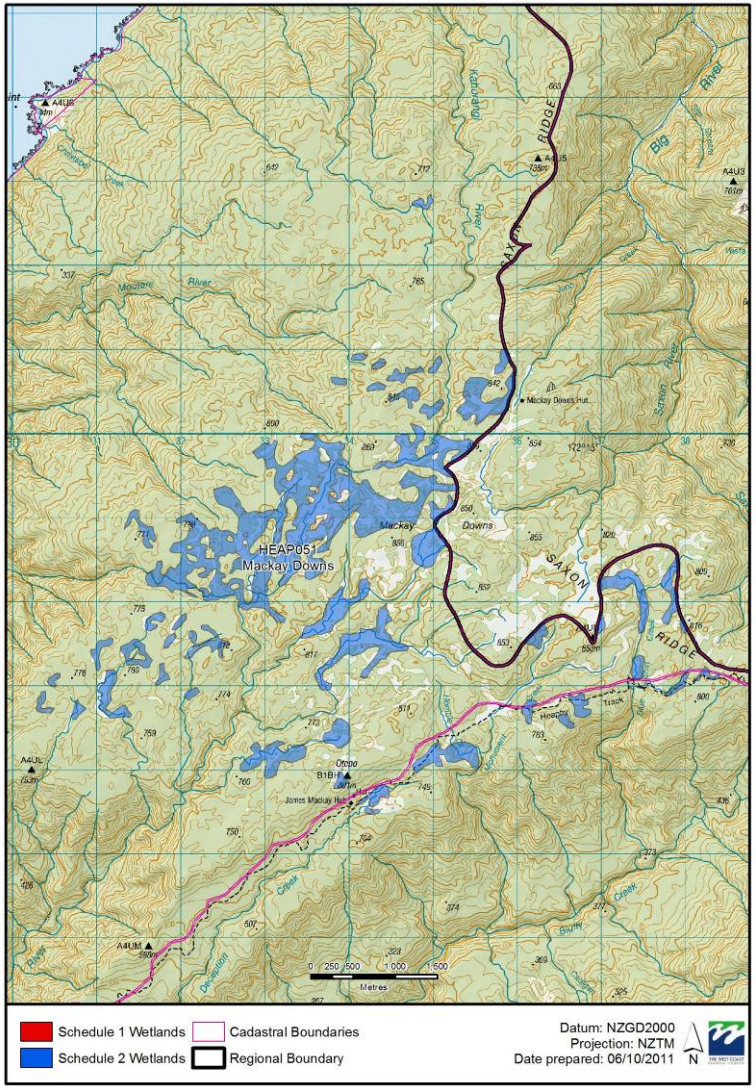
West Coast Schedule 1 and 2 Maps
HEAP001 Heaphy River



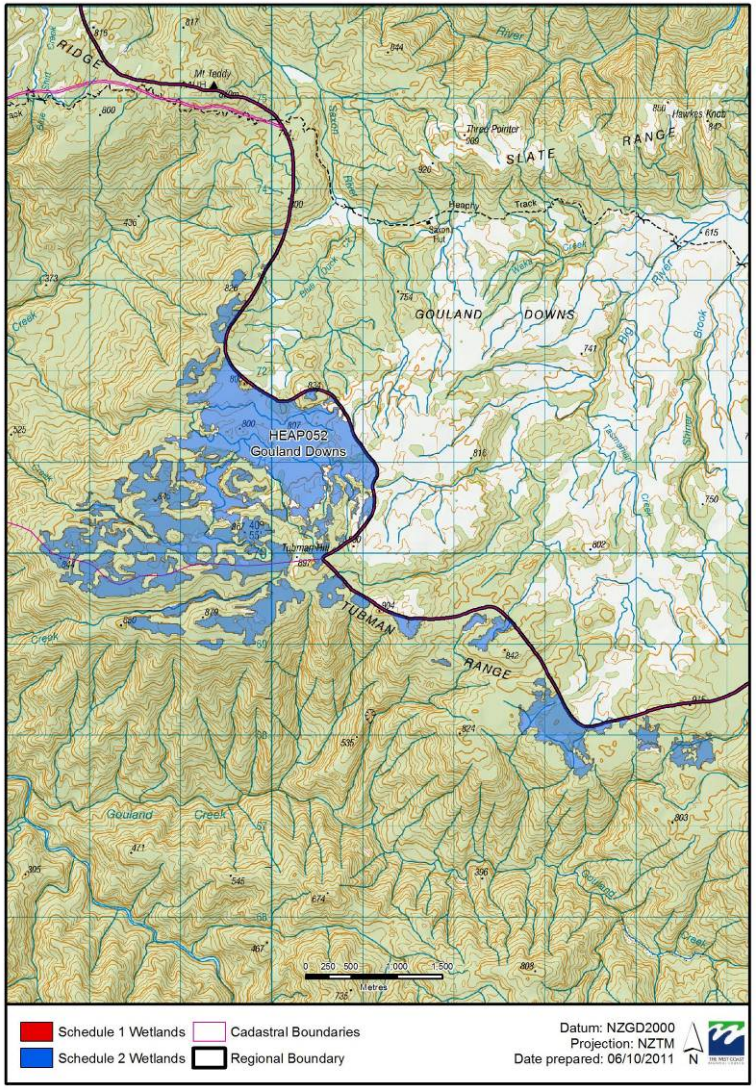
West Coast Schedule 1 and 2 Maps
HEAP050 Gunner Downs



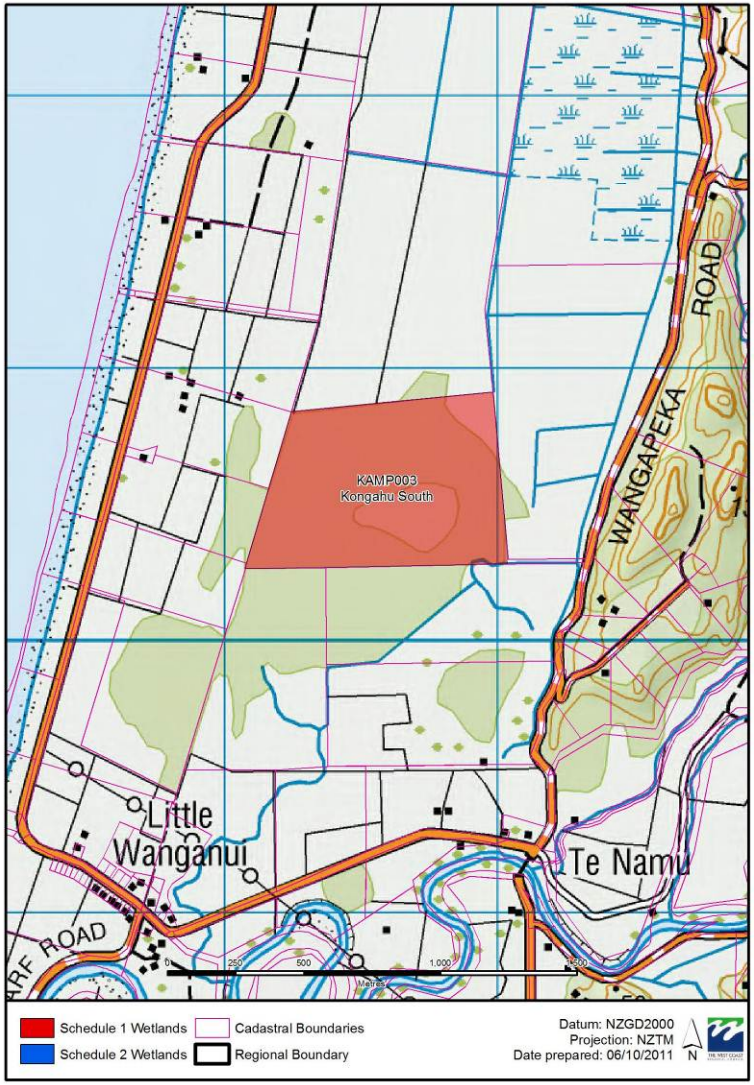
West Coast Schedule 1 and 2 Maps
HEAP051 Mackay Downs



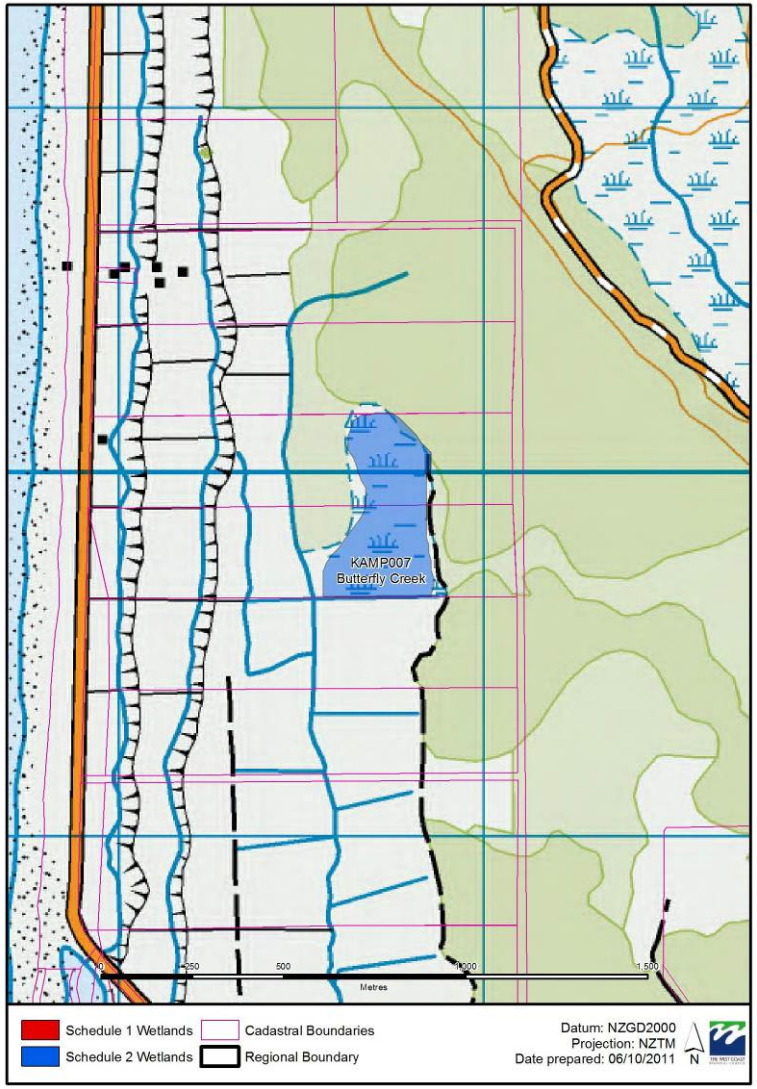
West Coast Schedule 1 and 2 Maps
HEAP052 Gouland Downs



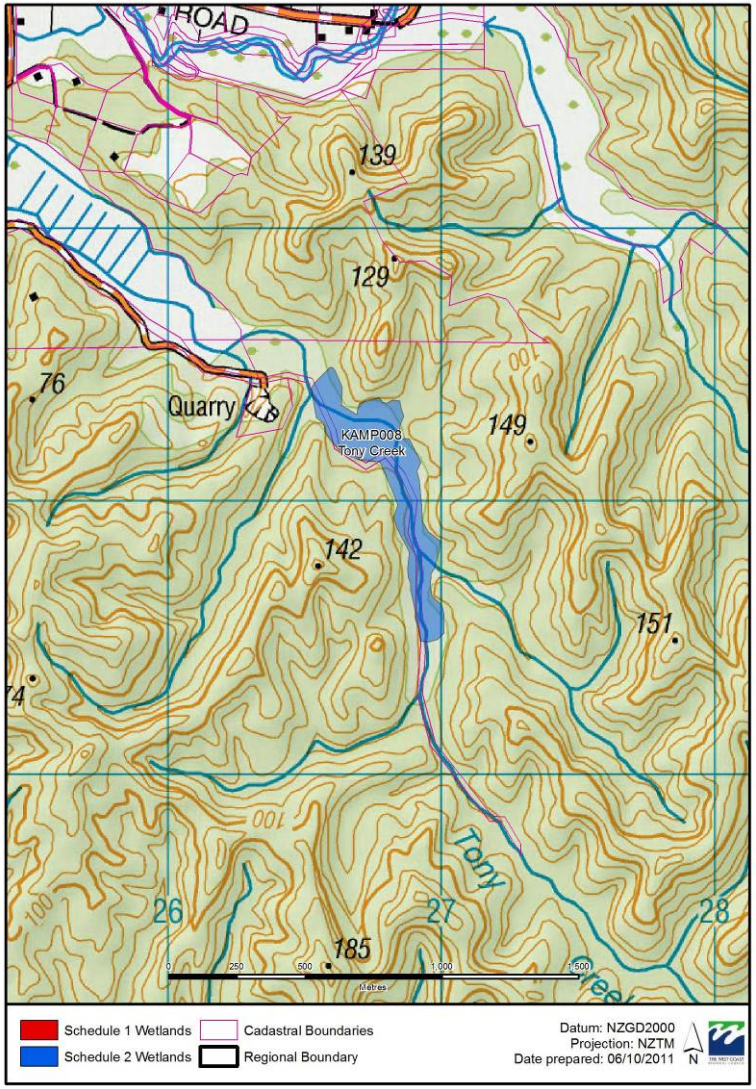
West Coast Schedule 1 and 2 Maps
KAMP003 Kongahu South



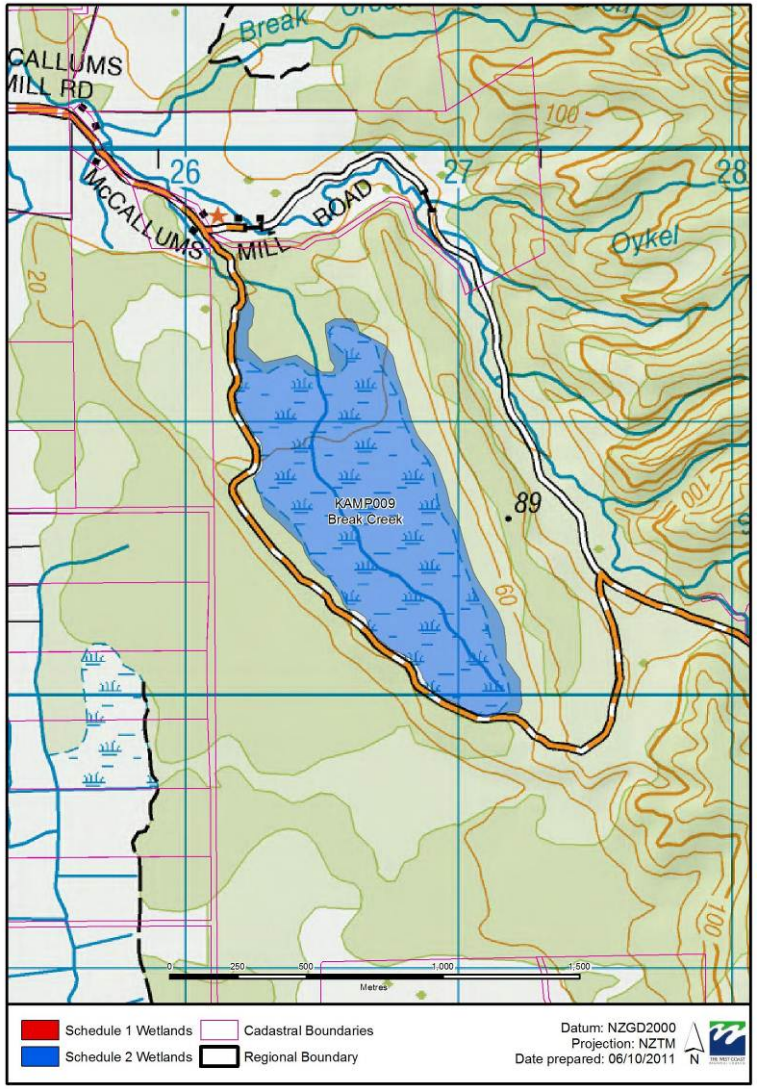
West Coast Schedule 1 and 2 Maps
KAMP007 Butterfly Creek



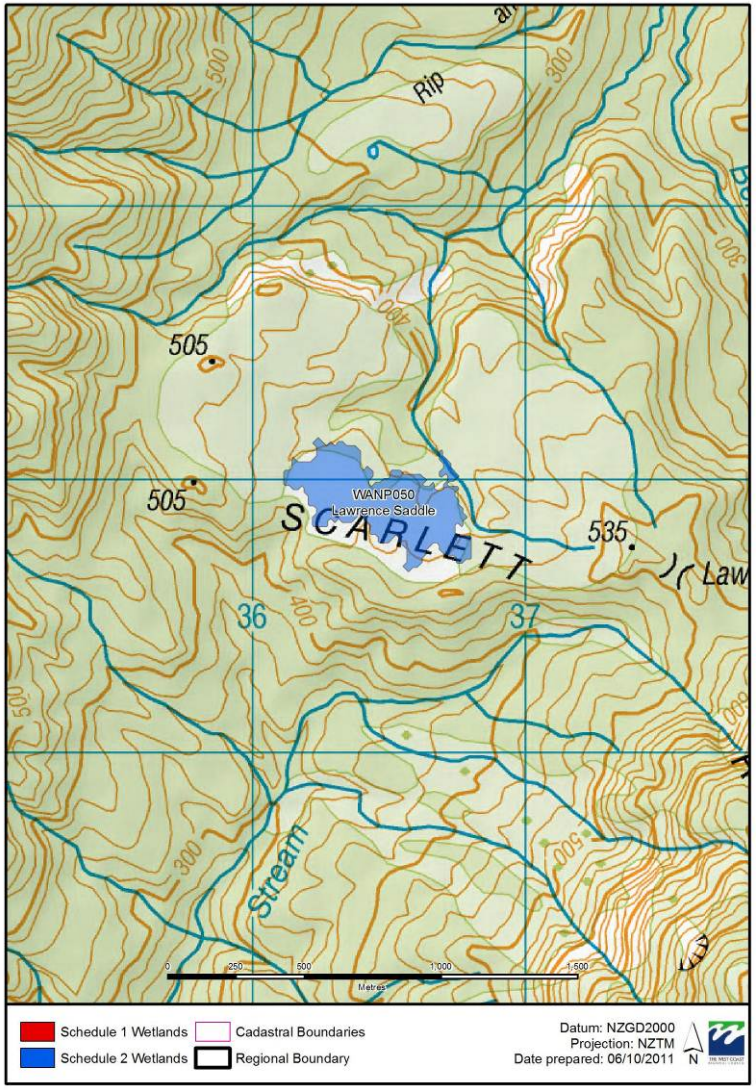
West Coast Schedule 1 and 2 Maps
KAMP008 Tony Creek



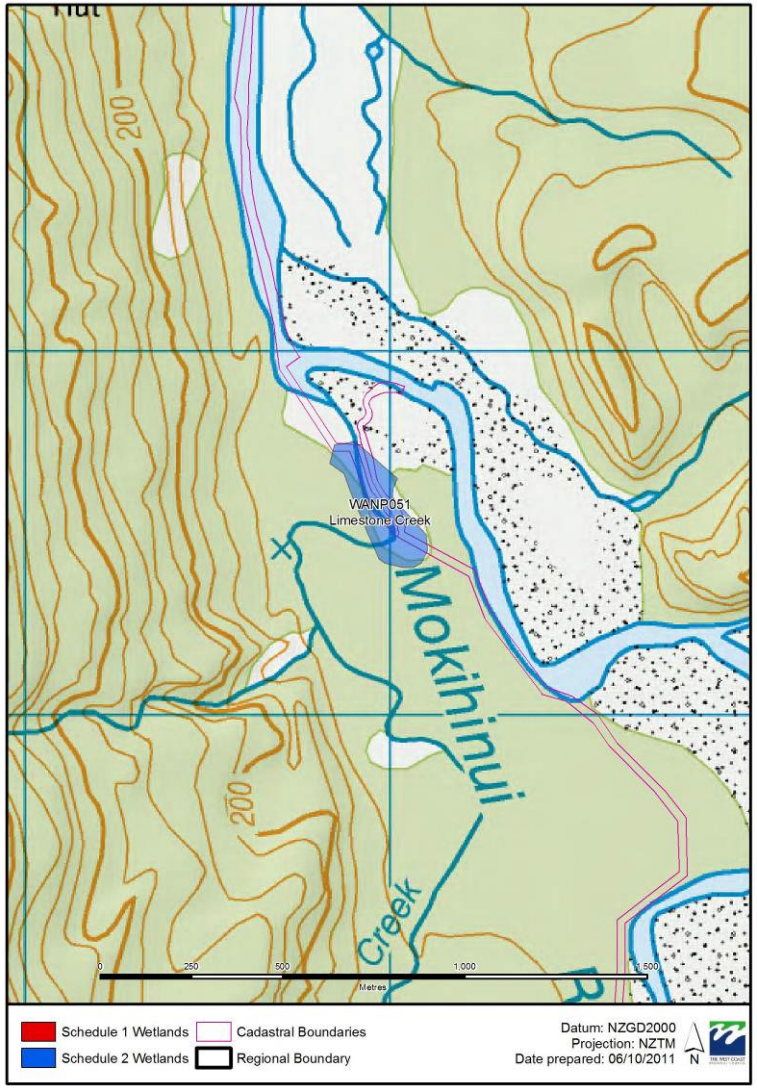
West Coast Schedule 1 and 2 Maps
KAMP009 Break Creek



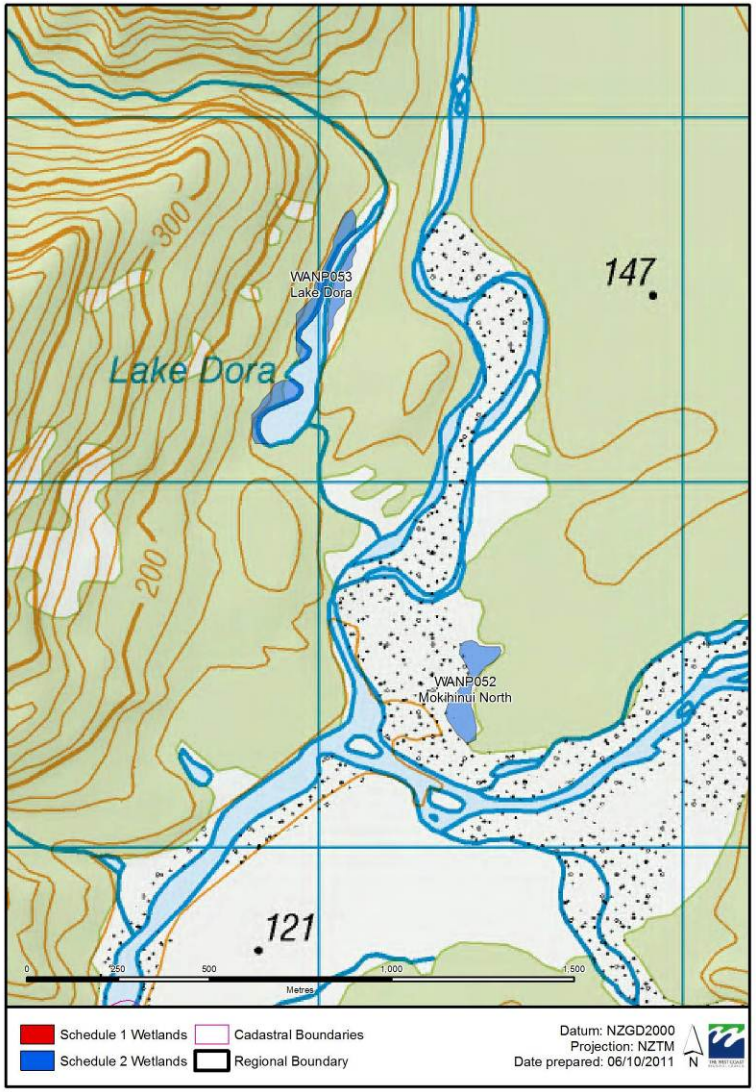
West Coast Schedule 1 and 2 Maps
WANP050 Lawrence Saddle



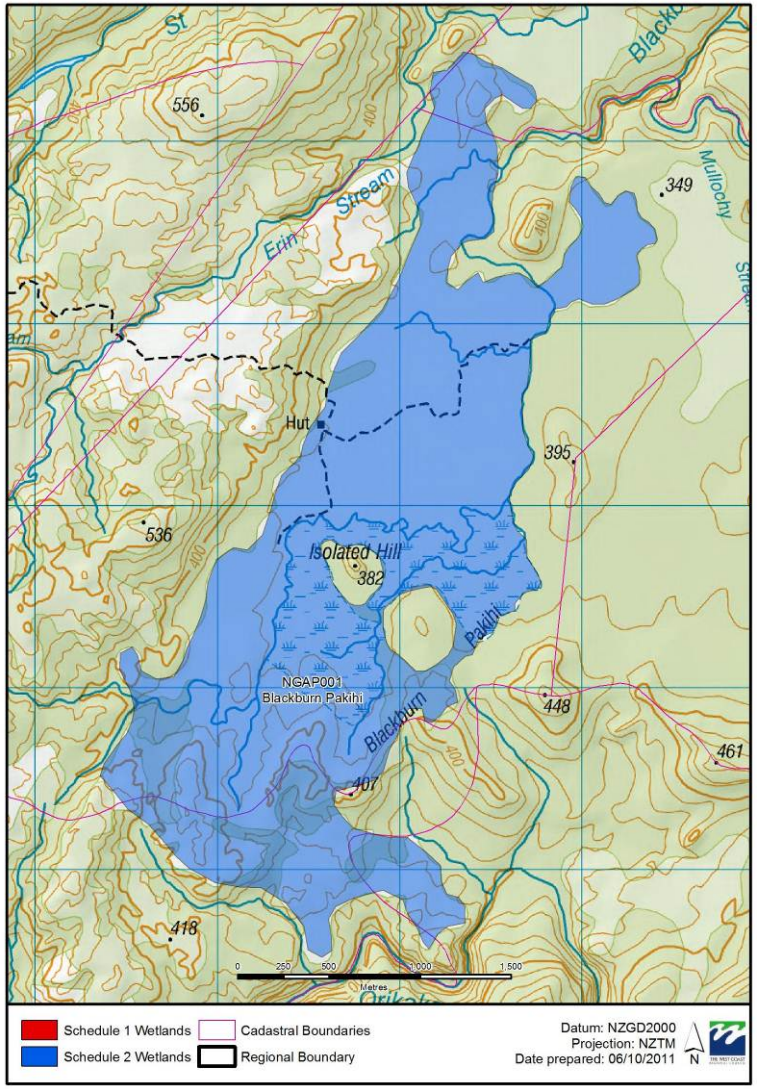
West Coast Schedule 1 and 2 Maps
WANP051 Limestone Creek



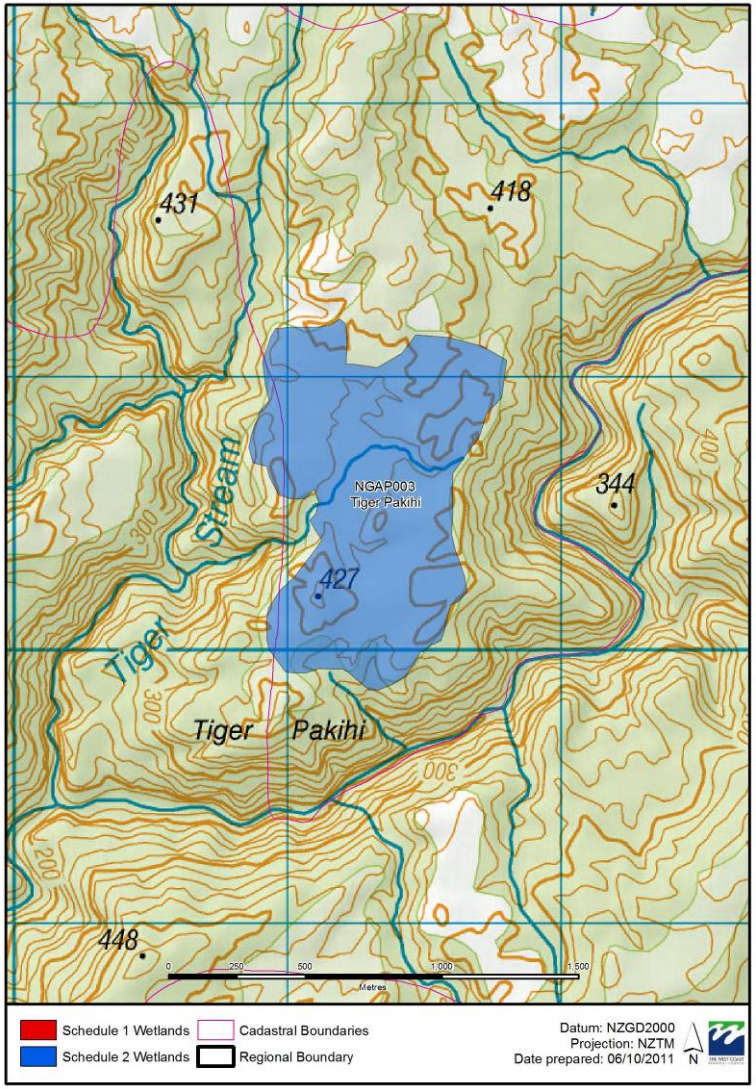
West Coast Schedule 1 and 2 Maps
WANP052 WANP053 Lake Dora & Mokihinui North



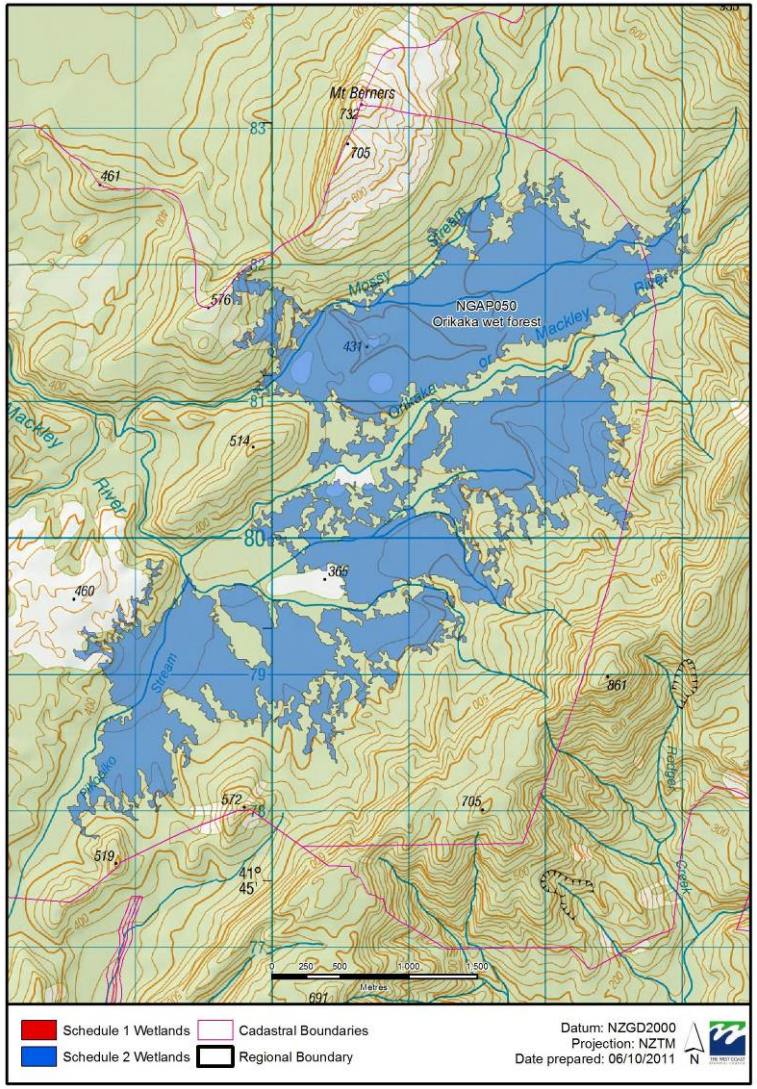
West Coast Schedule 1 and 2 Maps
NGAP001 Blackburn Pakihi



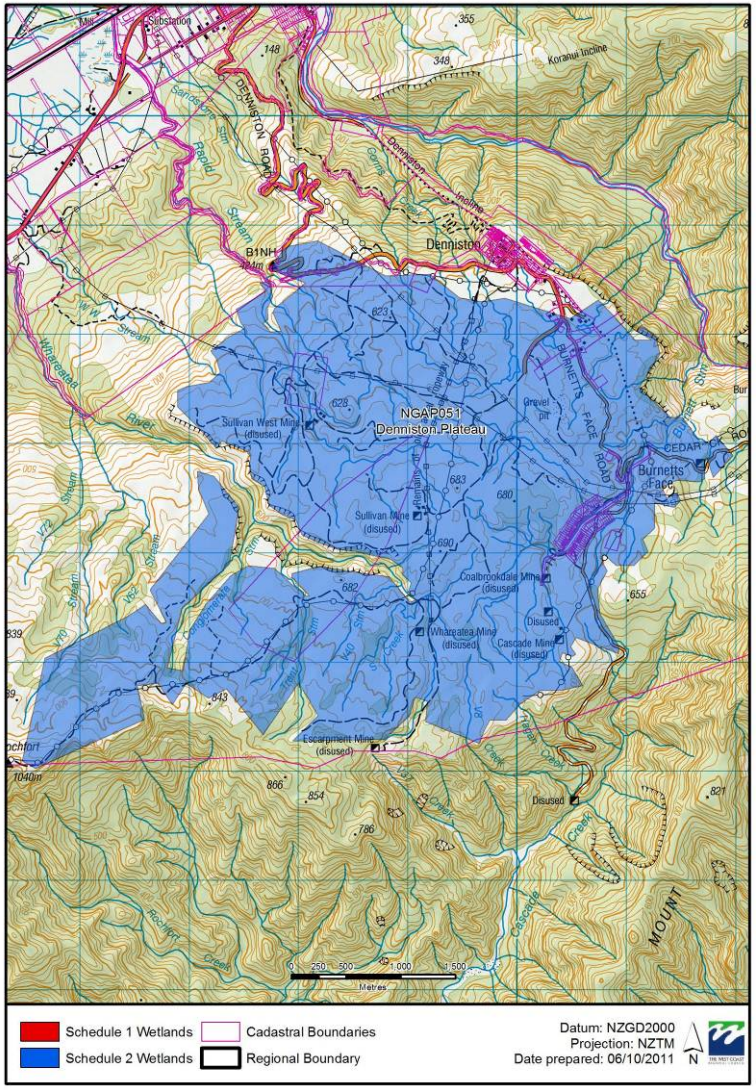
West Coast Schedule 1 and 2 Maps
NGAP003 Tiger Pakihi



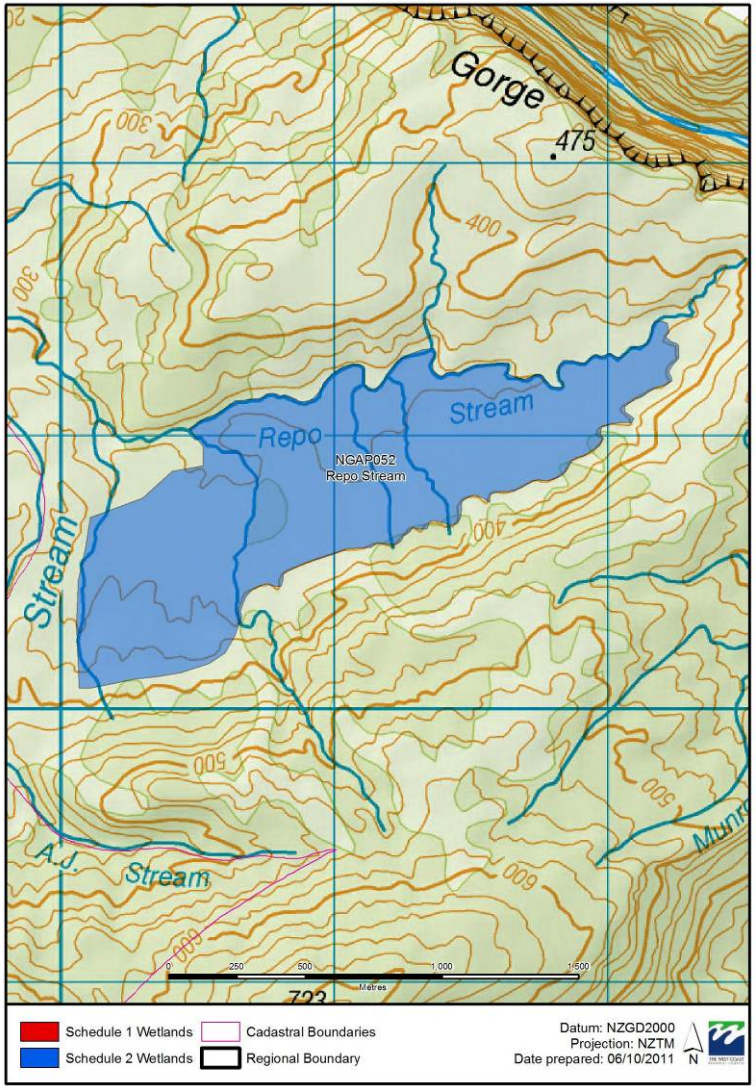
West Coast Schedule 1 and 2 Maps
NGAP050 Orikaka wet forest



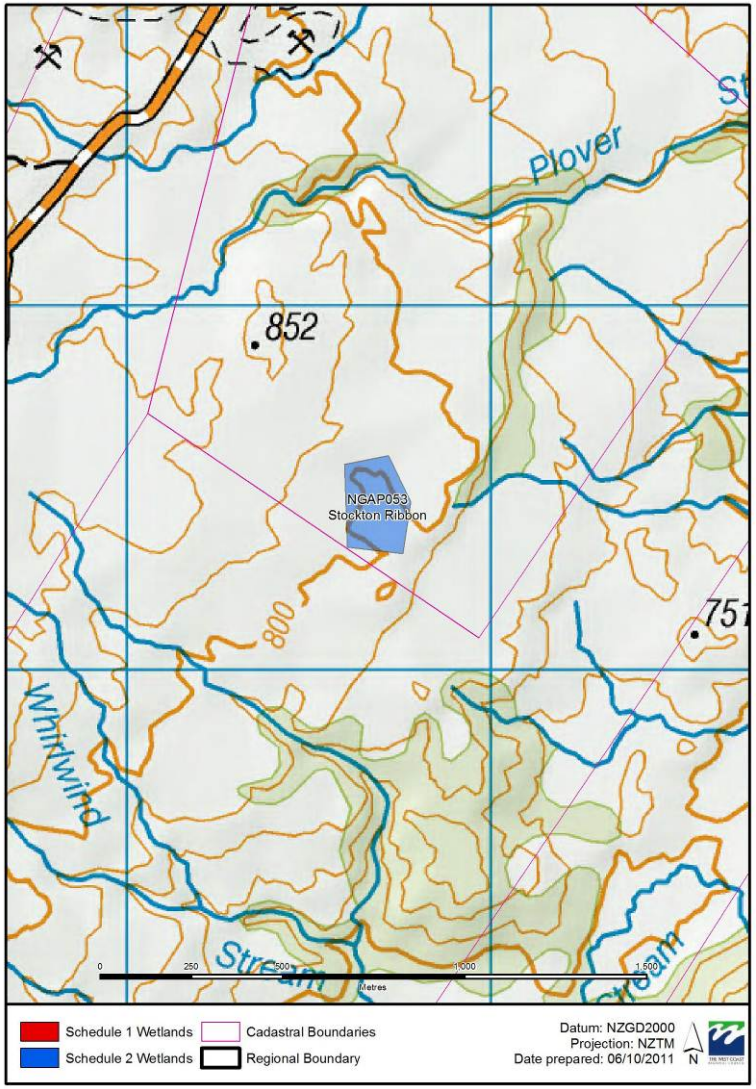
West Coast Schedule 1 and 2 Maps
NGAP051 Denniston Plateau



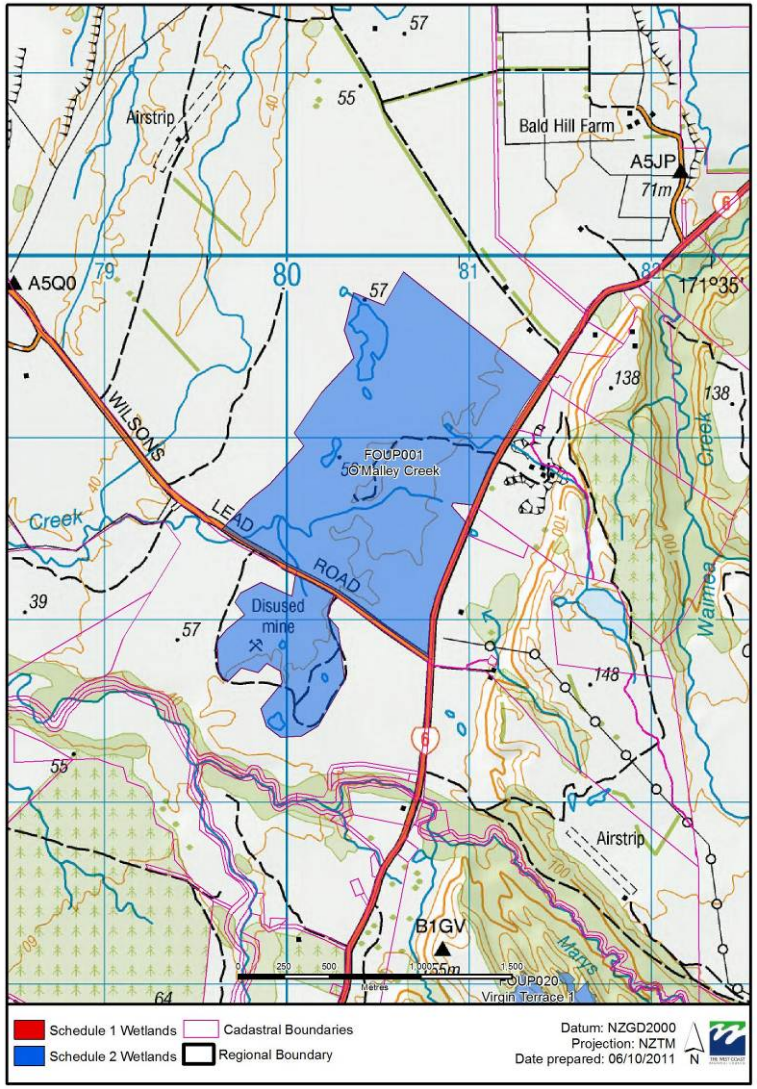
West Coast Schedule 1 and 2 Maps
NGAP052 Repo Stream



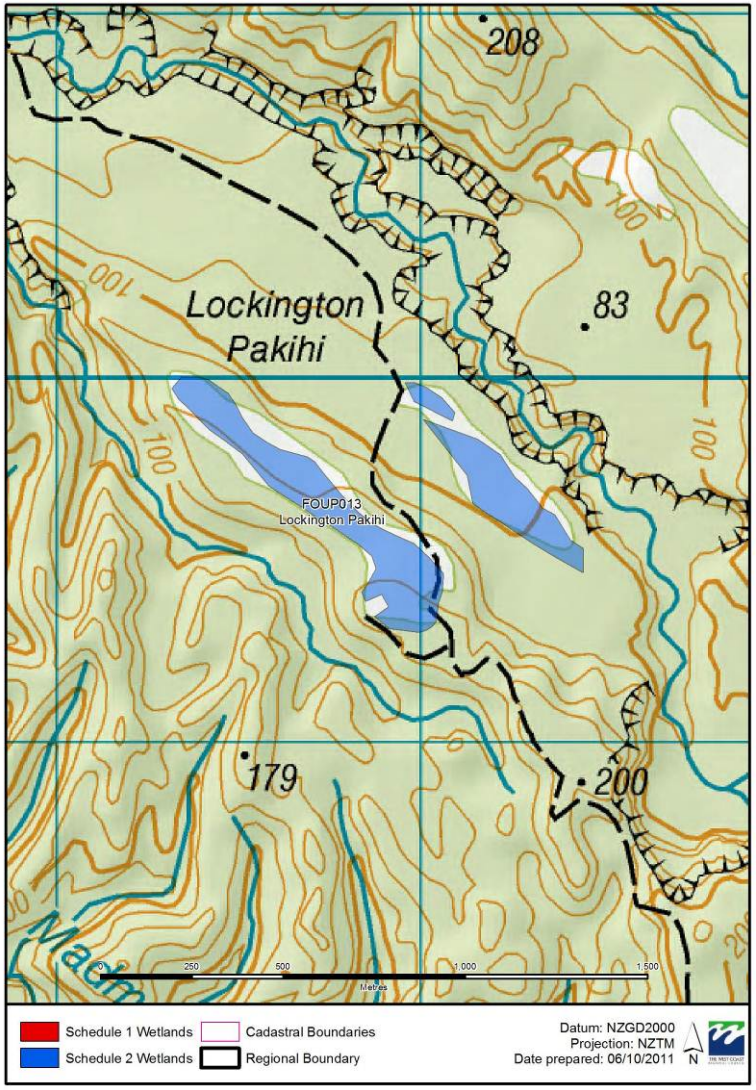
West Coast Schedule 1 and 2 Maps
NGAP053 Stockton Ribbon



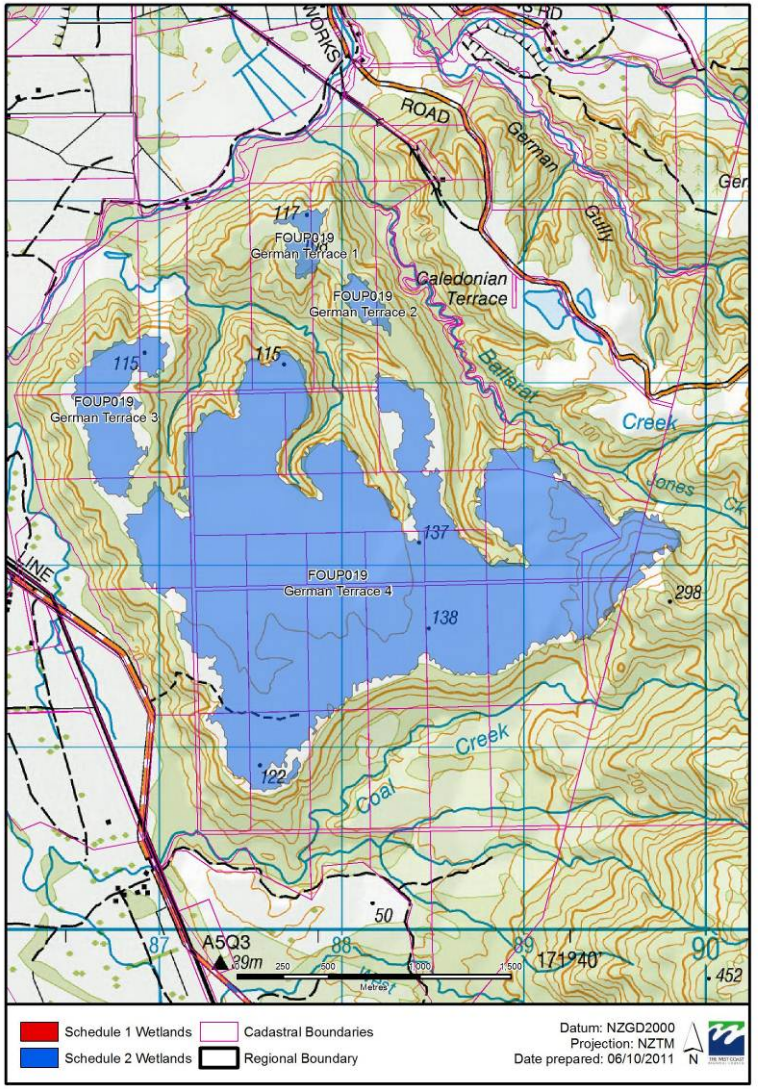
West Coast Schedule 1 and 2 Maps
FOUP001 O'Malley Creek



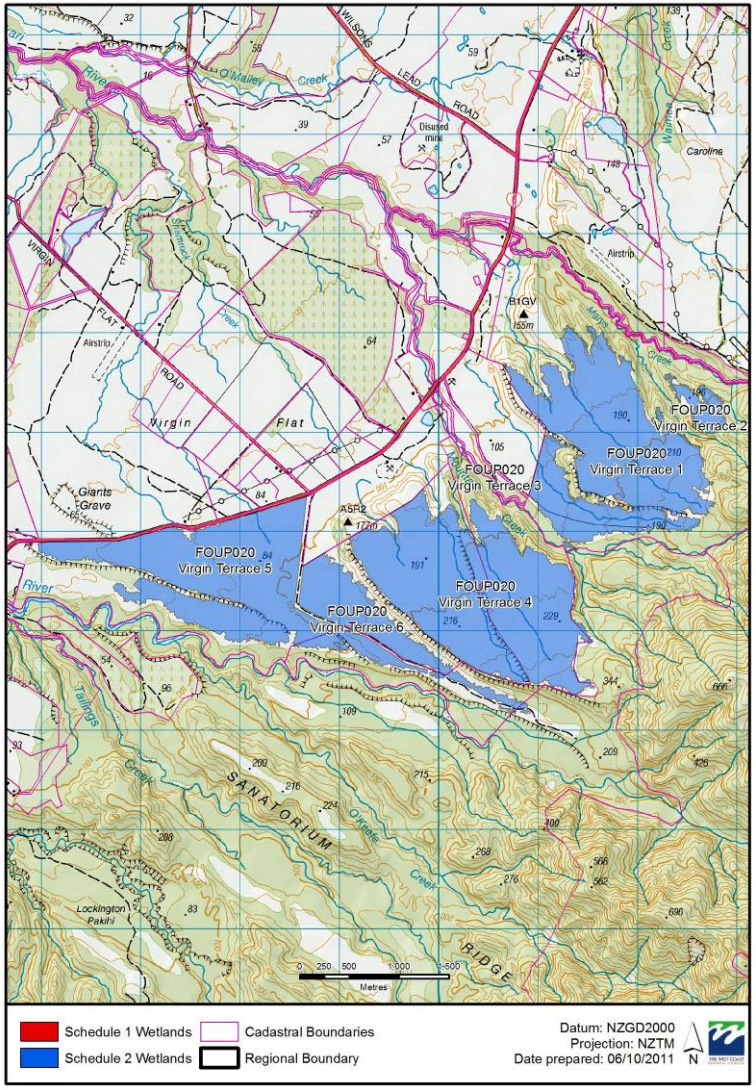
West Coast Schedule 1 and 2 Maps
FOUP013 Lockington Pakihi



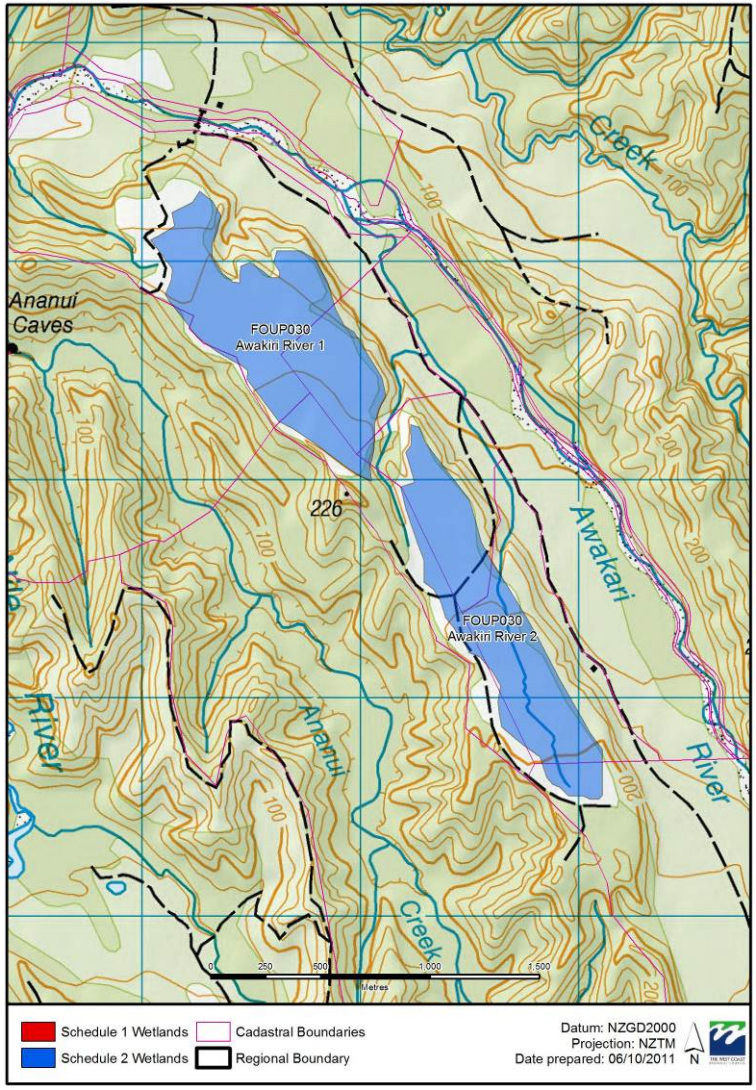
West Coast Schedule 1 and 2 Maps
FOUP019 German Terrace



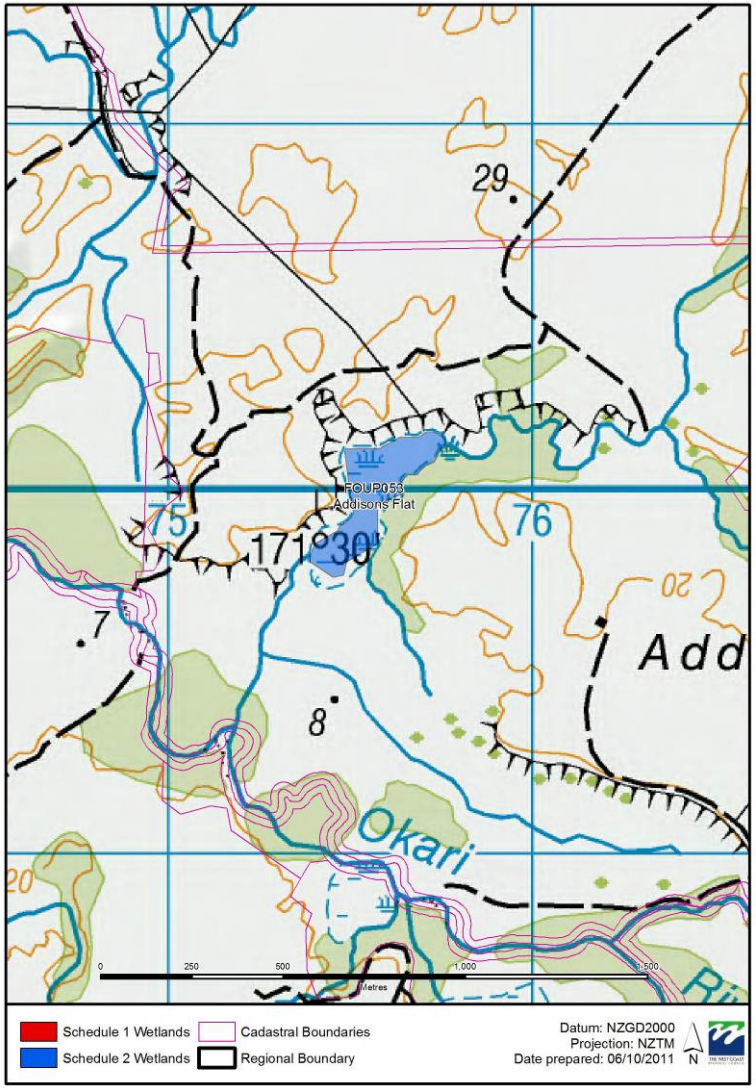
West Coast Schedule 1 and 2 Maps
FOUP020 Virgin Terrace



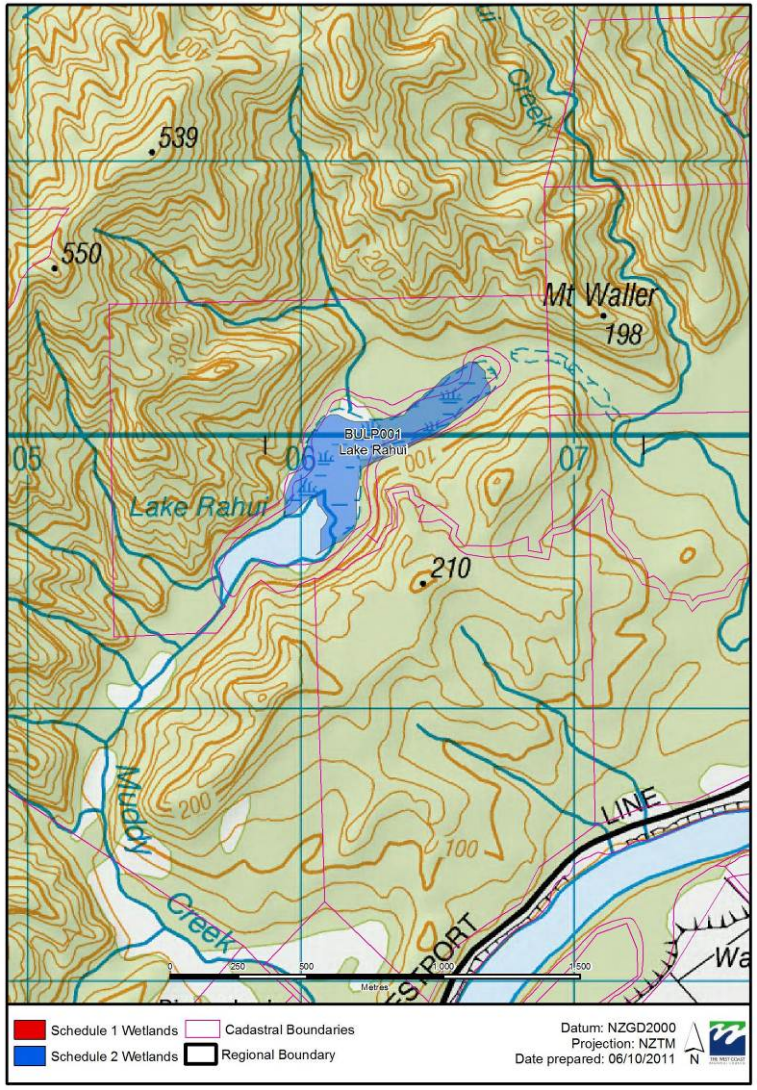
West Coast Schedule 1 and 2 Maps
FOUP030 Awakiri River



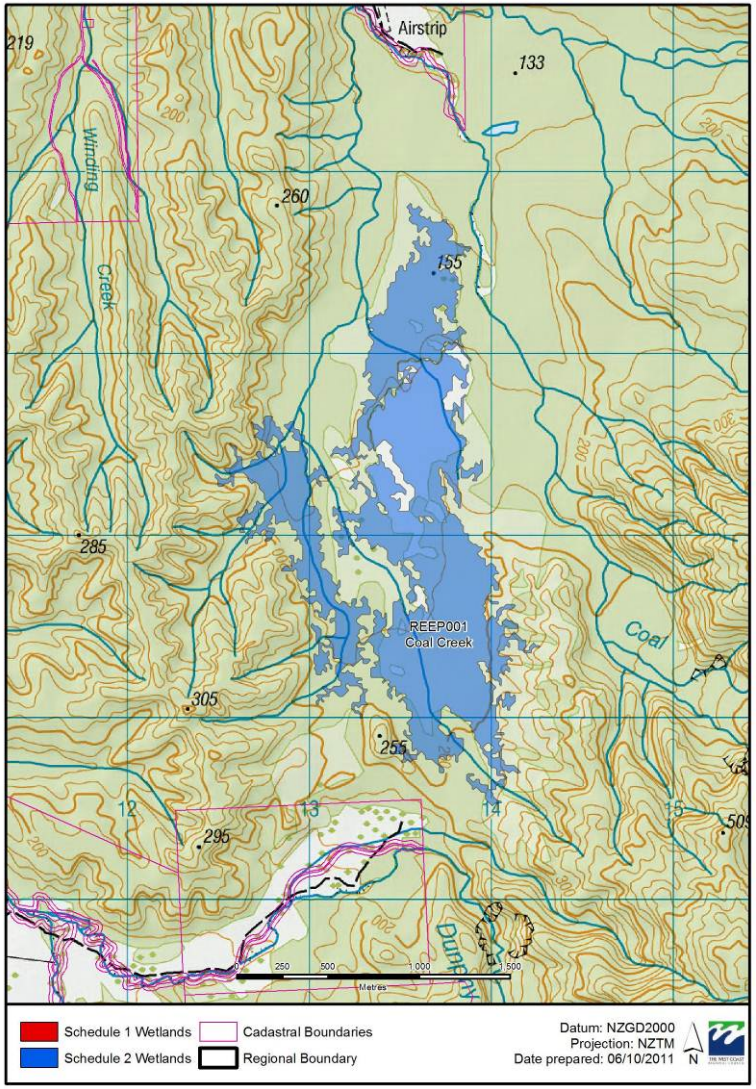
West Coast Schedule 1 and 2 Maps
FOUP053 Addisons Flat



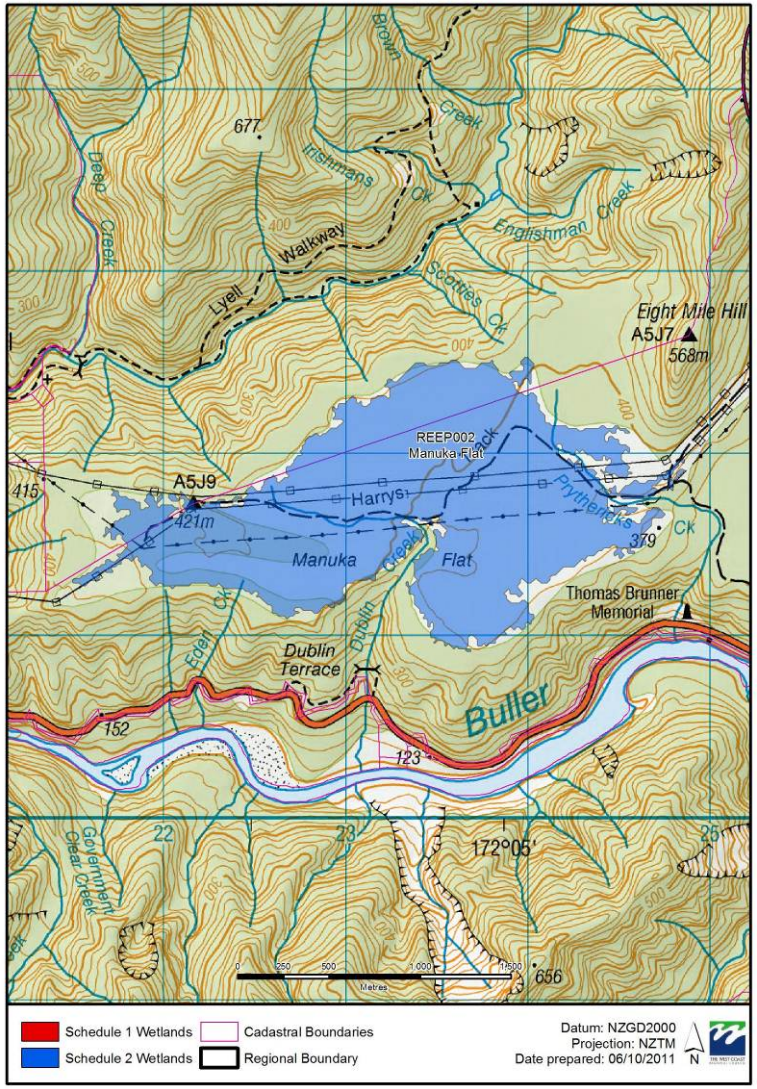
West Coast Schedule 1 and 2 Maps
BULP001 Lake Rahui



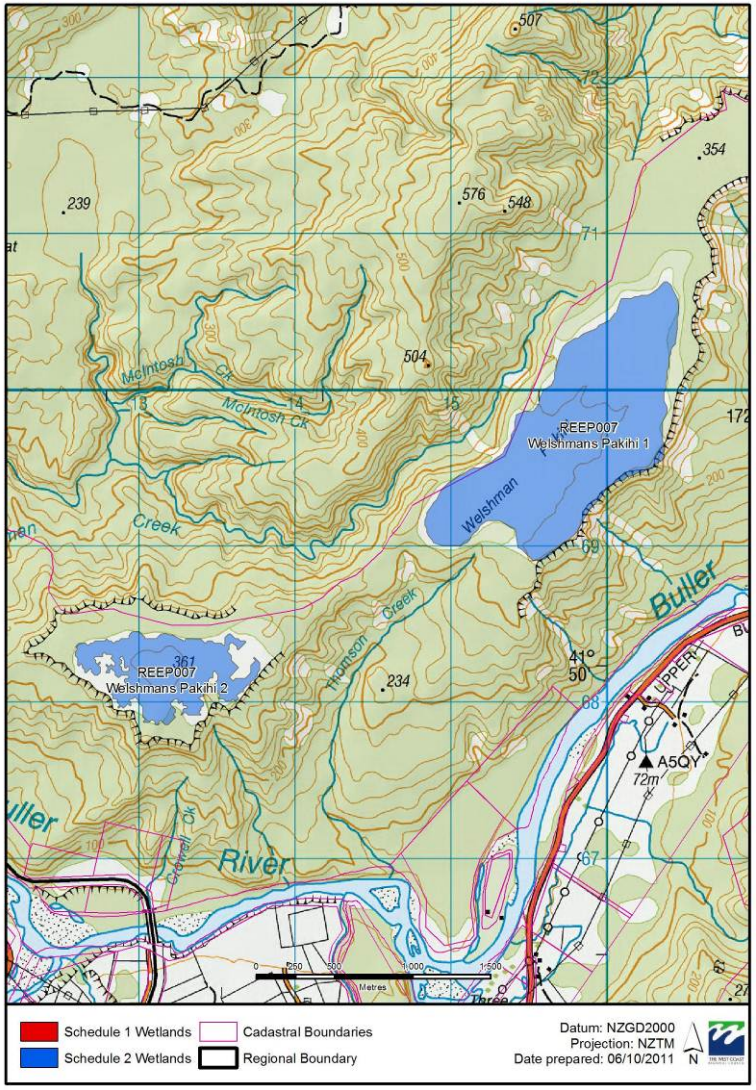
West Coast Schedule 1 and 2 Maps
REEP001 Coal Creek



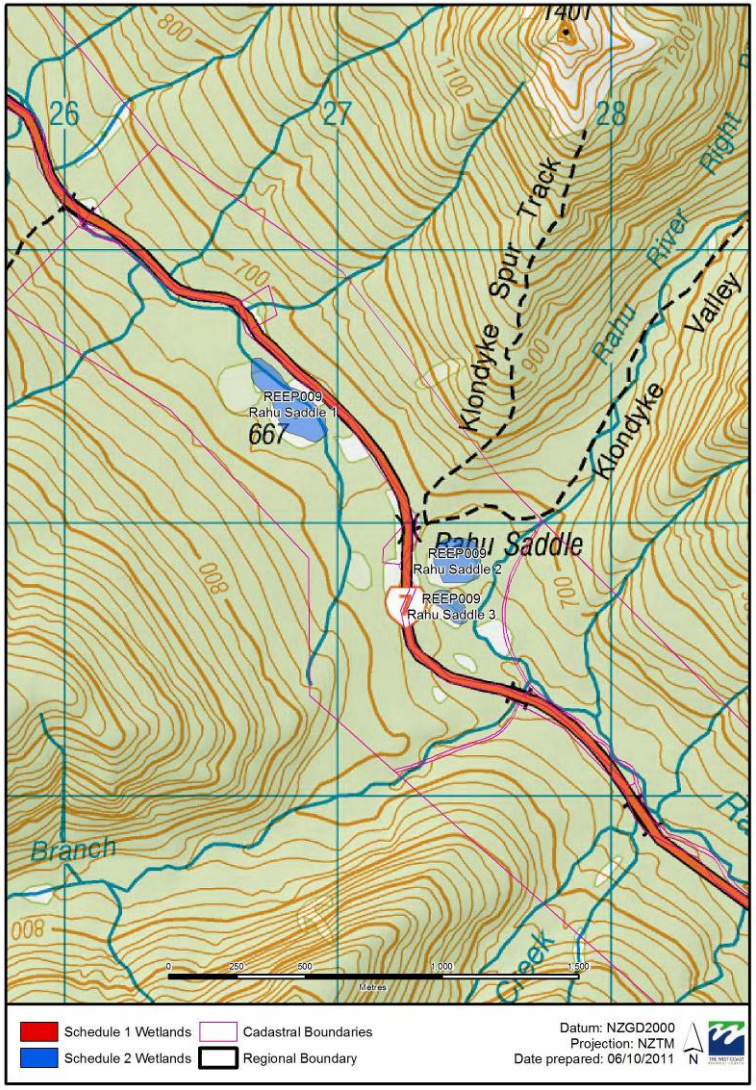
West Coast Schedule 1 and 2 Maps
REEP002 Manuka Flat



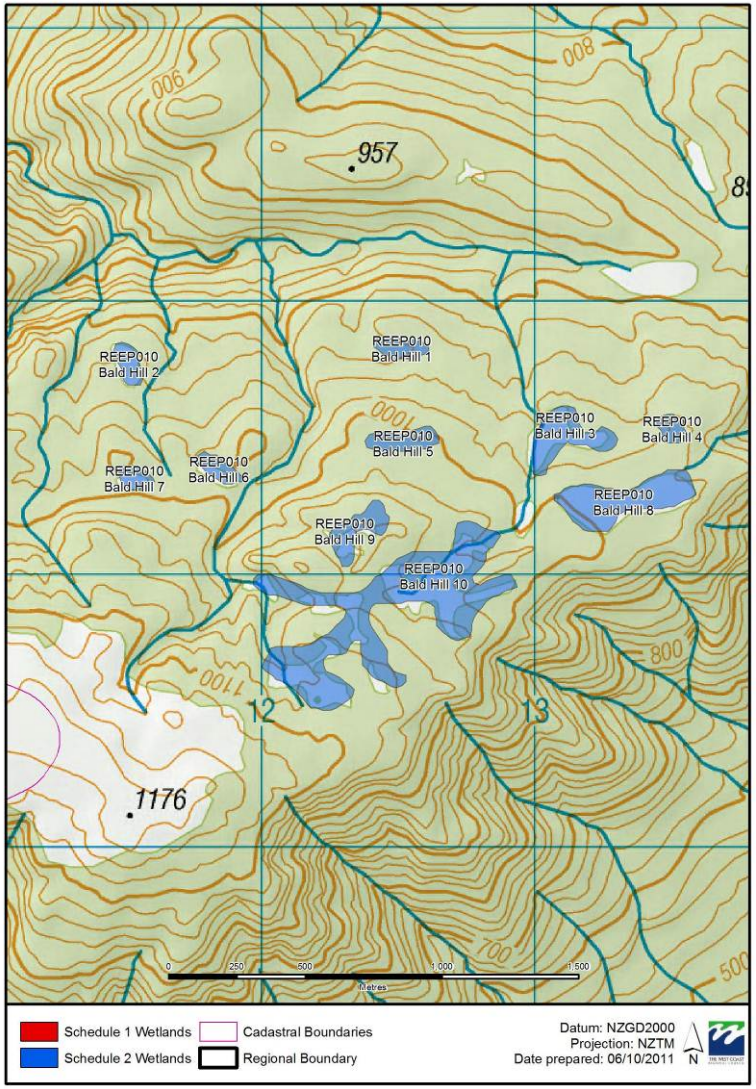
West Coast Schedule 1 and 2 Maps
REEP007 Welshmans Pakihi



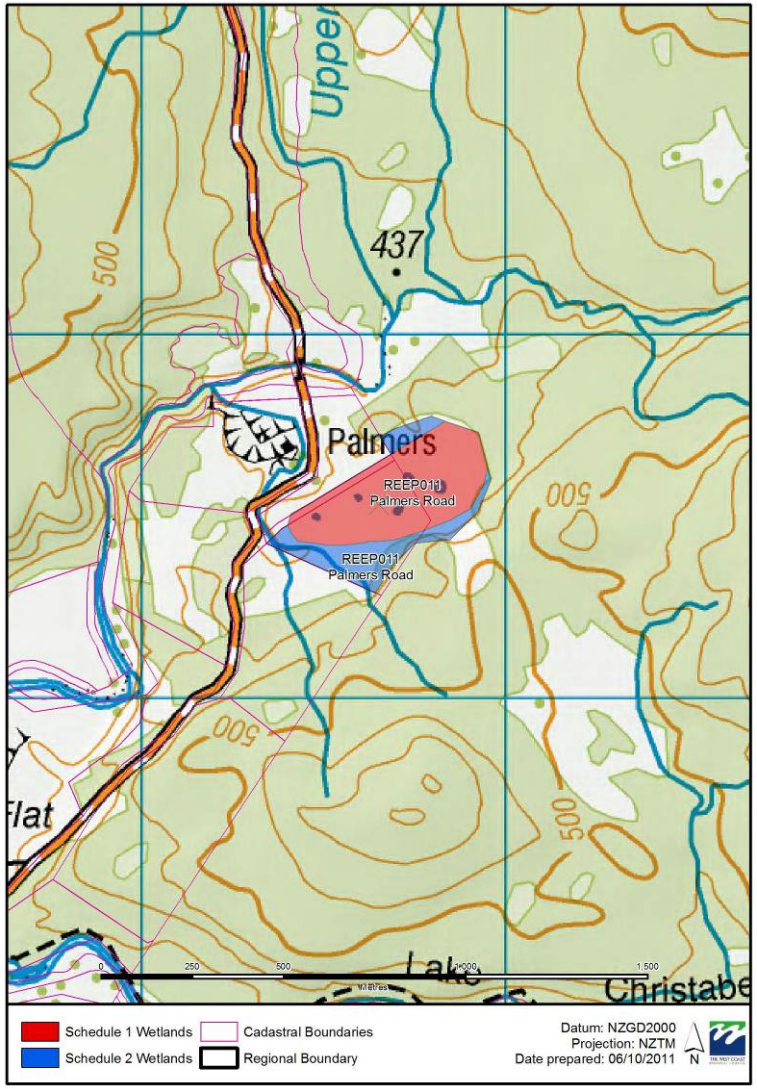
West Coast Schedule 1 and 2 Maps
REEP009 Rahu Saddle



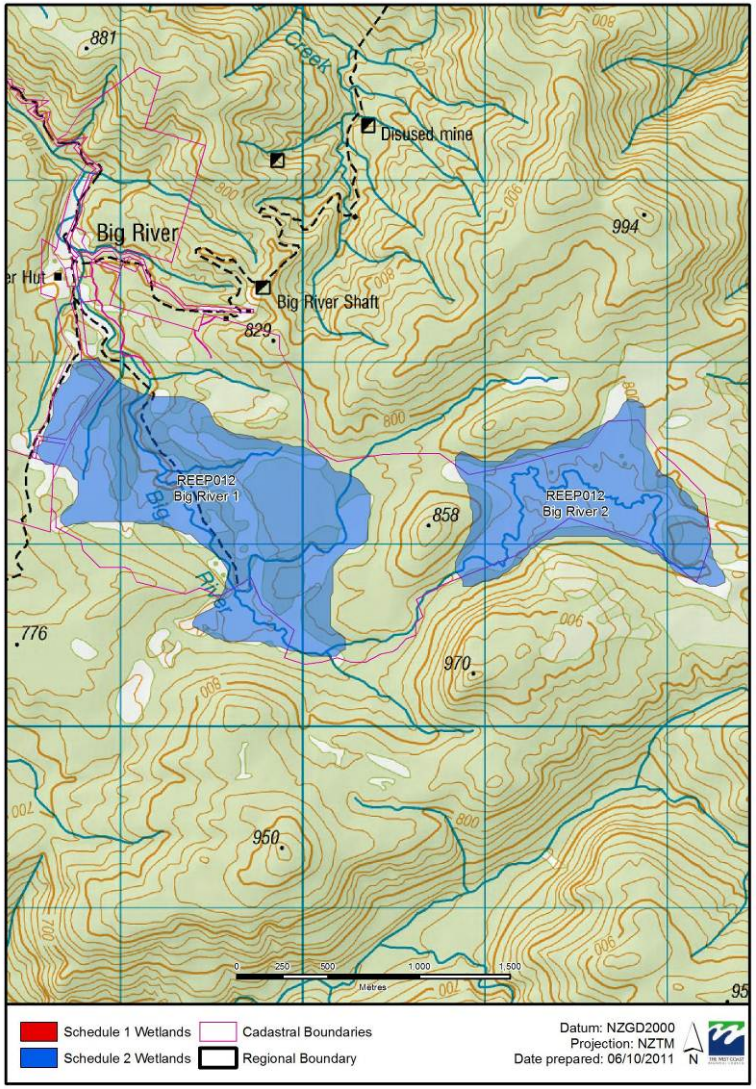
West Coast Schedule 1 and 2 Maps
REEP010 Bald Hill



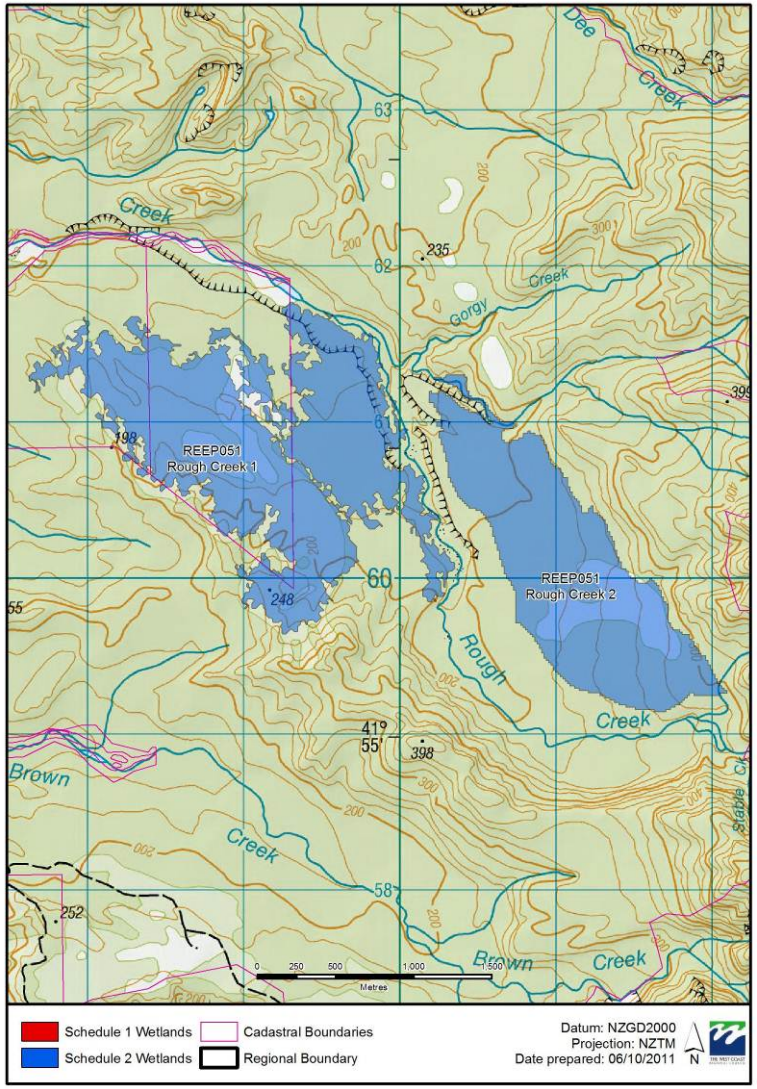
West Coast Schedule 1 and 2 Maps
REEP011 Palmers Road



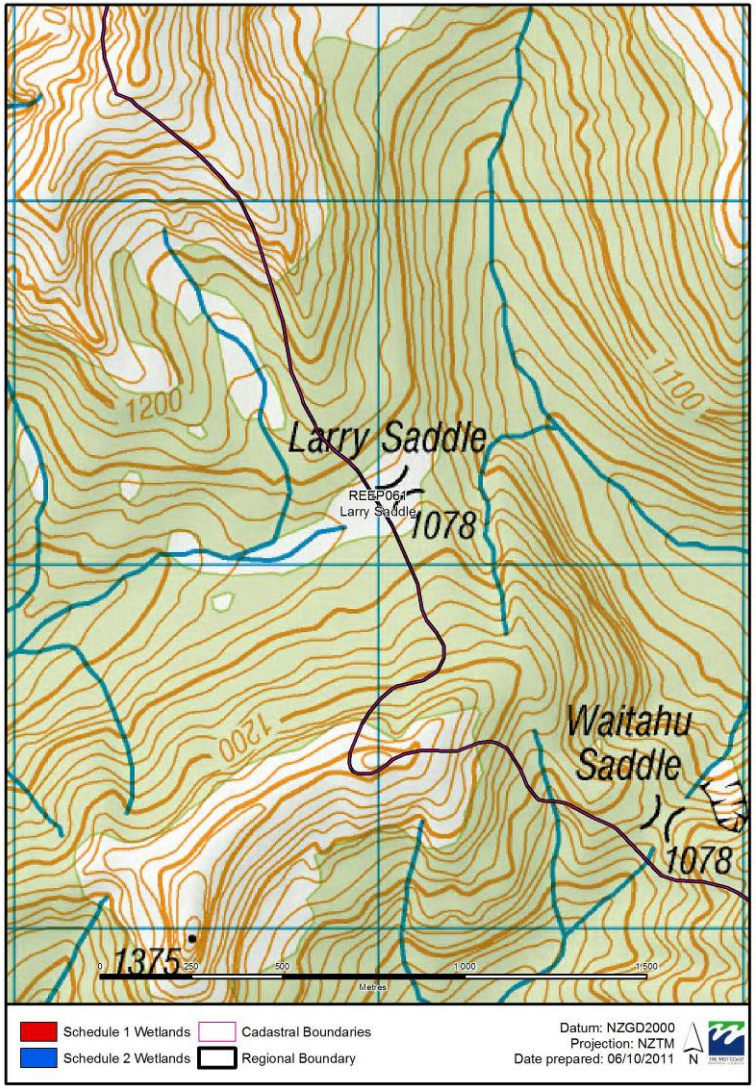
West Coast Schedule 1 and 2 Maps
REEP012 Big River



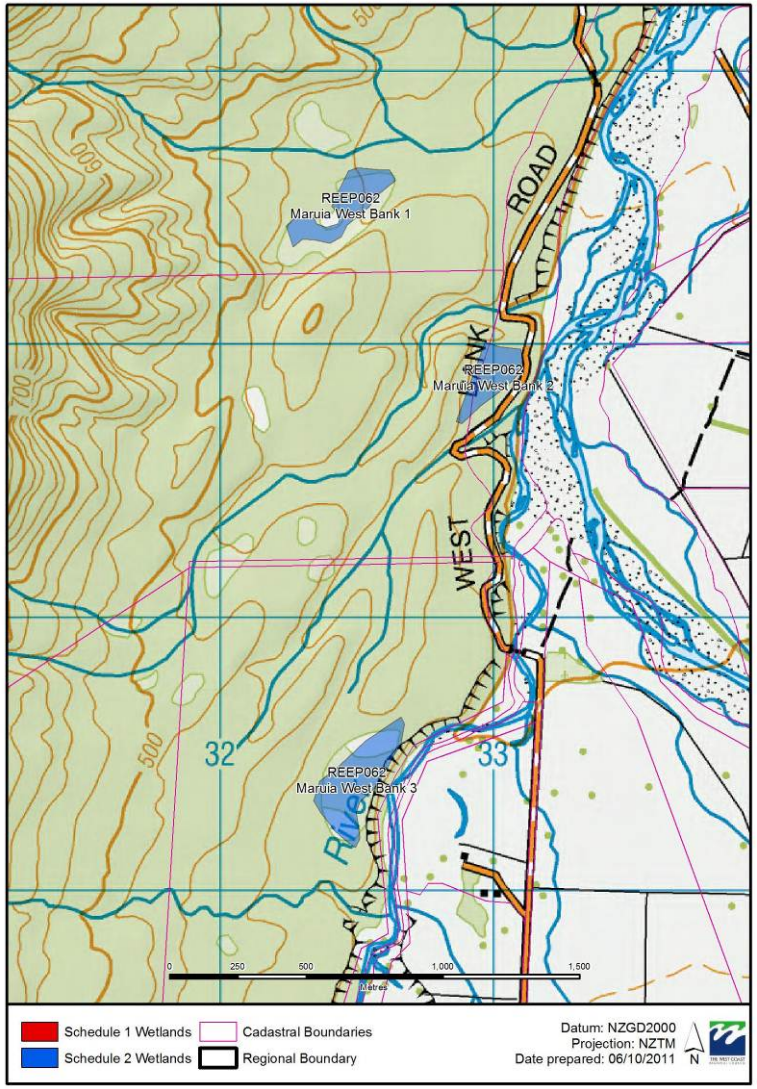
West Coast Schedule 1 and 2 Maps
REEP051 Rough Creek



West Coast Schedule 1 and 2 Maps
REEP061 Larry Saddle

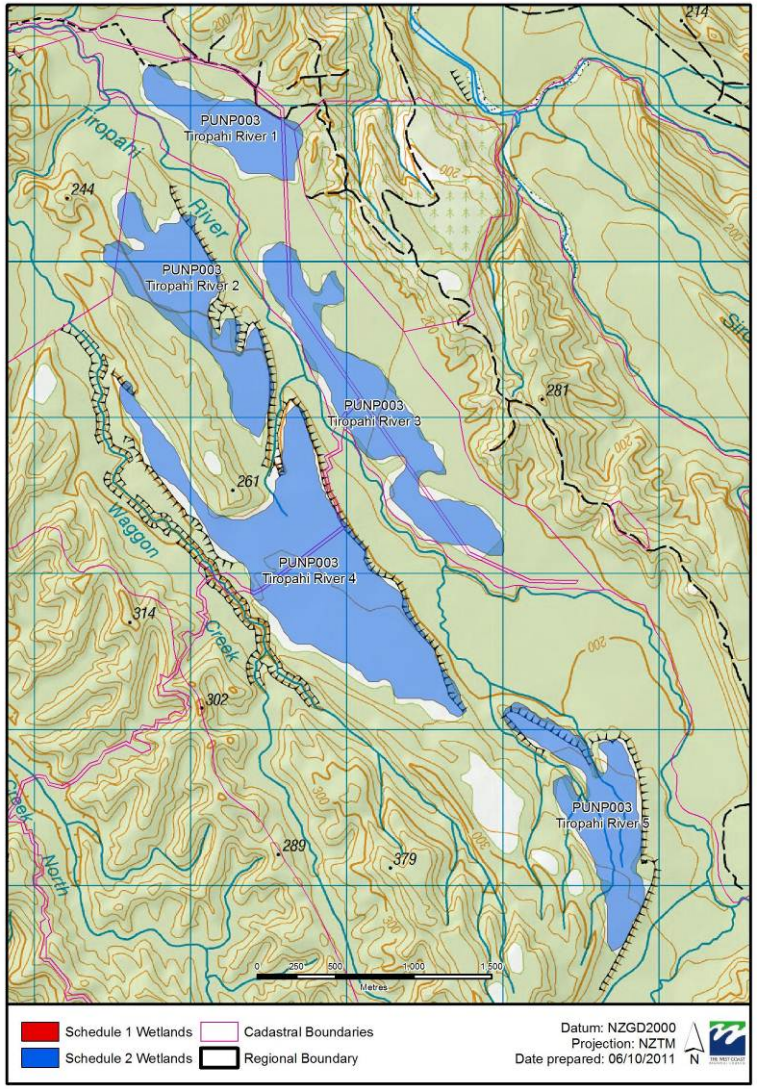


West Coast Schedule 1 and 2 Maps
REEP062 Maruia West Bank

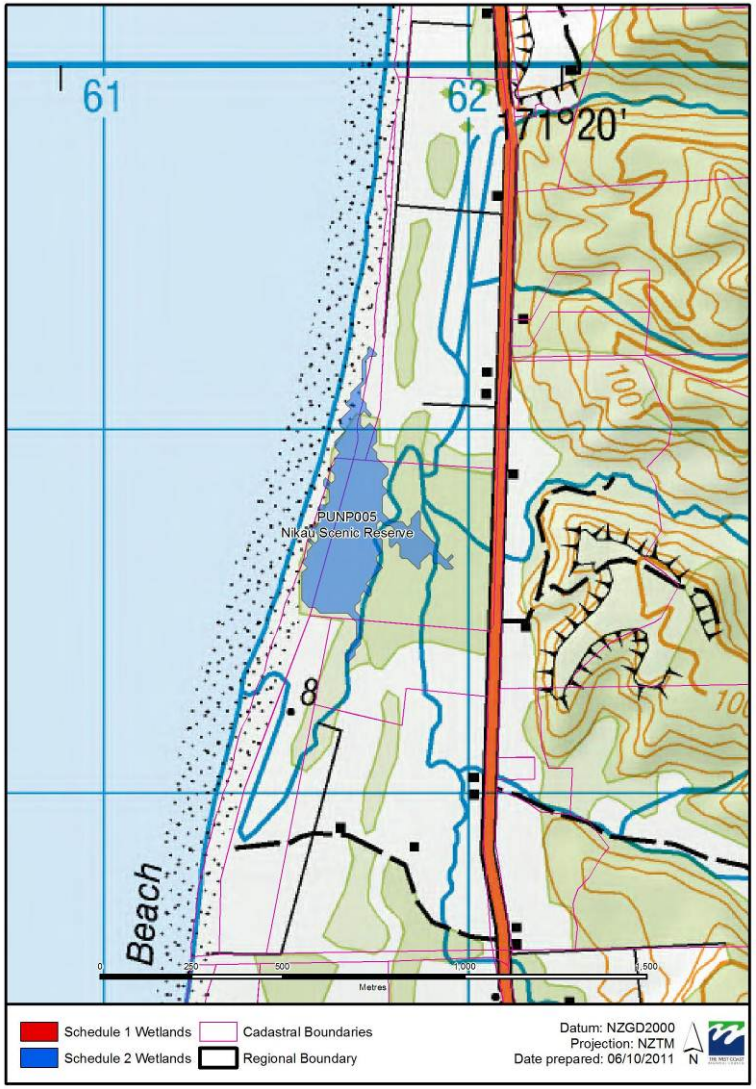


West Coast Schedule 1 and 2 Maps
PUNP002 Razorback Point

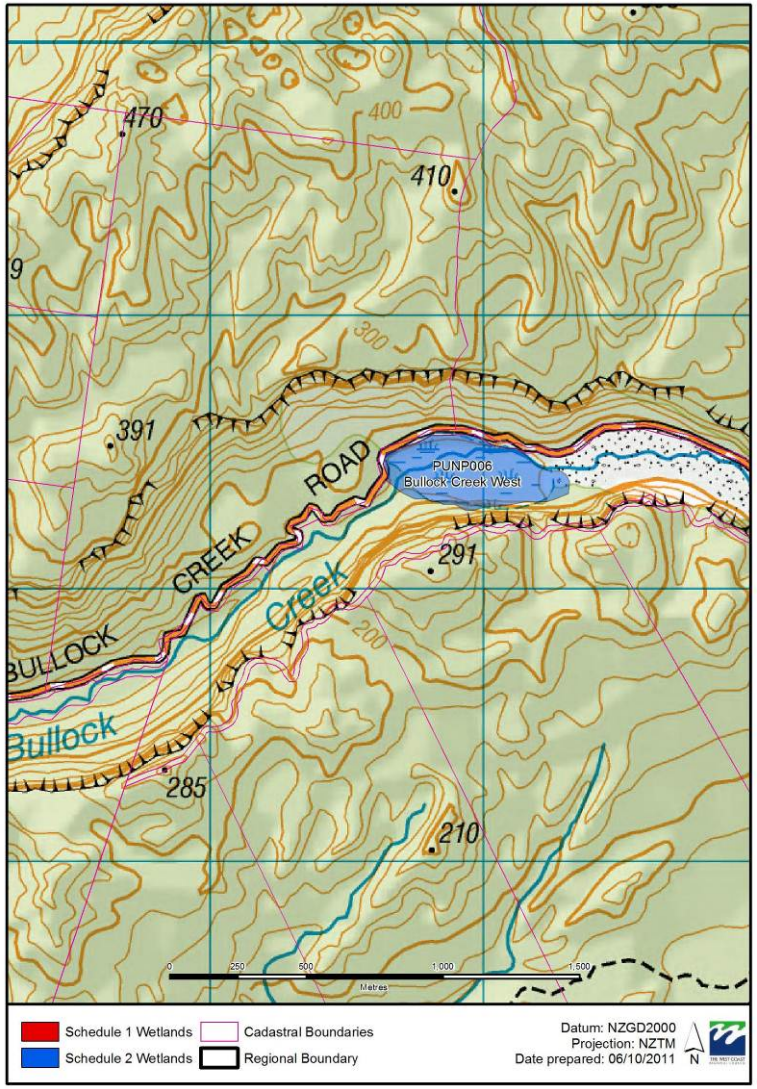
West Coast Schedule 1 and 2 Maps
PUNP003 Tiropahi River



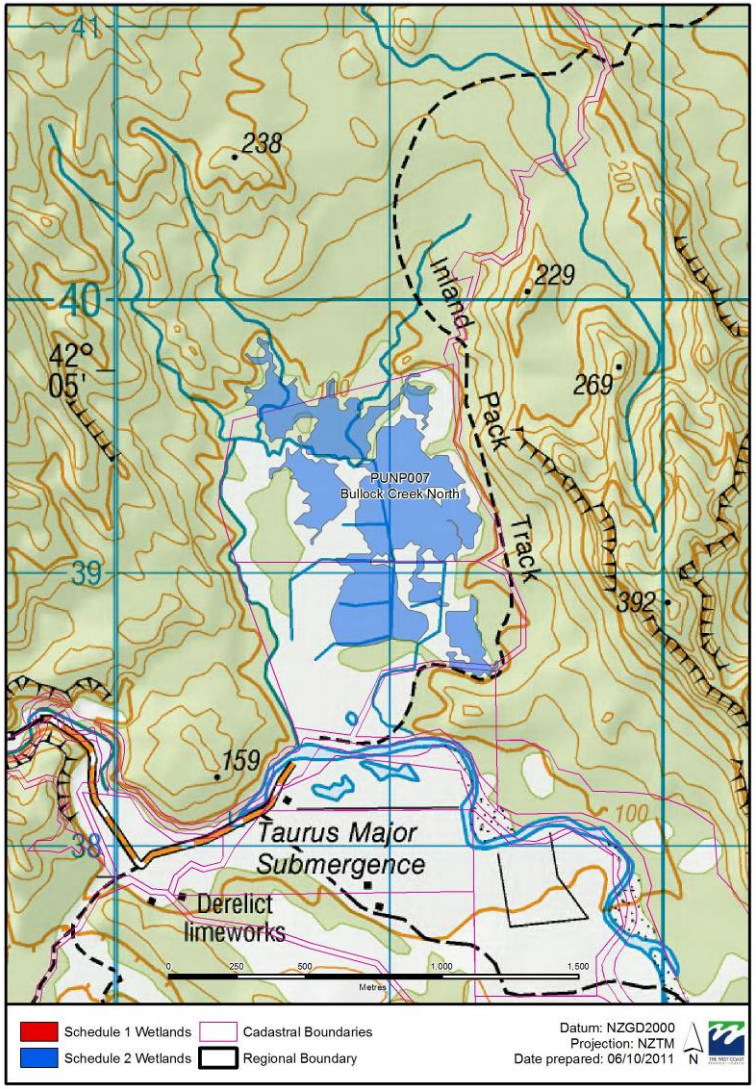
West Coast Schedule 1 and 2 Maps
PUNP005 Nikau Scenic Reserve



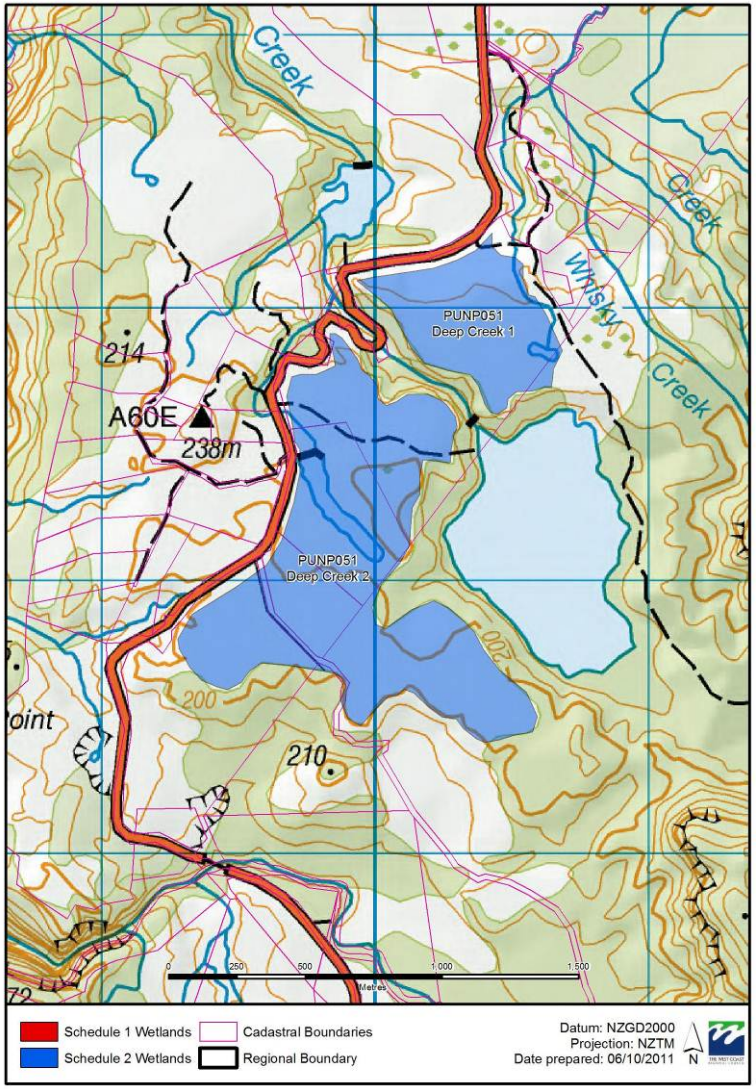
West Coast Schedule 1 and 2 Maps
PUNP006 Bullock Creek West



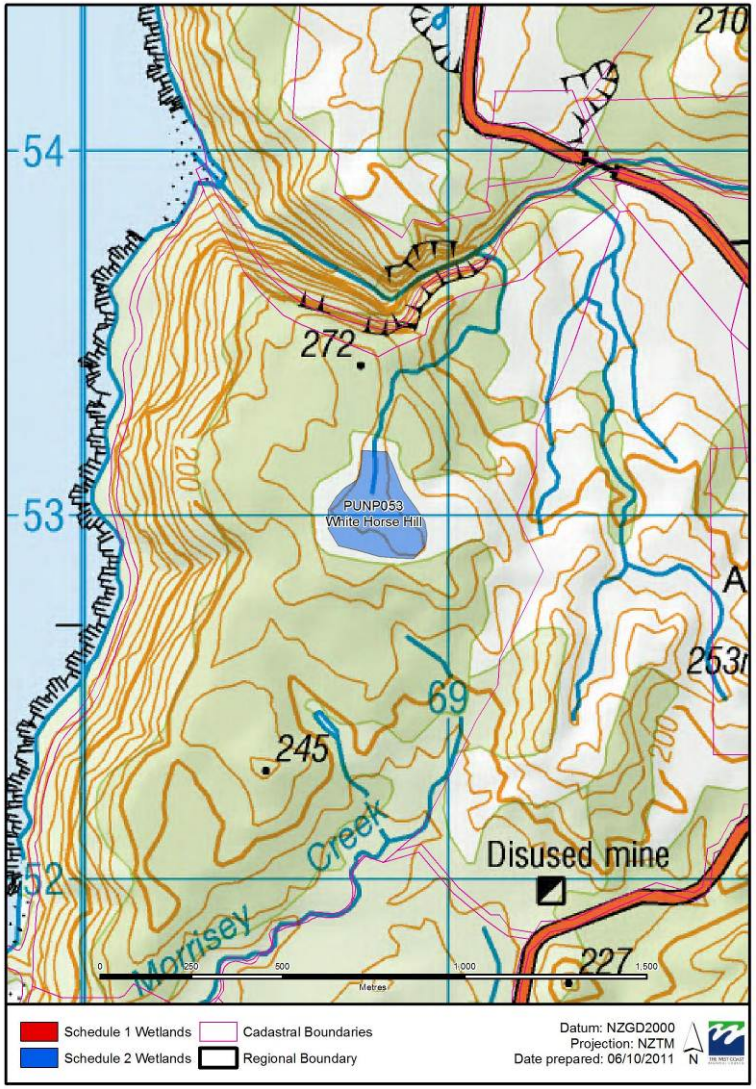
West Coast Schedule 1 and 2 Maps
PUNP007 Bullock Creek North



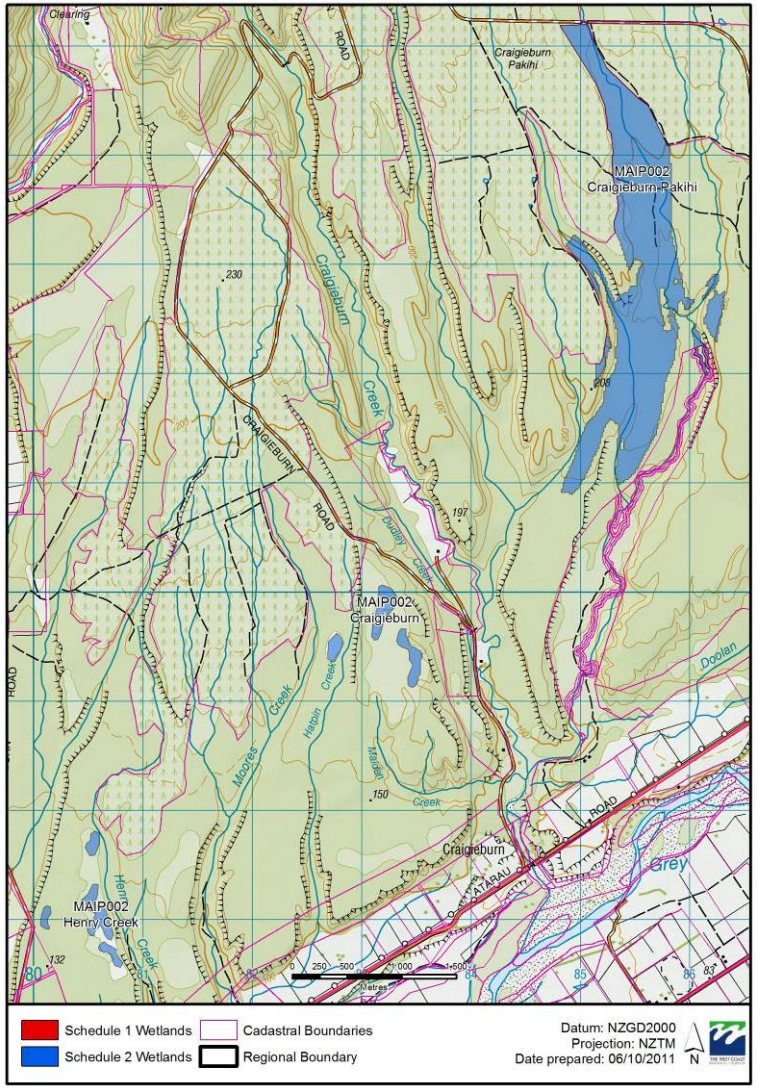
West Coast Schedule 1 and 2 Maps
PUNP051 Deep Creek



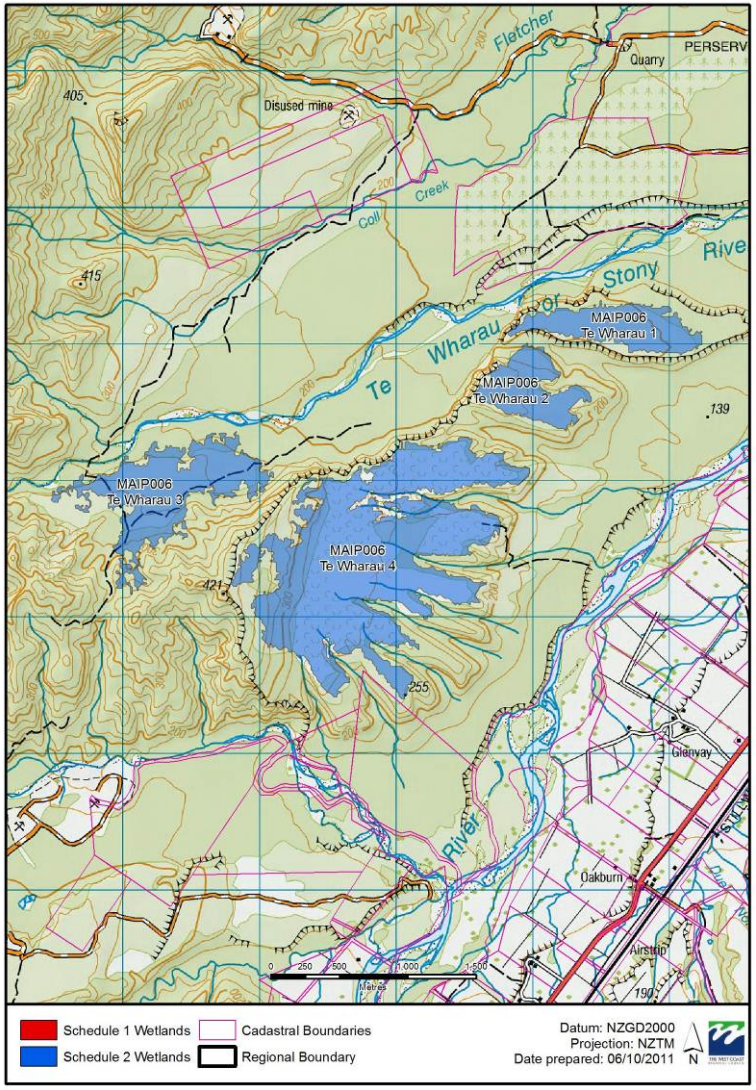
West Coast Schedule 1 and 2 Maps
PUNP053 White Horse Hill



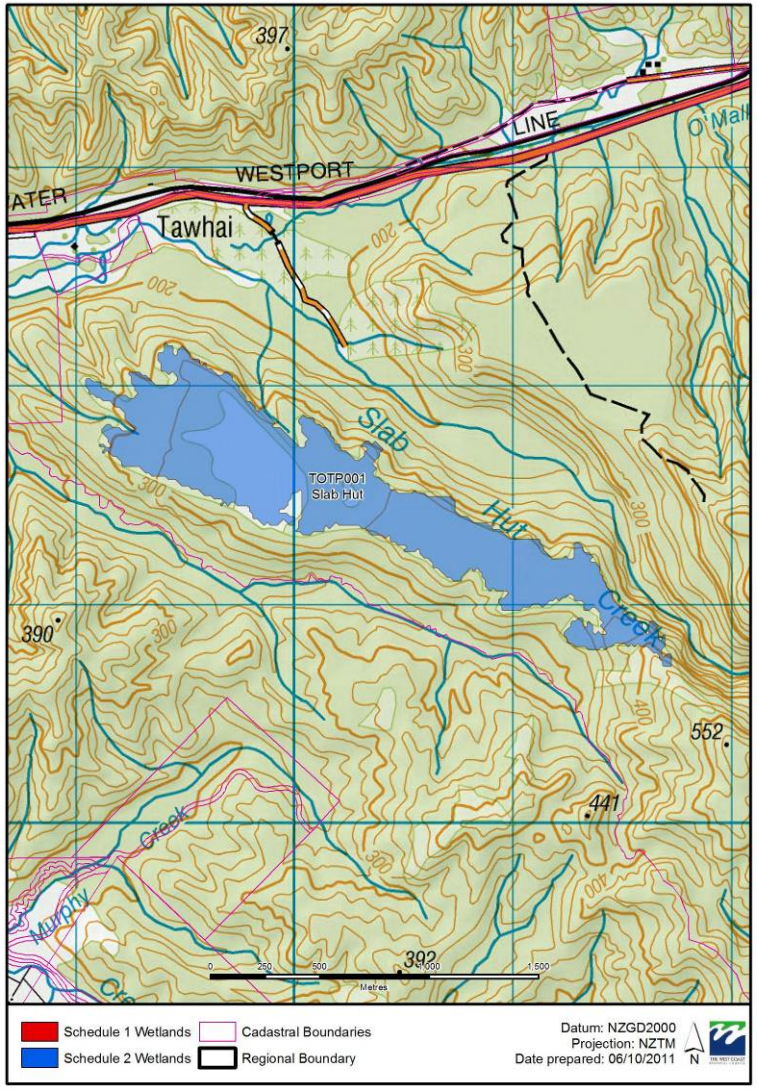
West Coast Schedule 1 and 2 Maps
MAIP002 Craigieburn



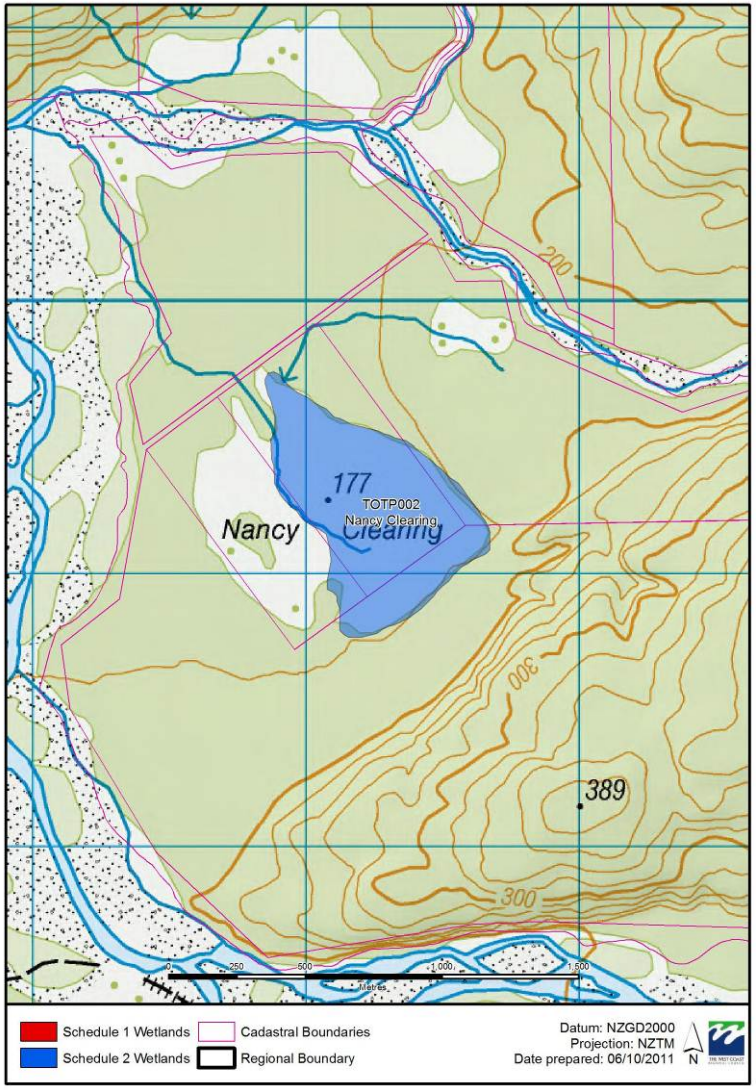
West Coast Schedule 1 and 2 Maps
MAIP006 Te Wharau



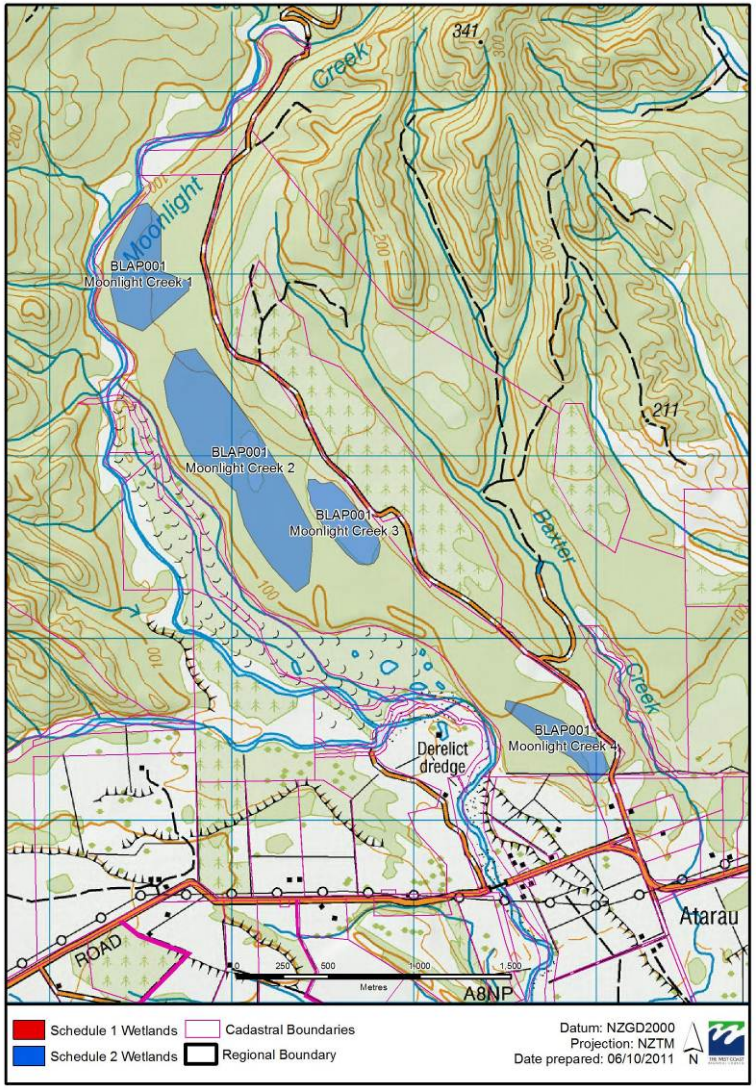
West Coast Schedule 1 and 2 Maps
TOTP001 Slab Hut



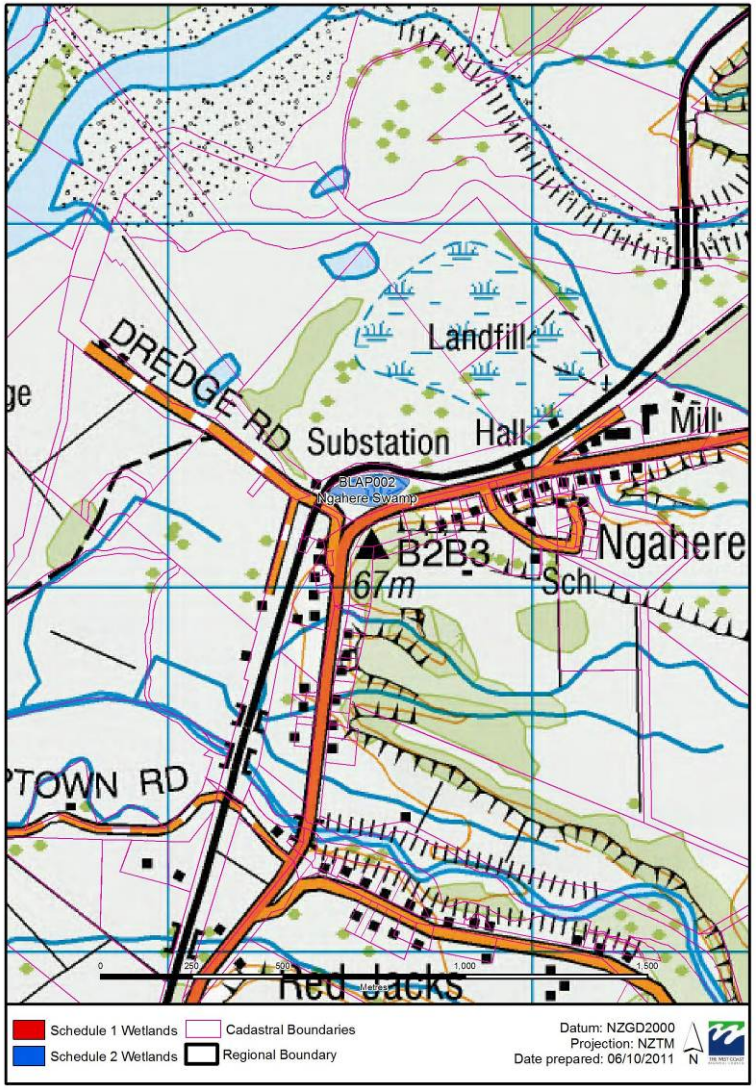
West Coast Schedule 1 and 2 Maps
TOTP002 Nancy Clearing



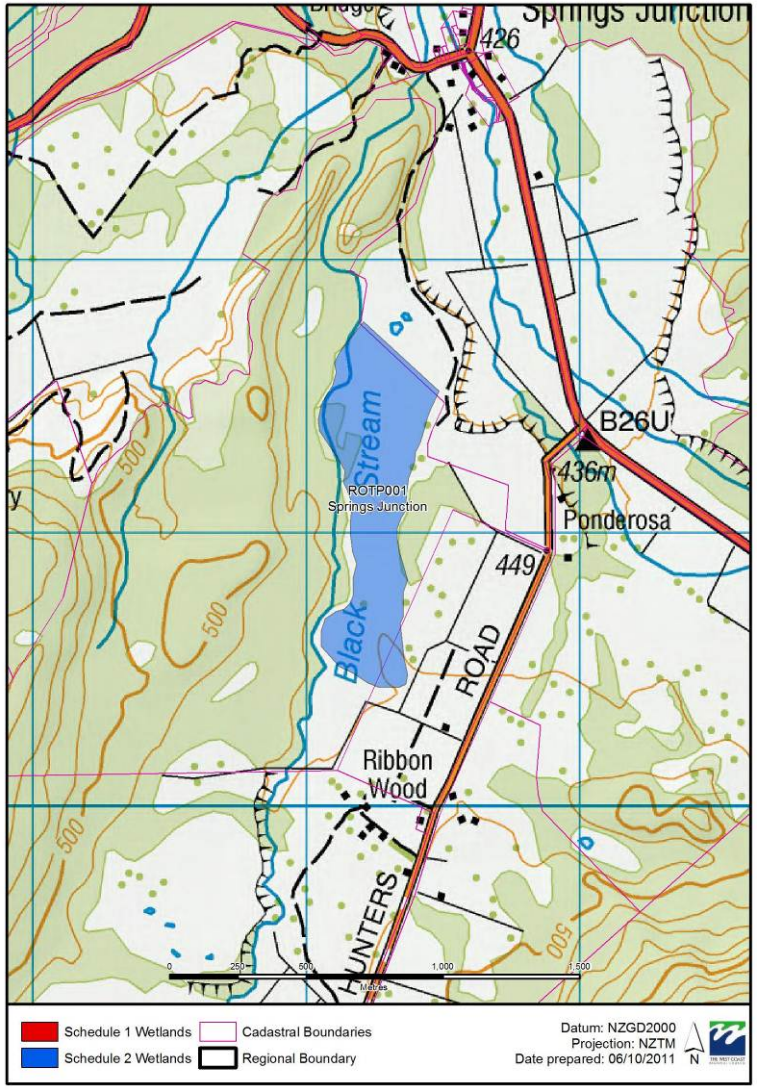
West Coast Schedule 1 and 2 Maps
BLAP001 Moonlight Creek



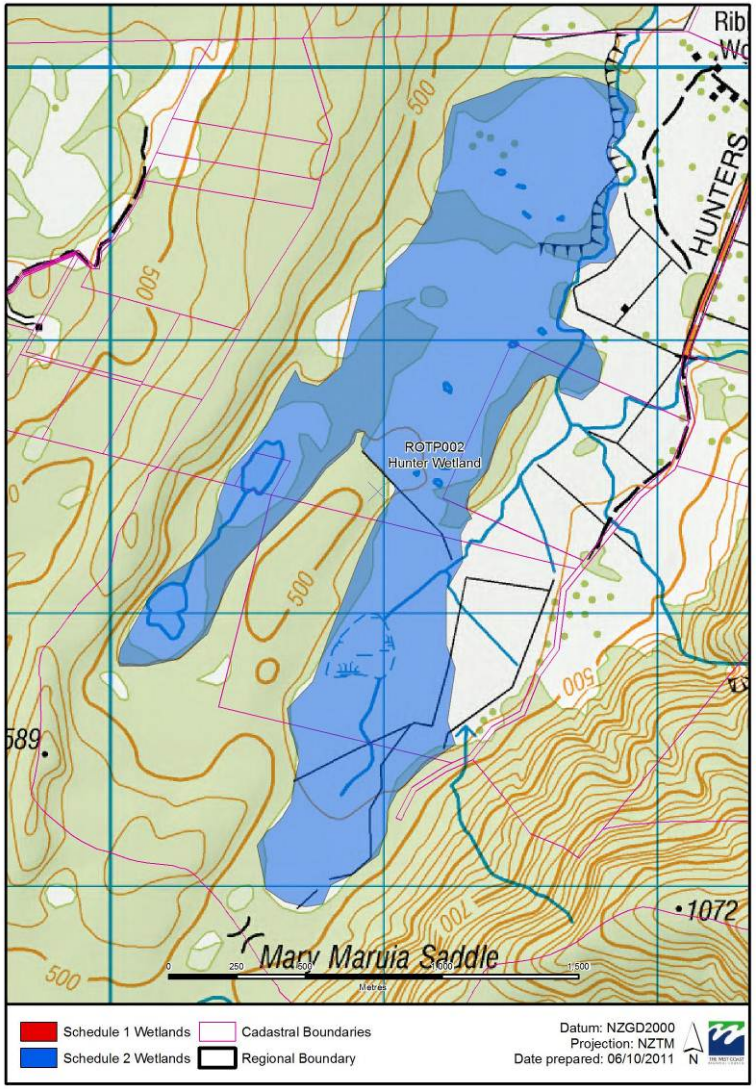
West Coast Schedule 1 and 2 Maps
BLAP002 Ngahere Swamp



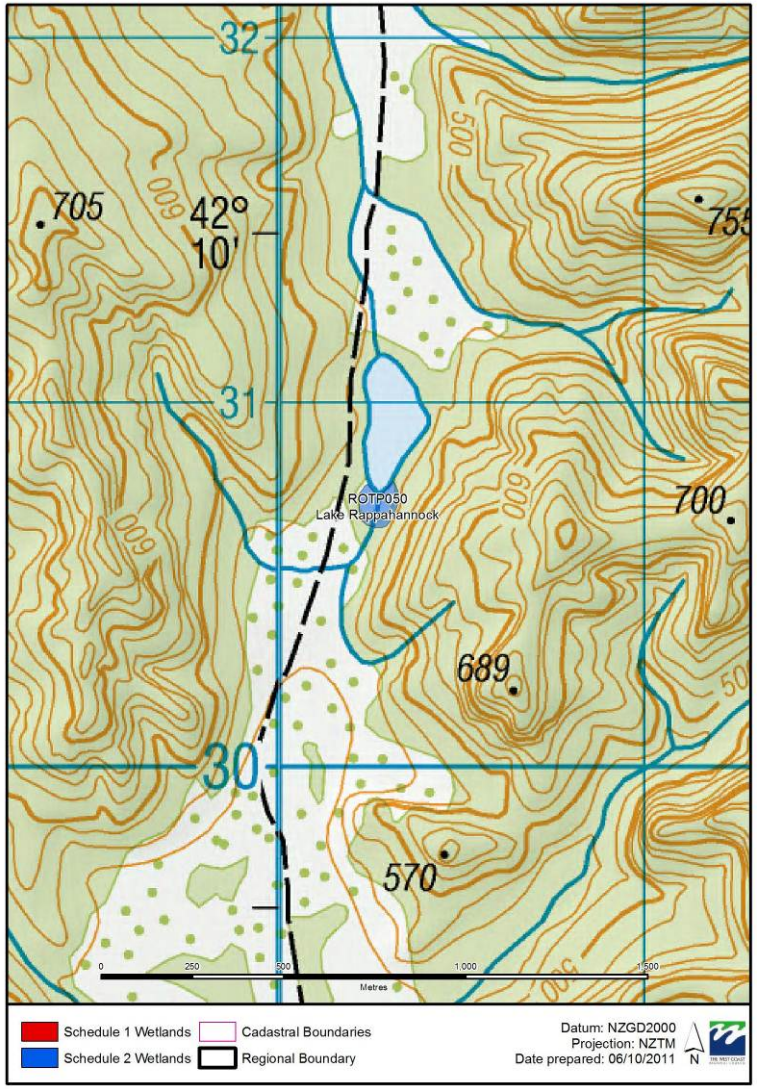
West Coast Schedule 1 and 2 Maps
ROTP001 Springs Junction



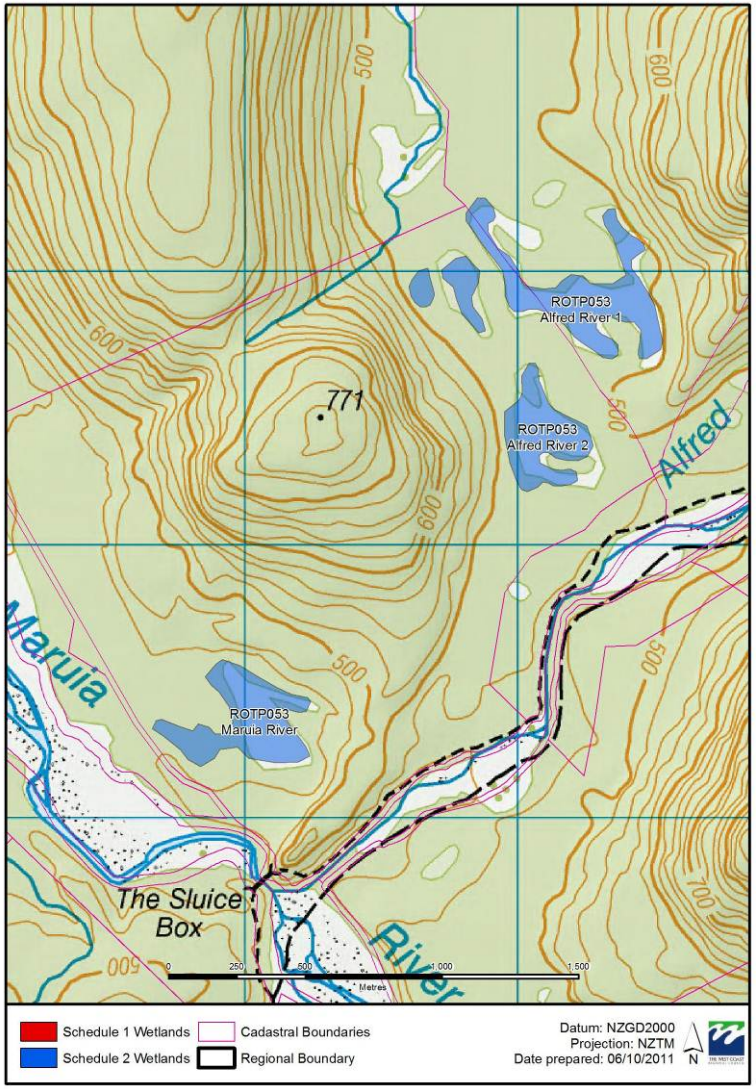
West Coast Schedule 1 and 2 Maps
ROTP002 Hunter Wetland



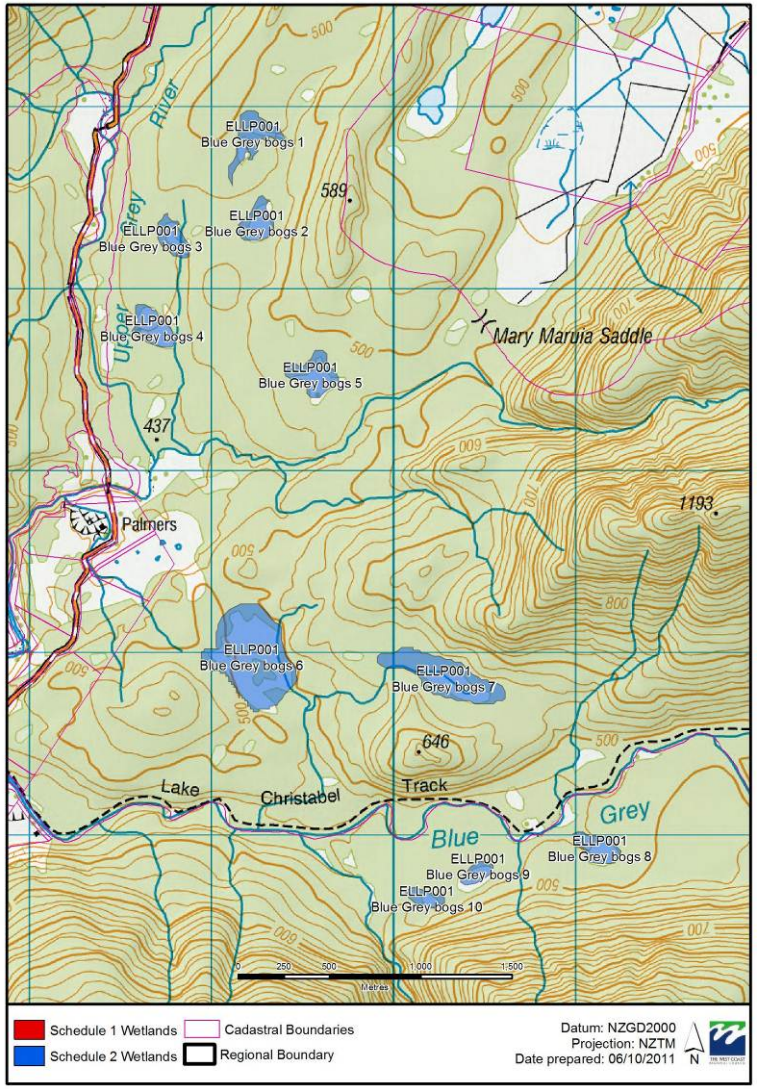
West Coast Schedule 1 and 2 Maps
ROTP050 Lake Rappahannock



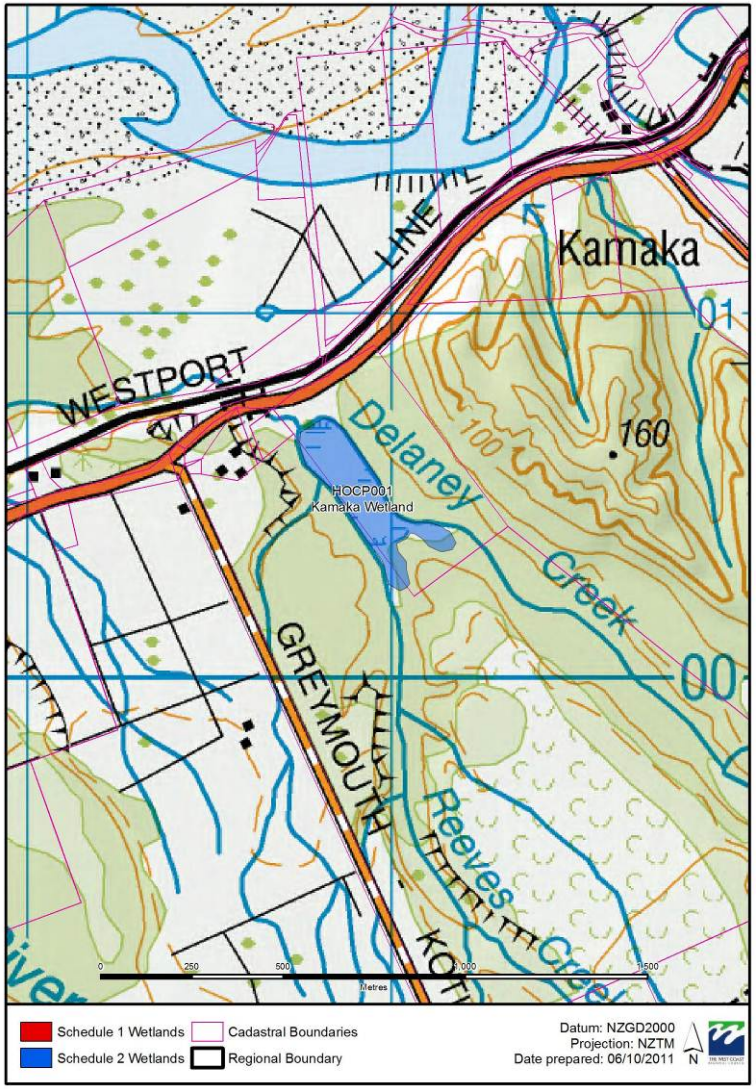
West Coast Schedule 1 and 2 Maps
ROTP053 Alfred River



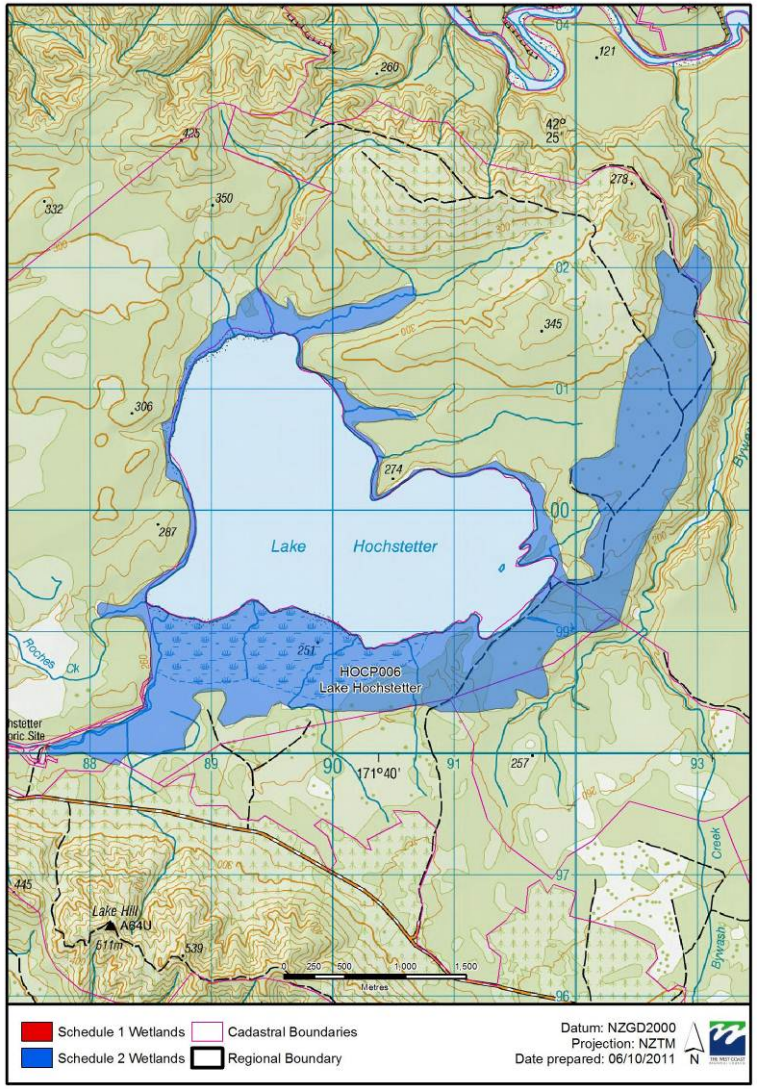
West Coast Schedule 1 and 2 Maps
ELLP001 Blue Grey



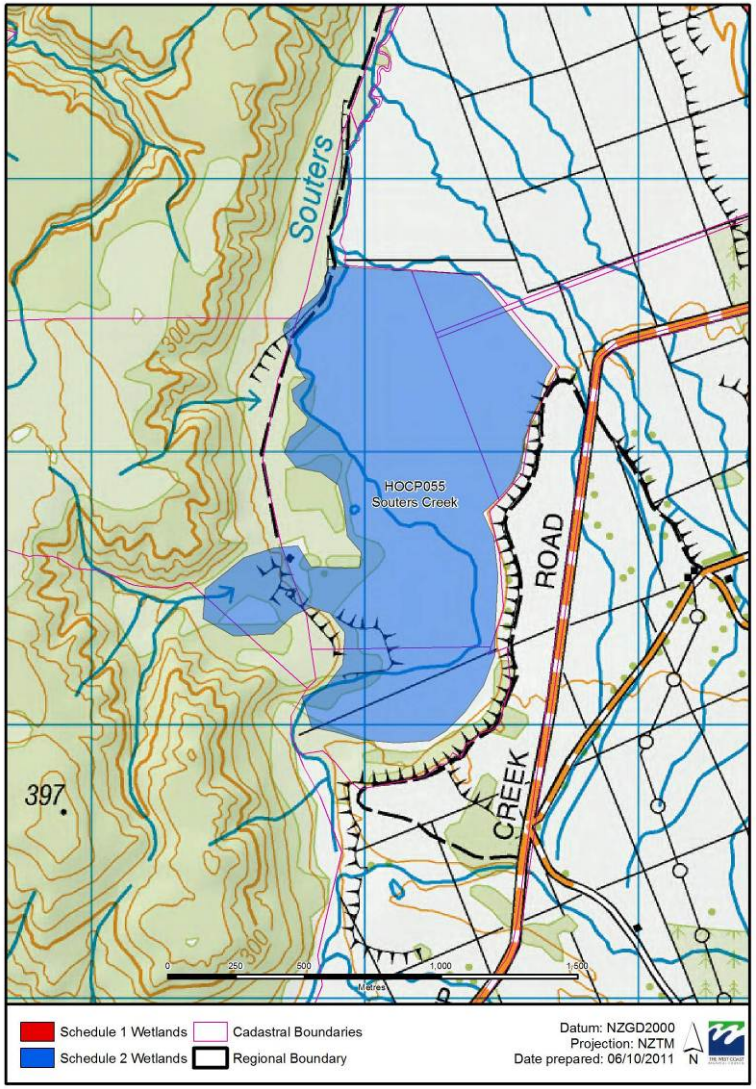
West Coast Schedule 1 and 2 Maps
HOCP001 Kamaka



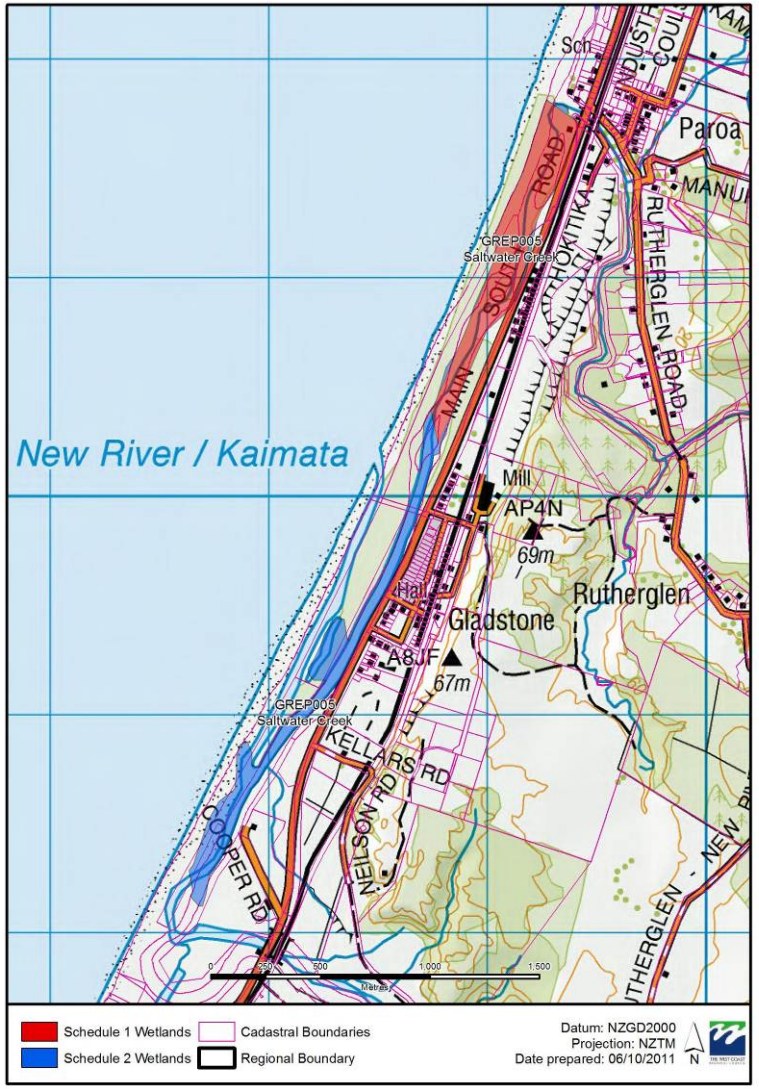
West Coast Schedule 1 and 2 Maps
HOCP006 Lake Hochstetter



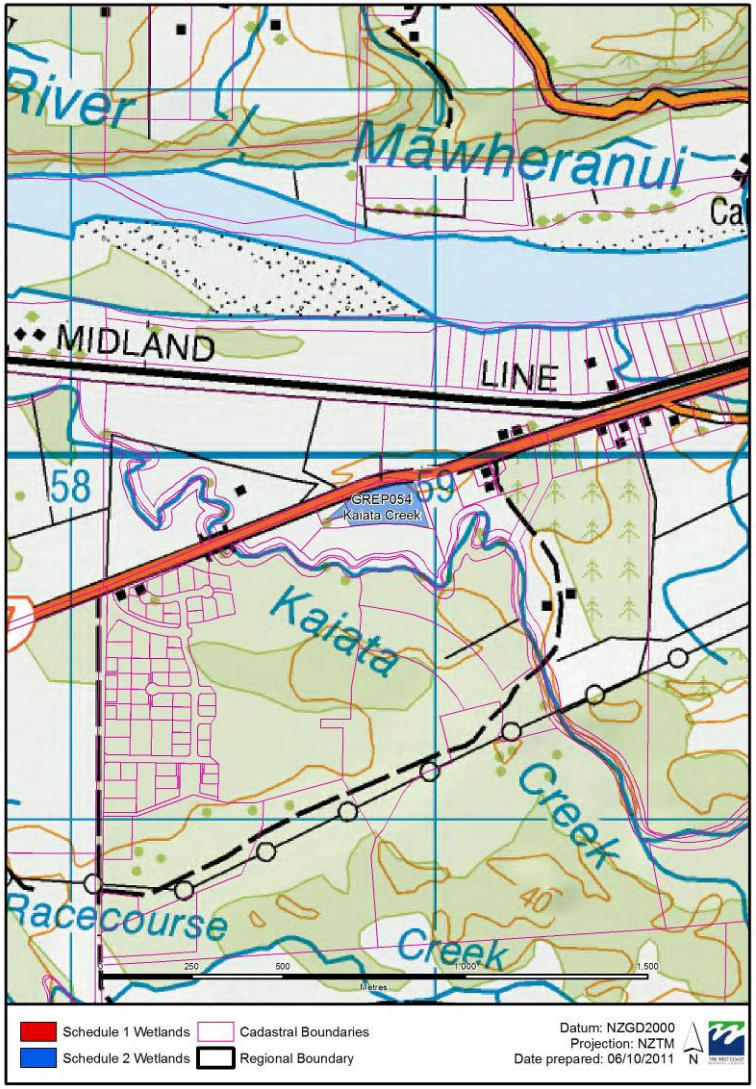
West Coast Schedule 1 and 2 Maps
HOCP055 Souters Creek



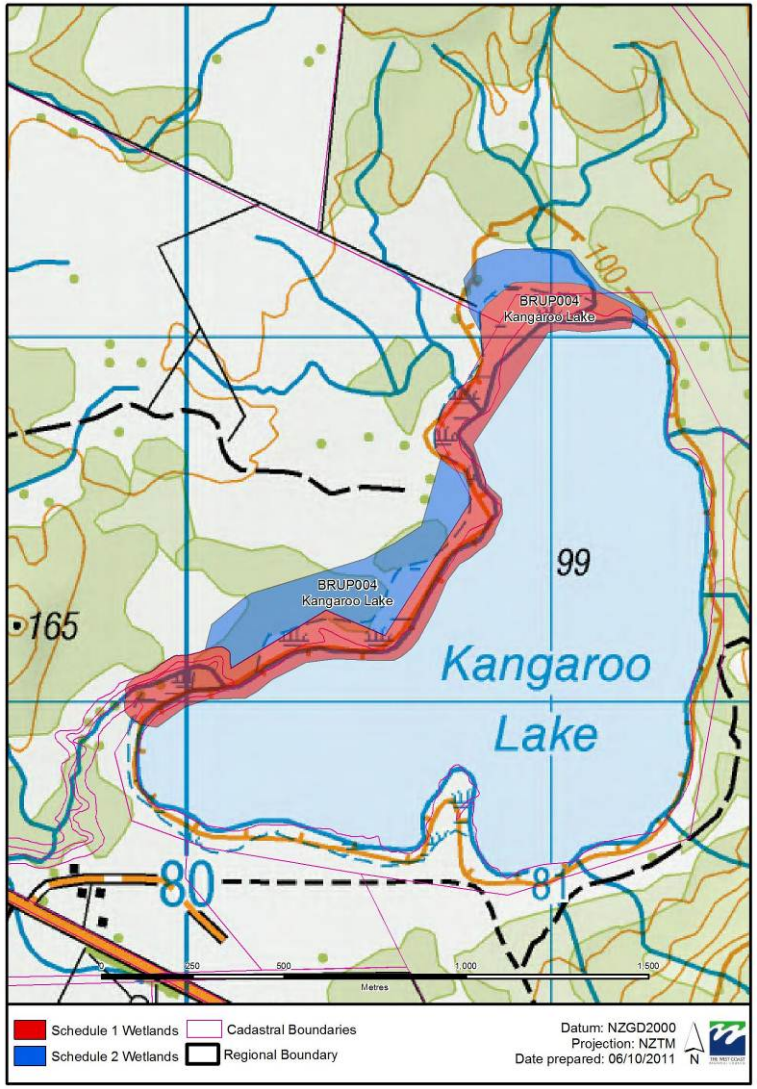
West Coast Schedule 1 and 2 Maps
GREP005 Saltwater Creek



West Coast Schedule 1 and 2 Maps
GREP054 Kaiata Creek

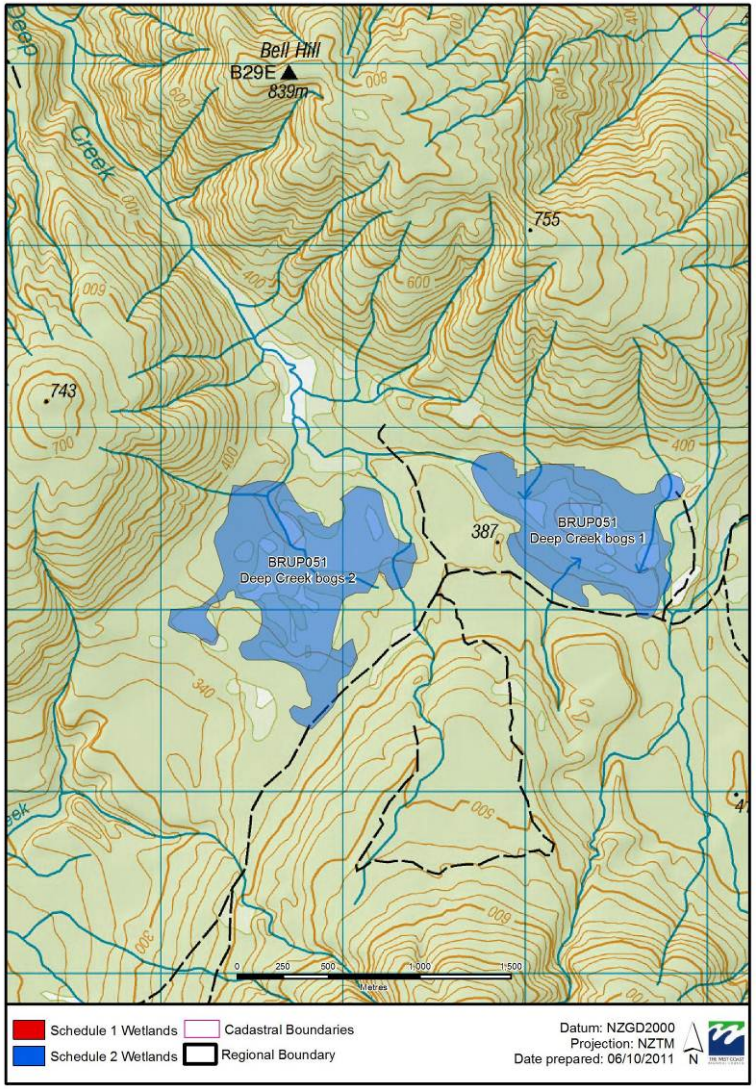


West Coast Schedule 1 and 2 Maps
BRUP004 Kangaroo Lake

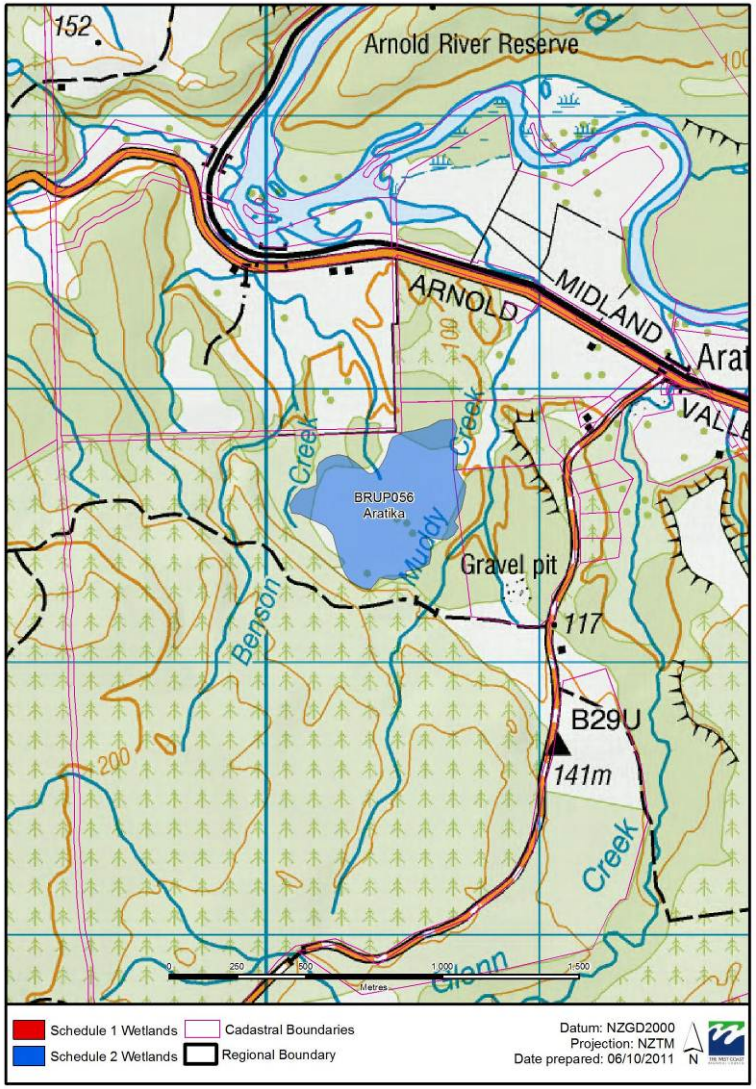


West Coast Schedule 1 and 2 Maps
BRUP005 Lake Brunner Mitchells

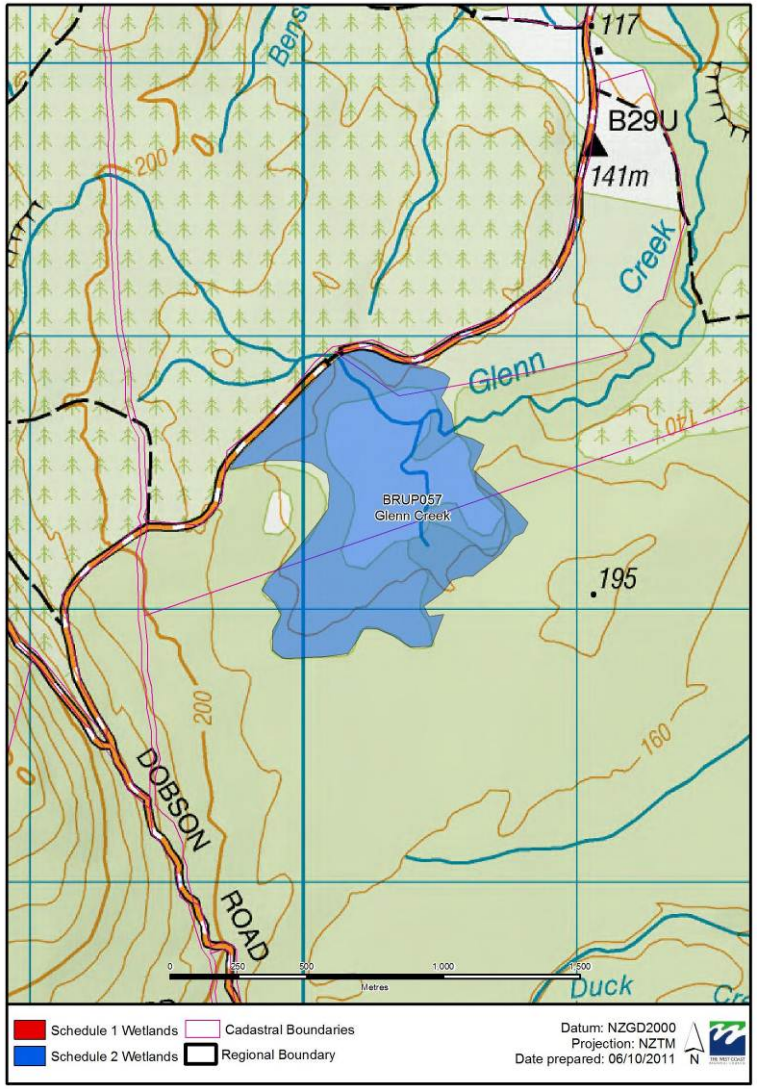
West Coast Schedule 1 and 2 Maps
BRUP051 Deep Creek



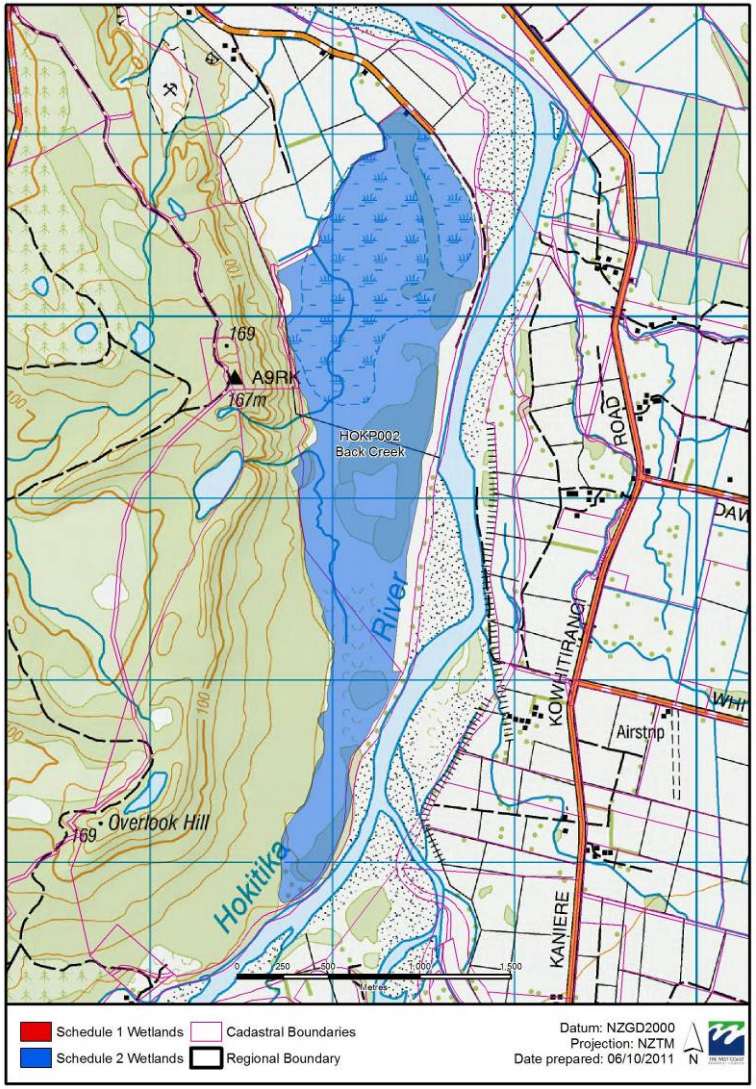
West Coast Schedule 1 and 2 Maps
BRUP056 Aratika



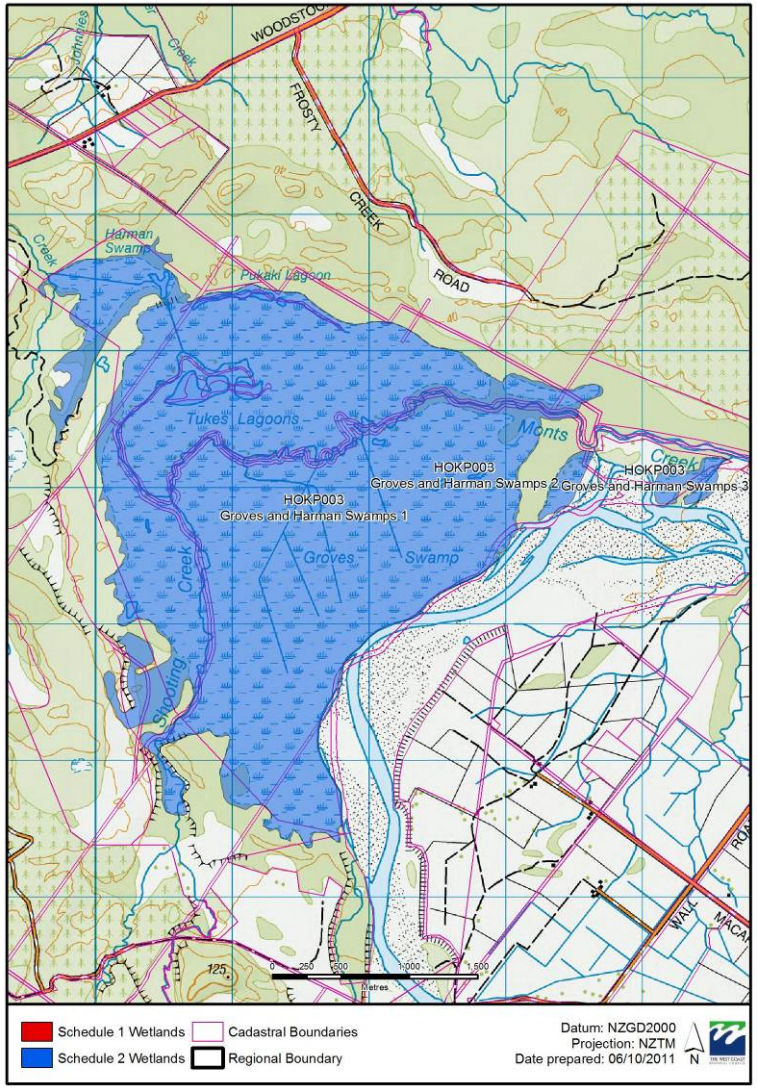
West Coast Schedule 1 and 2 Maps
BRUP057 Glenn Creek



West Coast Schedule 1 and 2 Maps
HOKP002 Back Creek

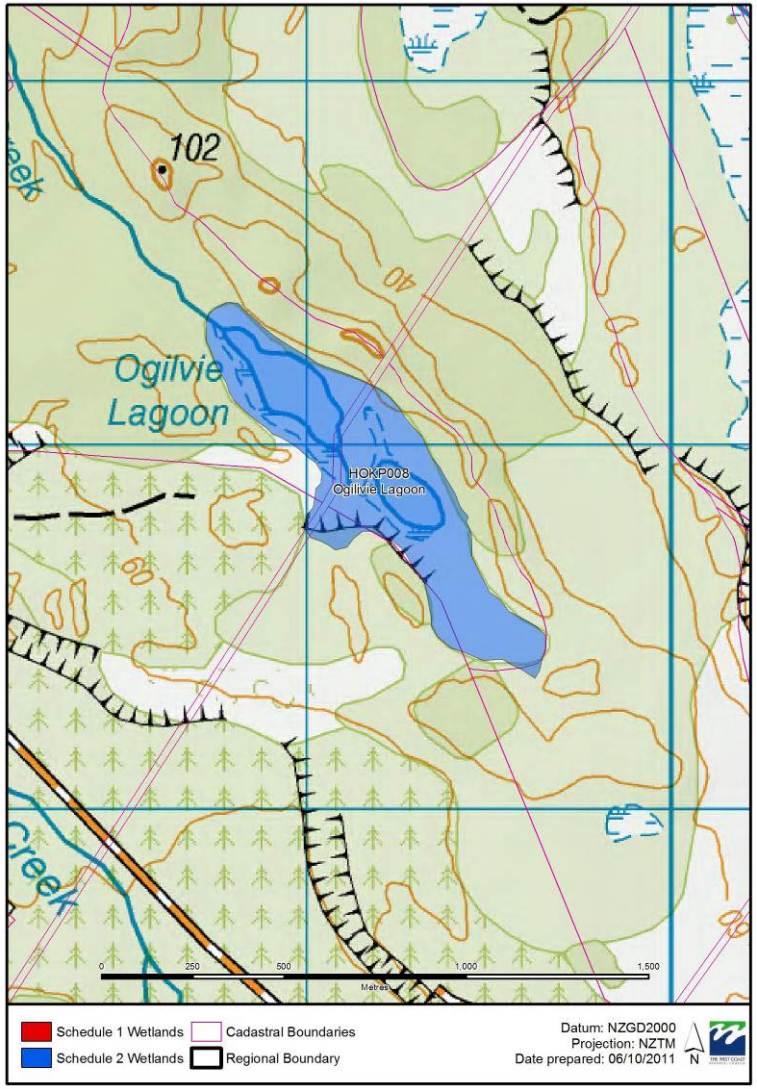


West Coast Schedule 1 and 2 Maps
HOKP003 Groves & Harman Swamps

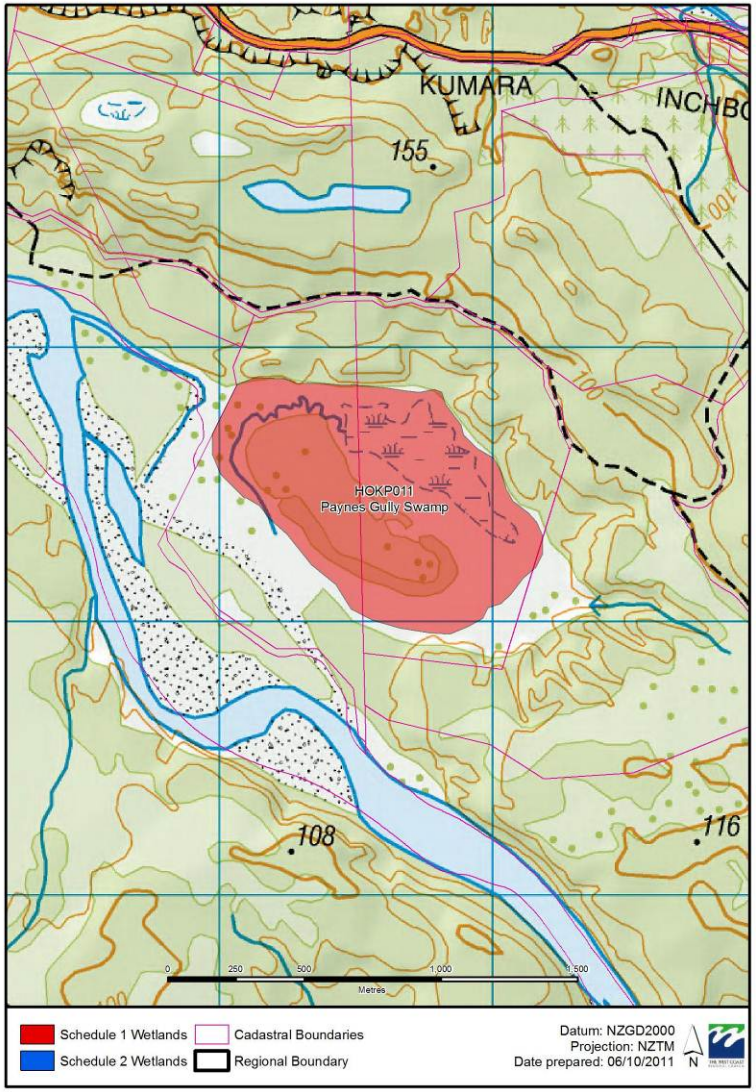


West Coast Schedule 1 and 2 Maps
HOKP007 Mikonui River Mouth

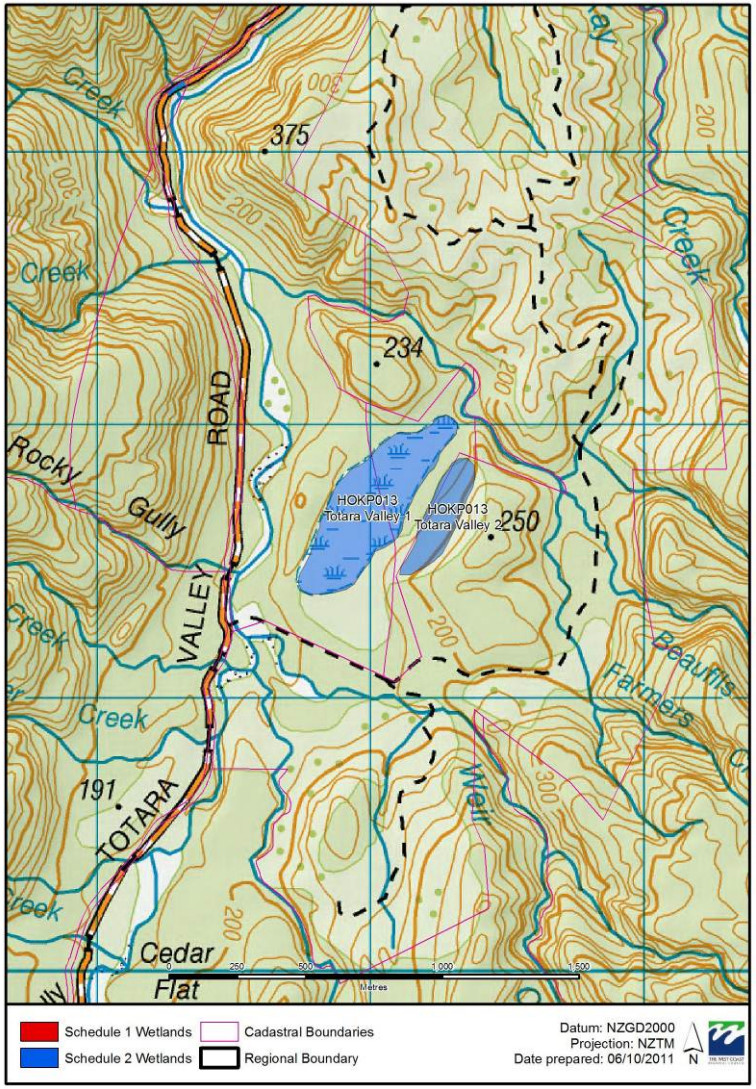
West Coast Schedule 1 and 2 Maps
HOKP008 Ogilivie Lagoon



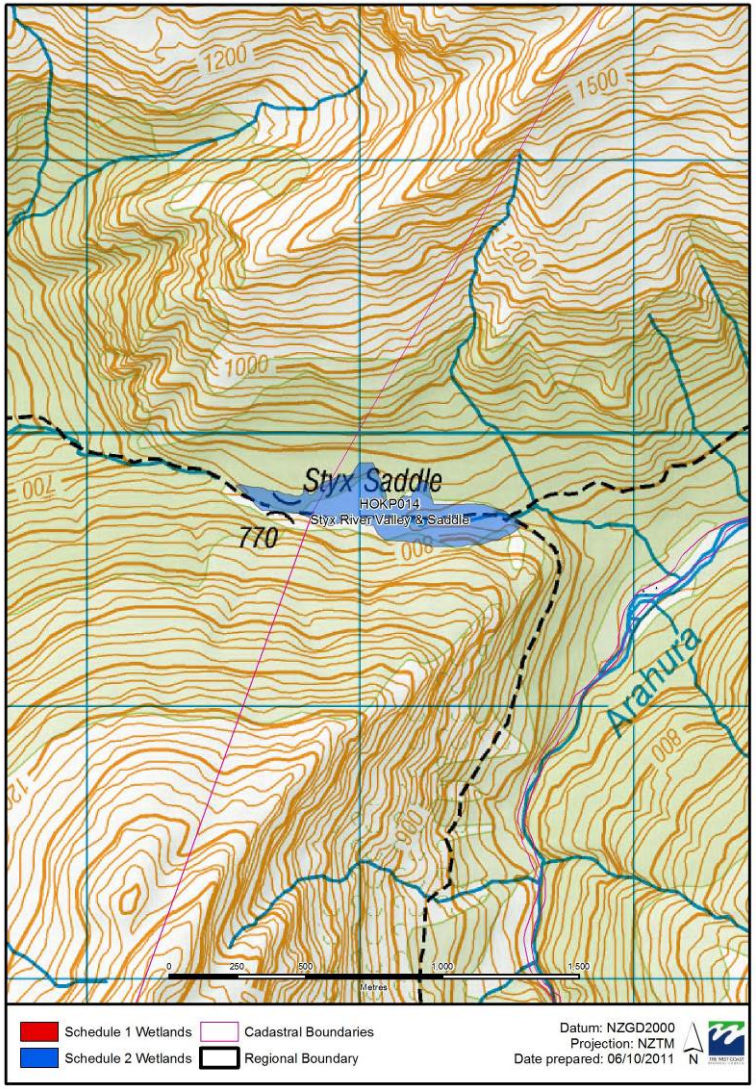
West Coast Schedule 1 and 2 Maps
HOKP011 Paynes Gully



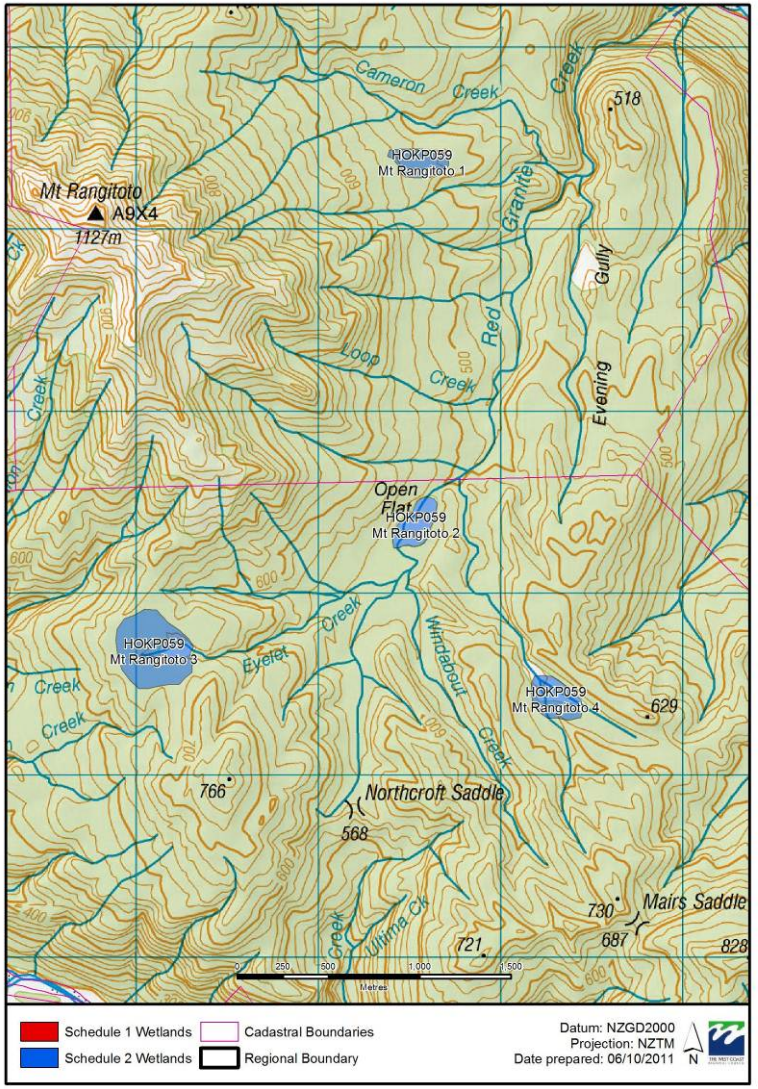
West Coast Schedule 1 and 2 Maps
HOKP013 Totara Valley



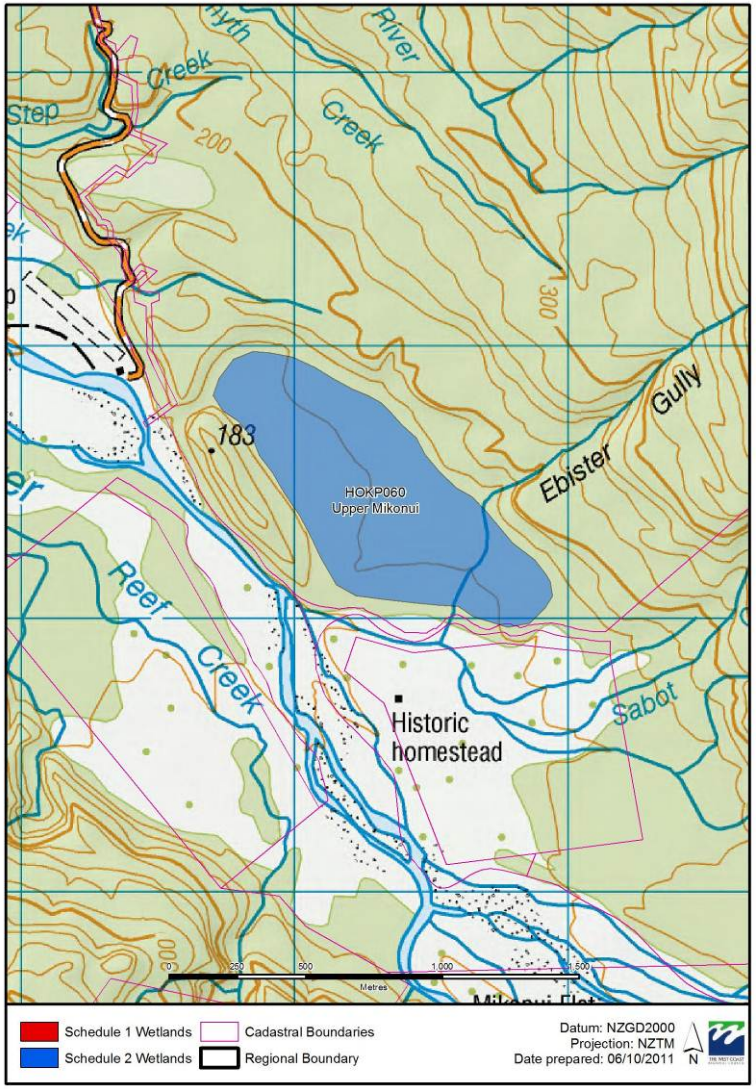
West Coast Schedule 1 and 2 Maps
HOKP014 Styx



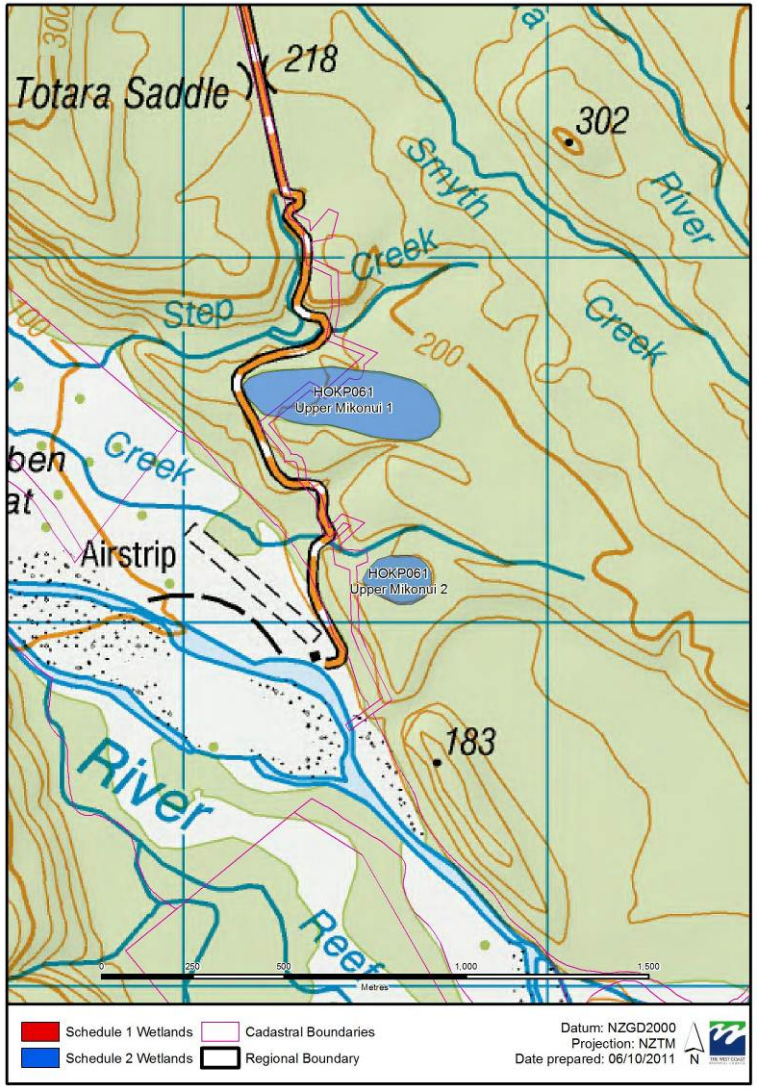
West Coast Schedule 1 and 2 Maps
HOKP059 Mt Rangitoto



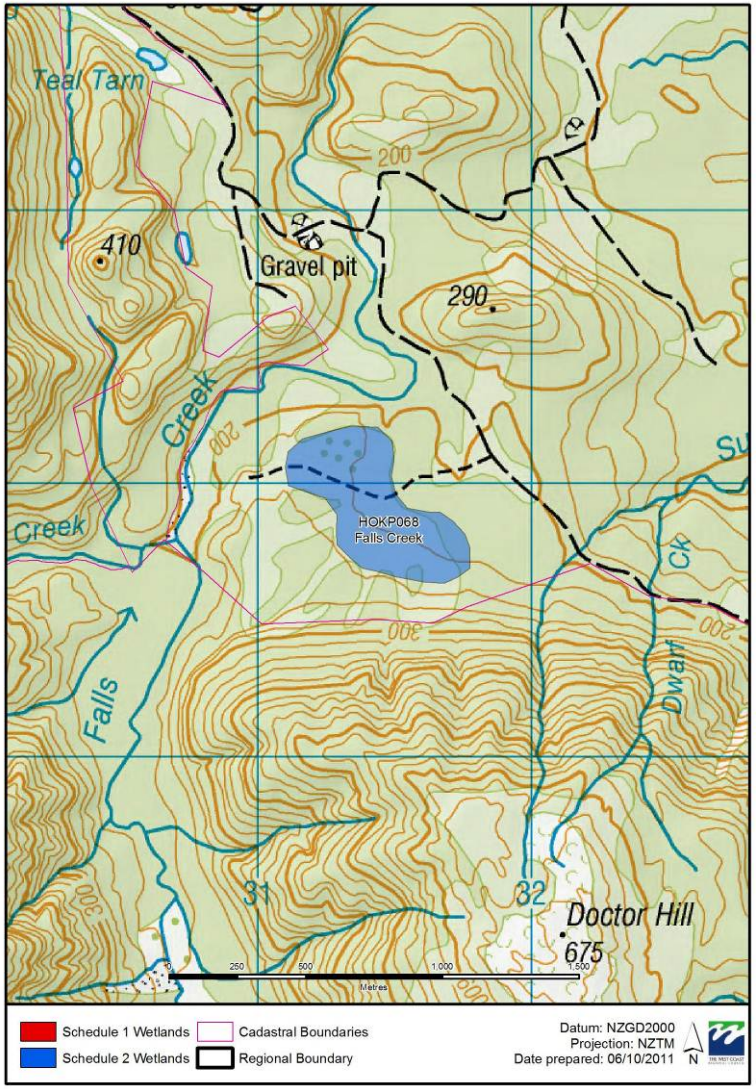
West Coast Schedule 1 and 2 Maps
HOKP060 Upper Mikonui



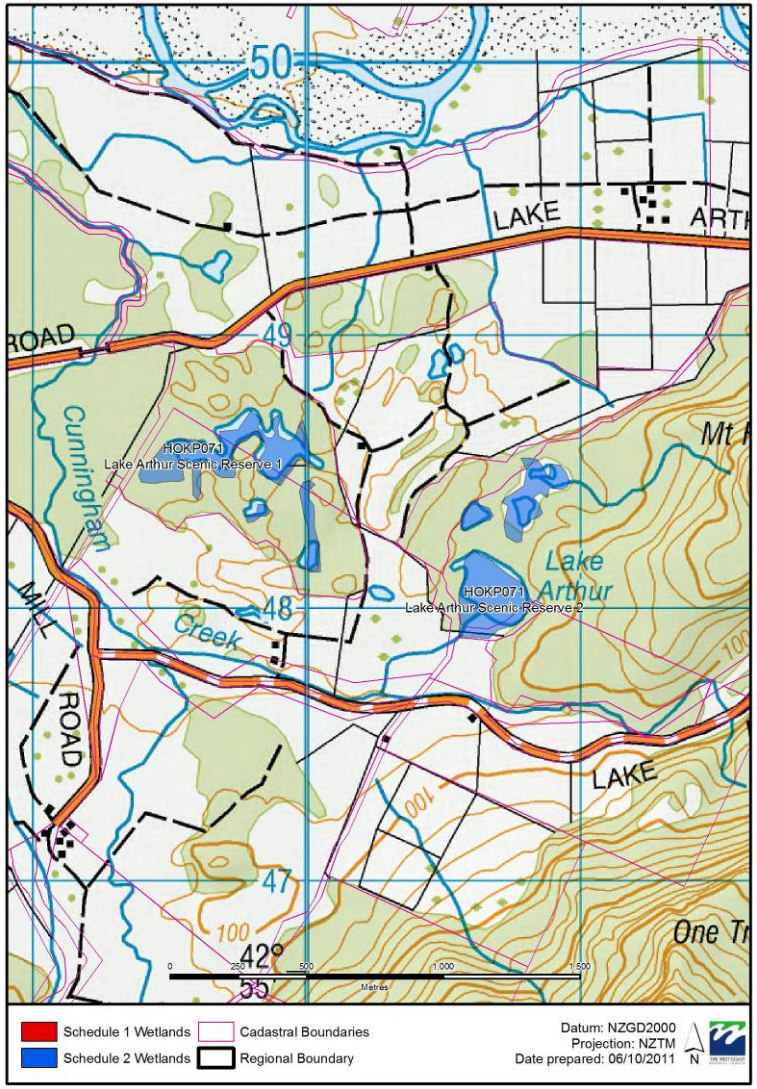
West Coast Schedule 1 and 2 Maps
HOKP061 Upper Mikonui



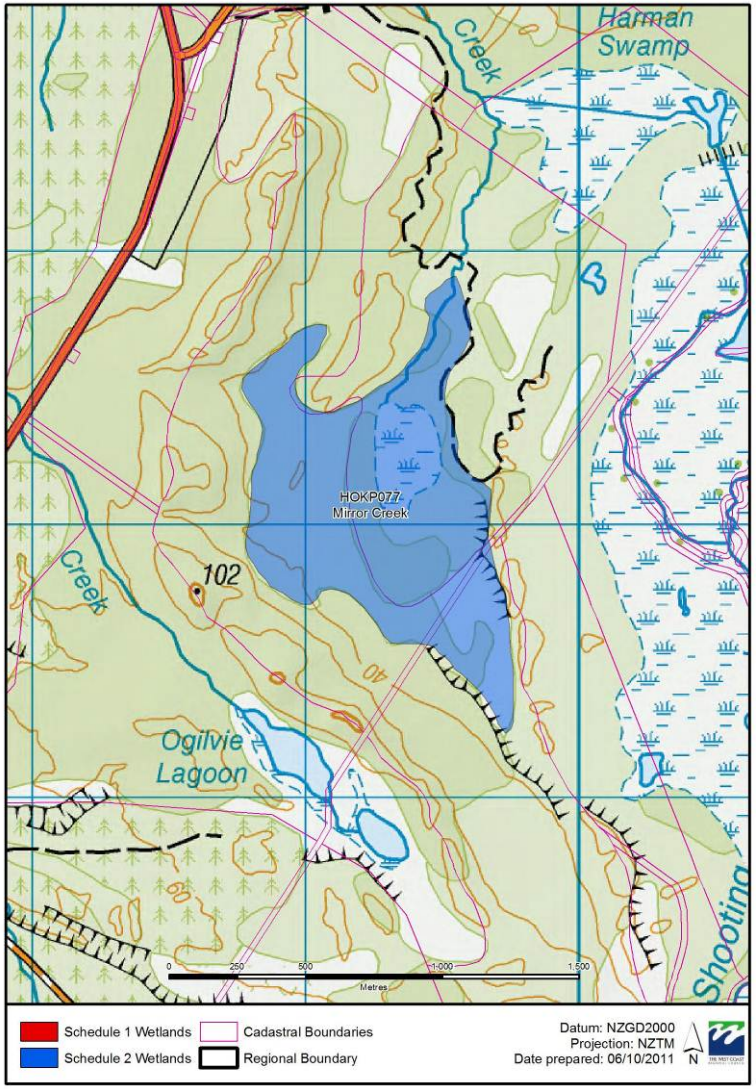
West Coast Schedule 1 and 2 Maps
HOKP068 Falls Creek



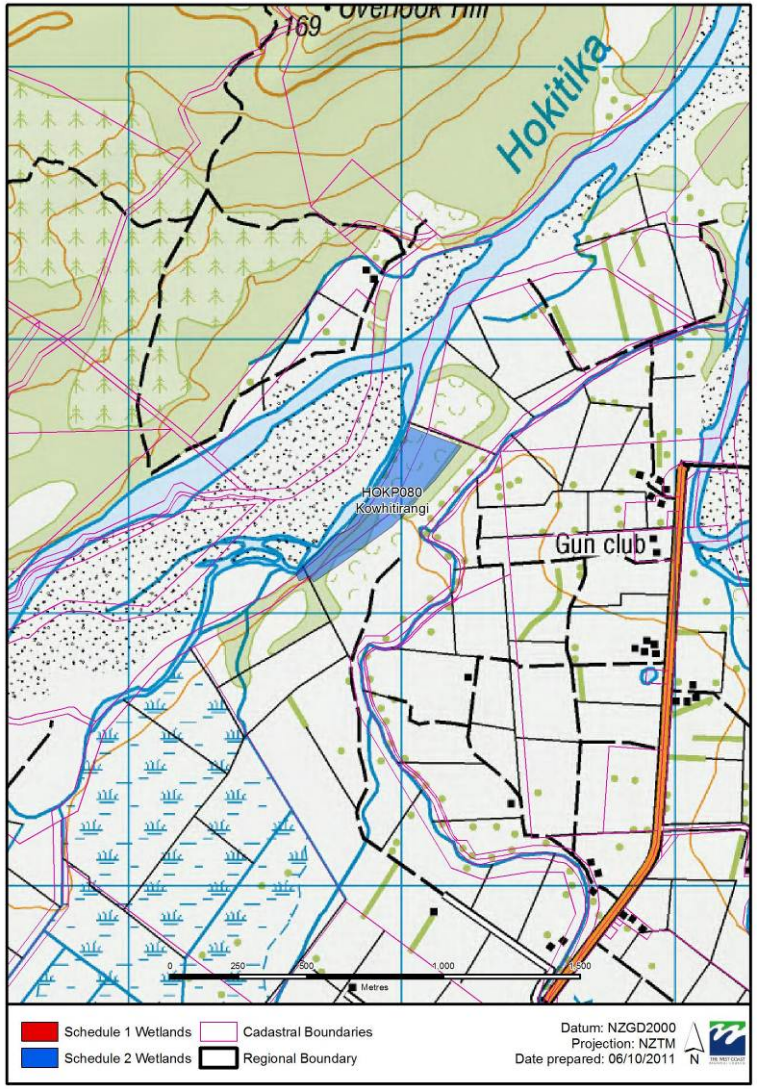
West Coast Schedule 1 and 2 Maps
HOKP071 Lake Arthur Scenic Reserve



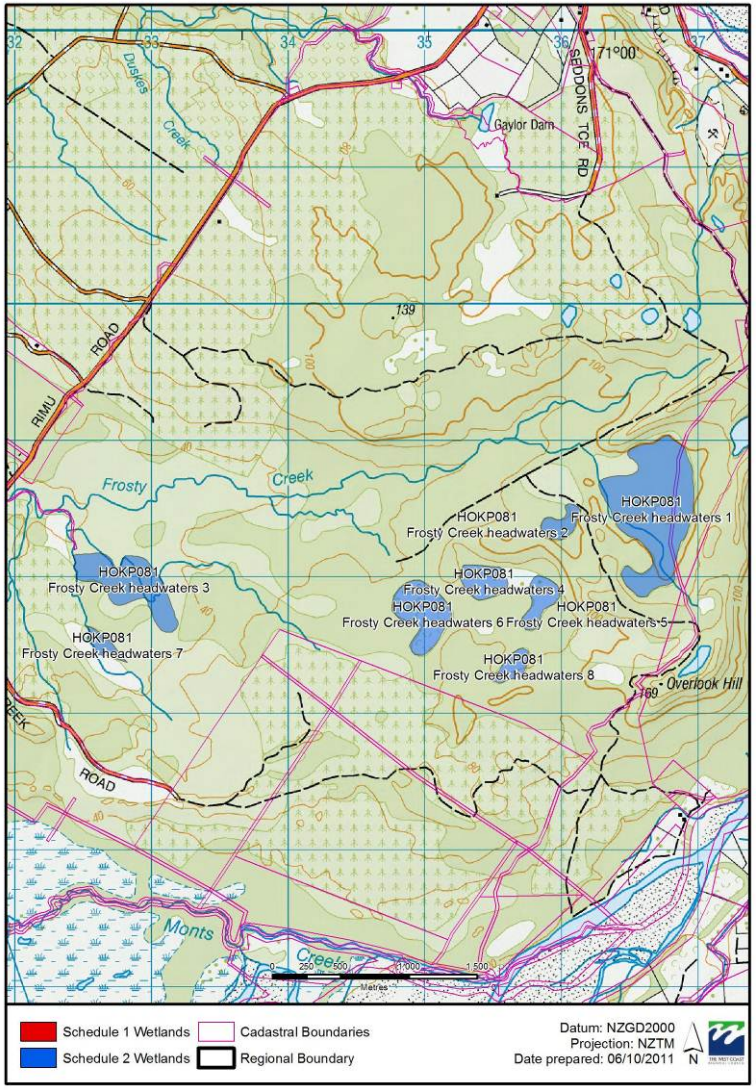
West Coast Schedule 1 and 2 Maps
HOKP077 Mirror Creek



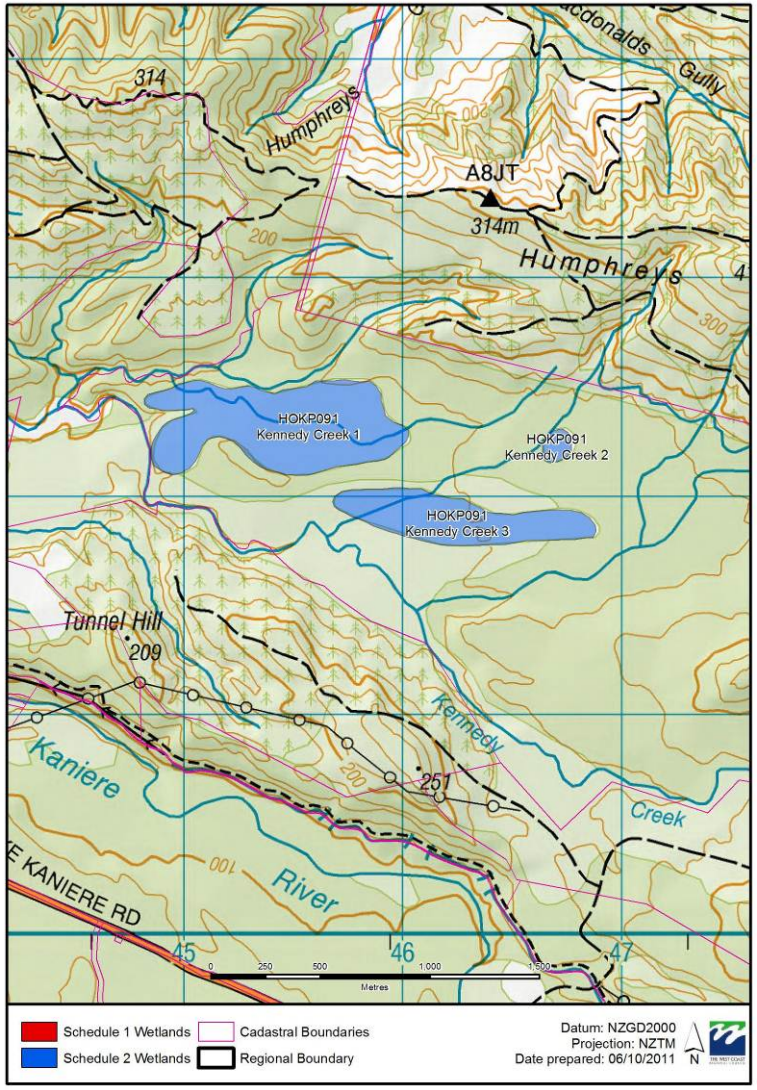
West Coast Schedule 1 and 2 Maps
HOKP080 Kowhitirangi



West Coast Schedule 1 and 2 Maps
HOKP081 Frosty Creek headwaters

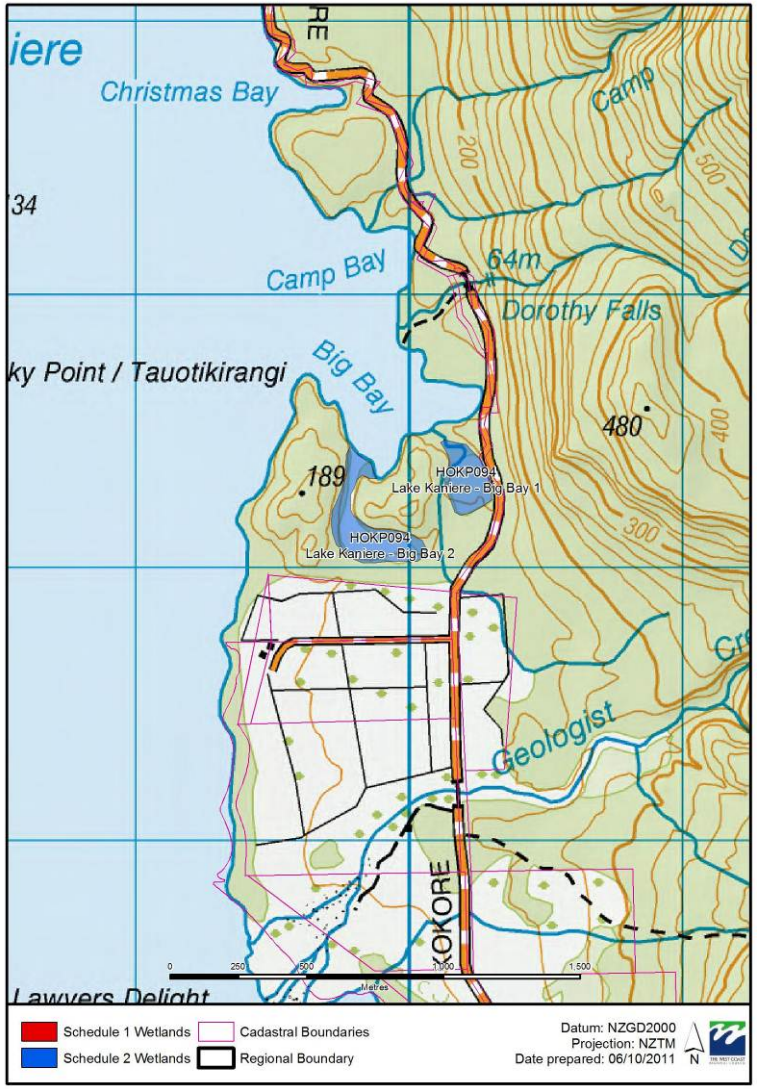


West Coast Schedule 1 and 2 Maps
HOKP091 Kennedy Creek

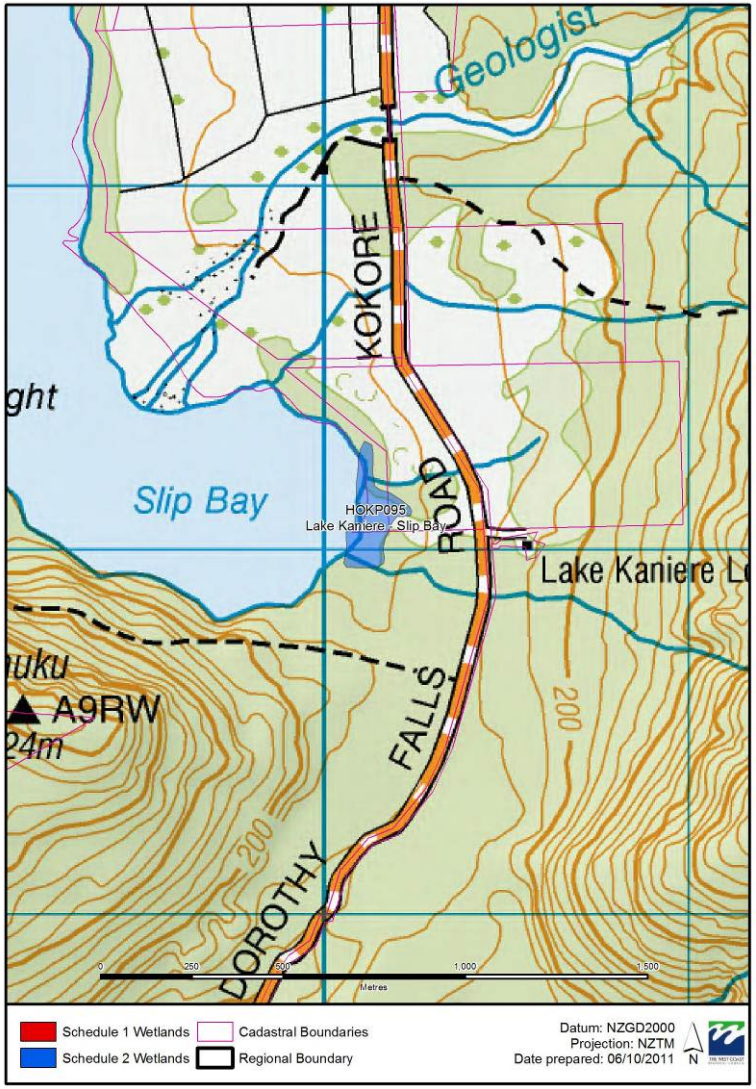


West Coast Schedule 1 and 2 Maps
HOKP093 Sunny Bight

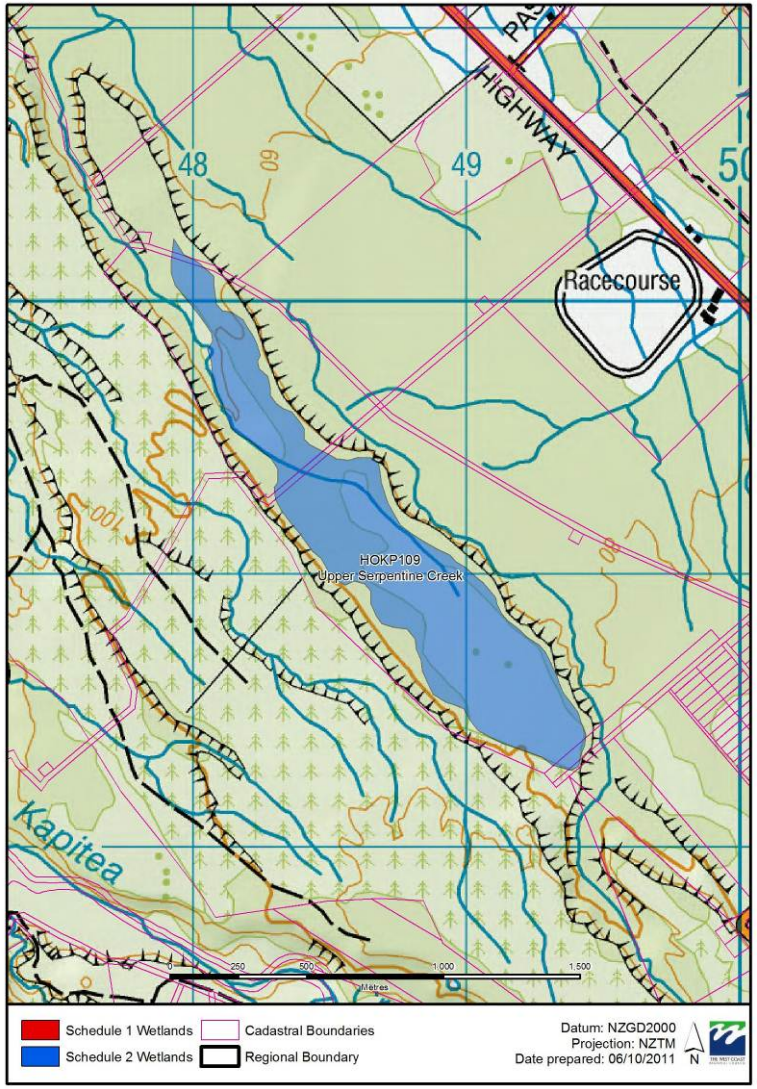
West Coast Schedule 1 and 2 Maps
HOKP094 Lake Kaniere, Big Bay



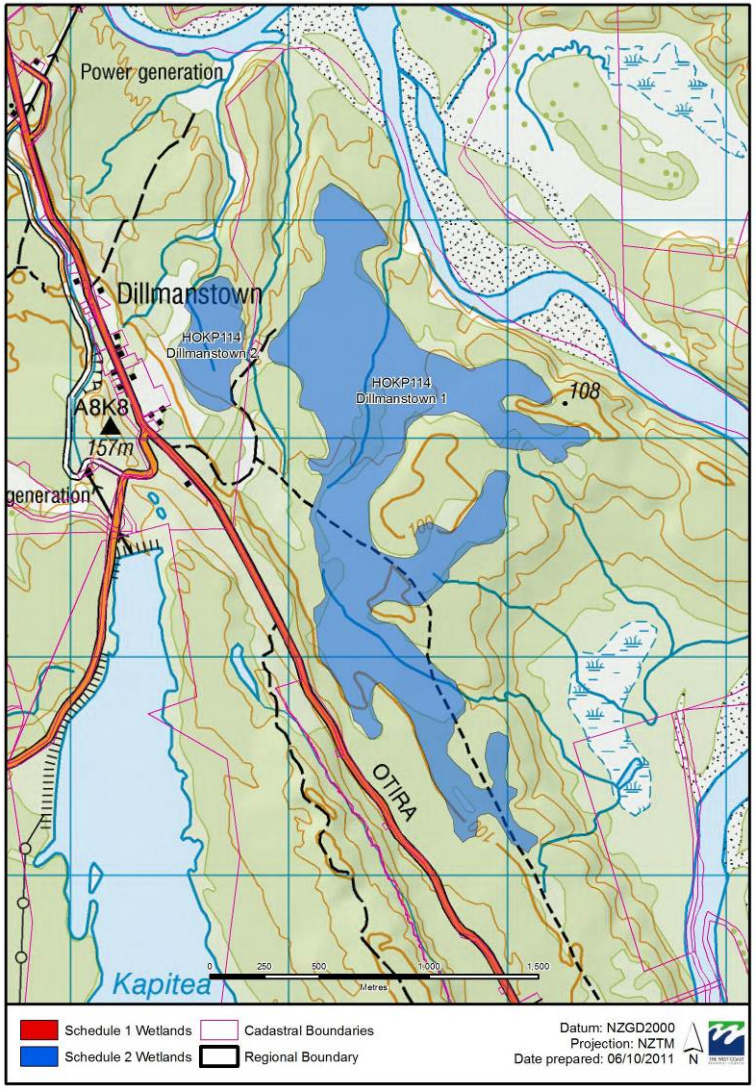
West Coast Schedule 1 and 2 Maps
HOKP095 Lake Kaniere, Slip Bay



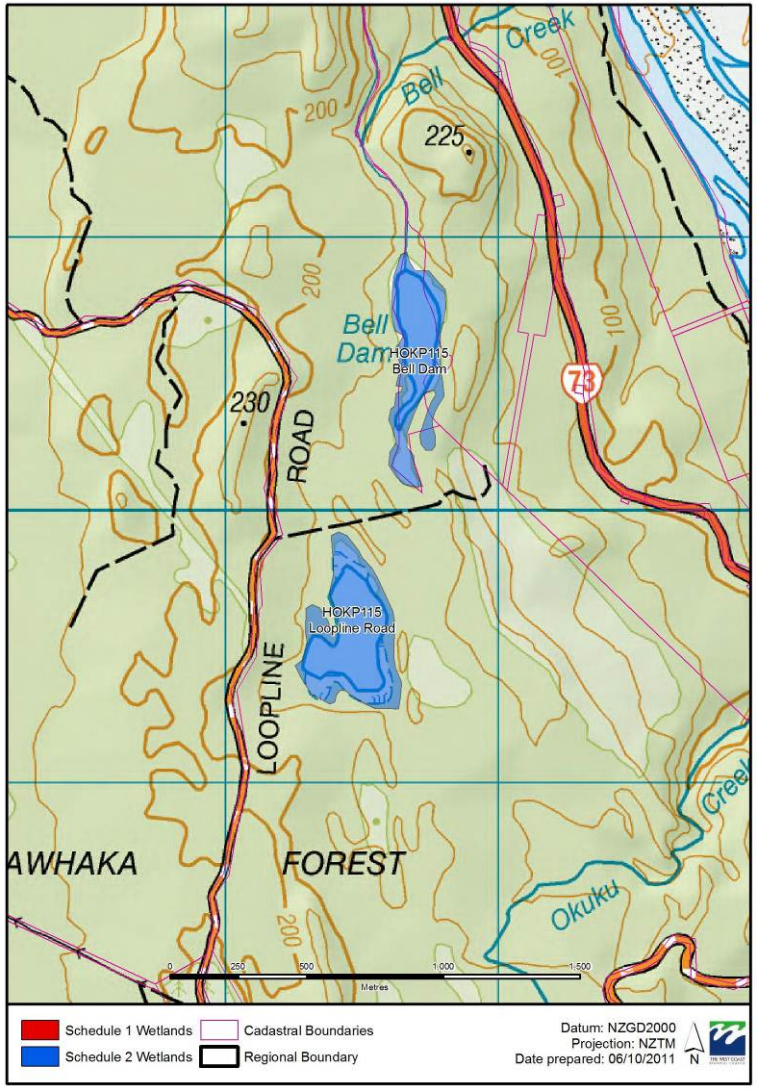
West Coast Schedule 1 and 2 Maps
HOKP109 Upper Serpentine Creek



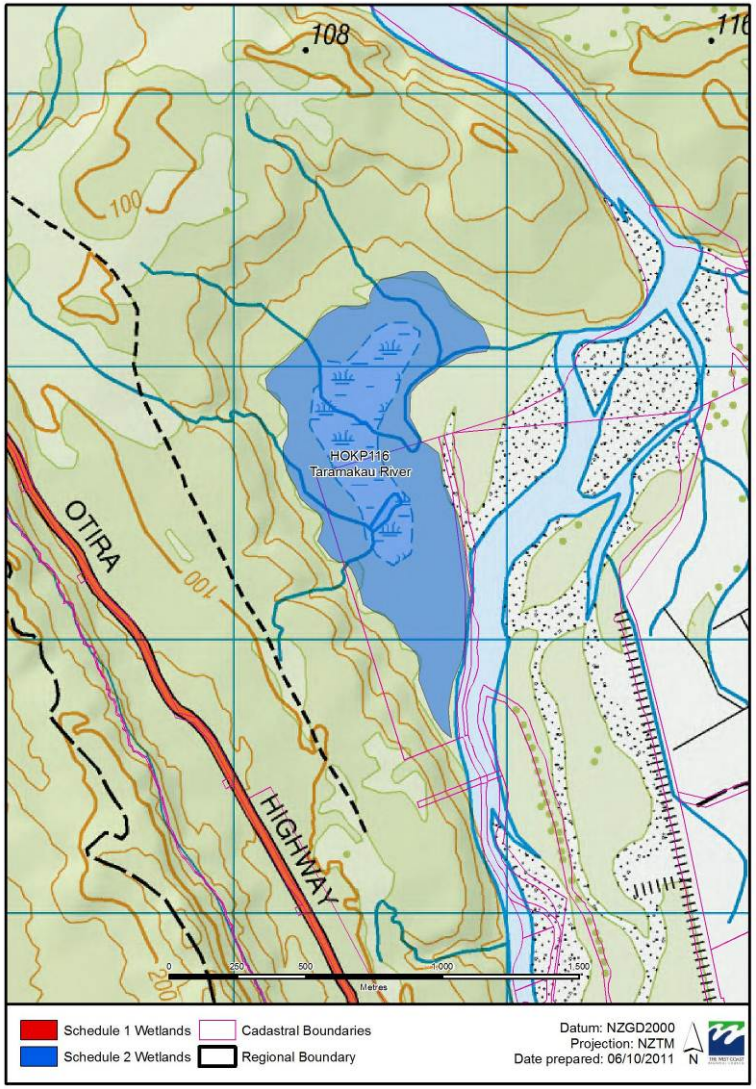
West Coast Schedule 1 and 2 Maps
HOKP114 Dillmanstown



West Coast Schedule 1 and 2 Maps
HOKP115 Bell Dam

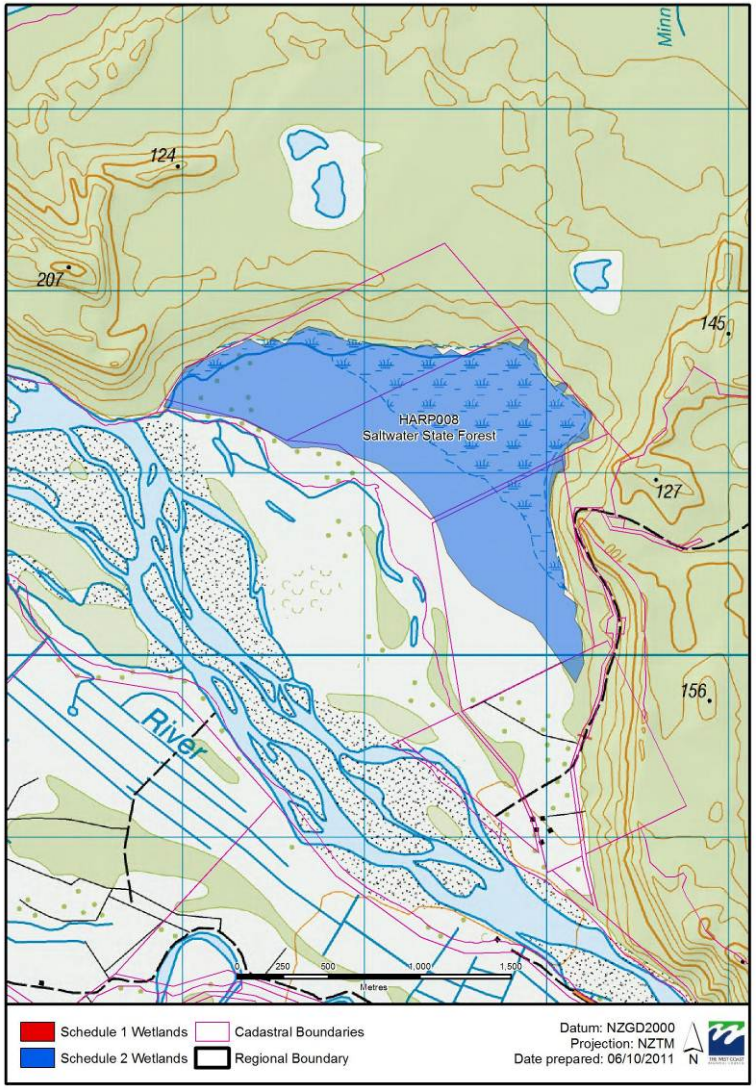


West Coast Schedule 1 and 2 Maps
HOKP116 Taramakau River

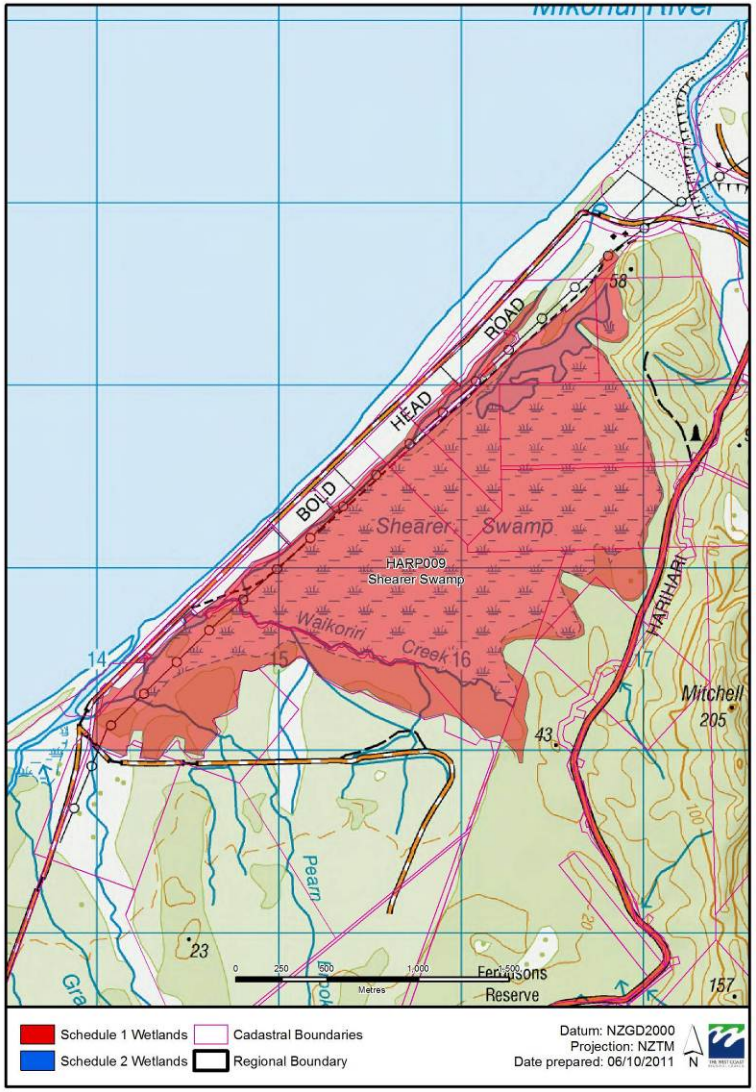


West Coast Schedule 1 and 2 Maps
WHIP052 Lake Misery (Arthurs Pass)

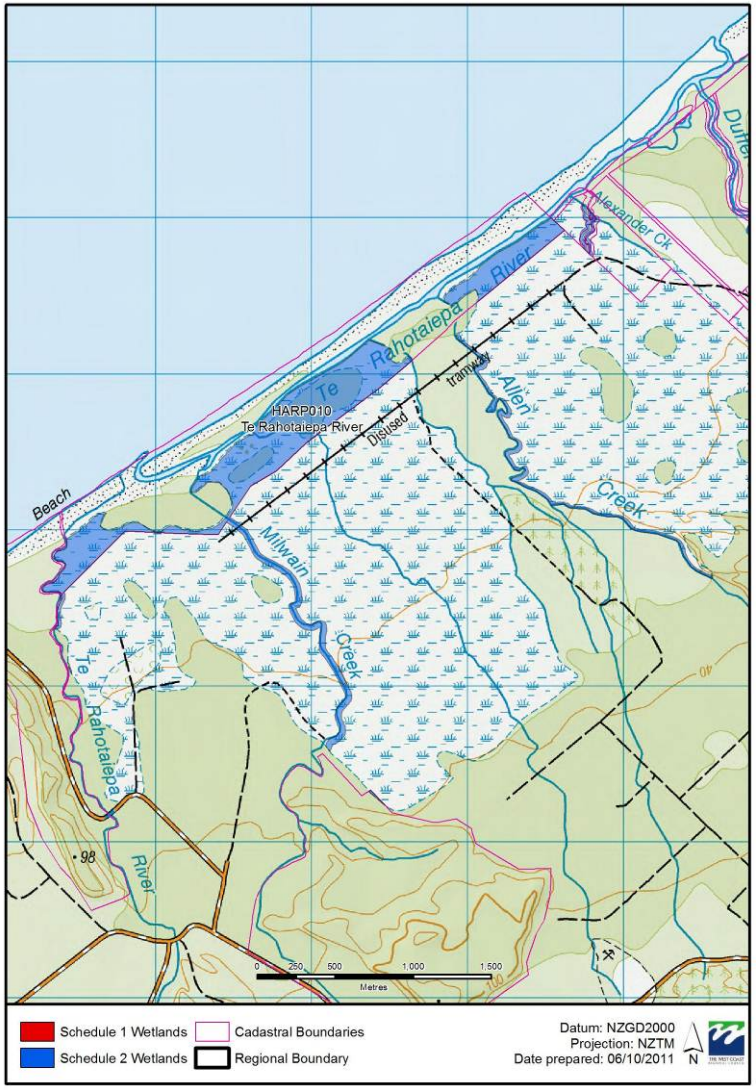
West Coast Schedule 1 and 2 Maps
HARP008 Saltwater State Forest



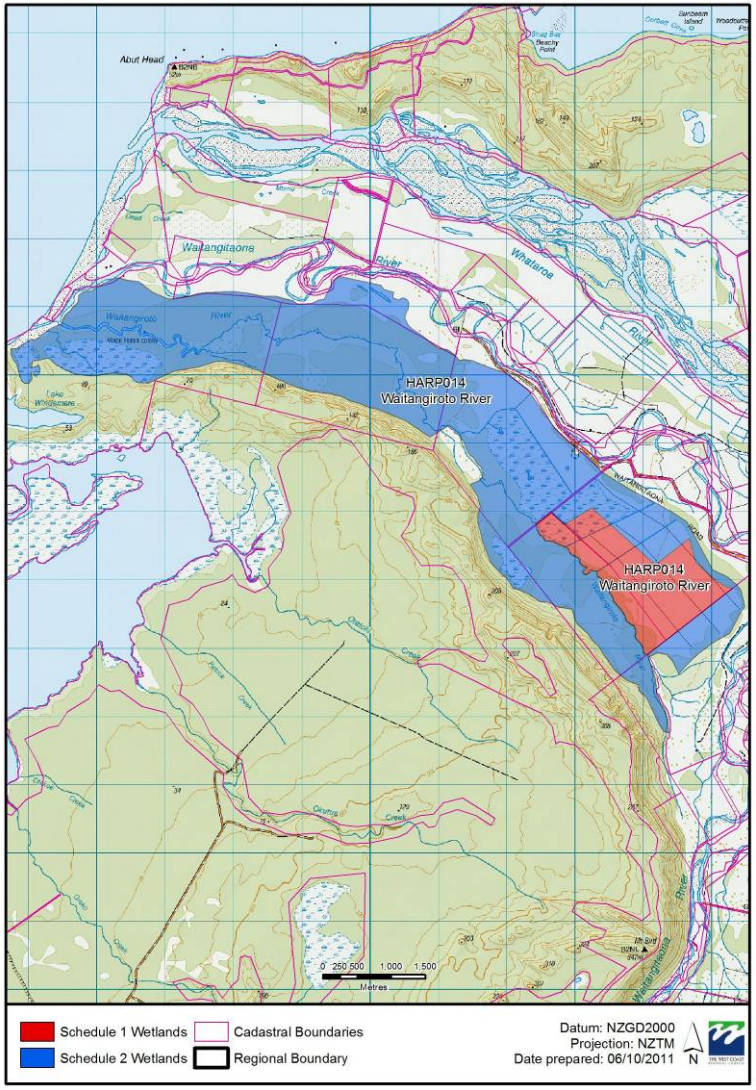
West Coast Schedule 1 and 2 Maps
HARP009 Shearer Swamp



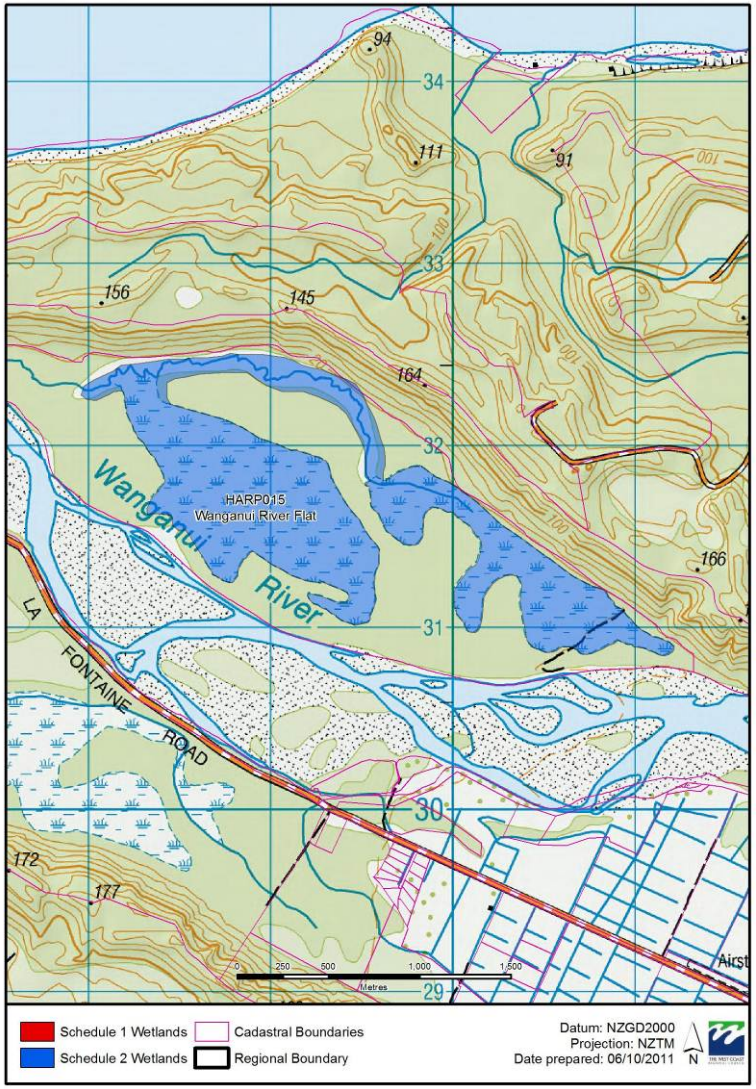
West Coast Schedule 1 and 2 Maps
HARP010 Te Rehotaiepa



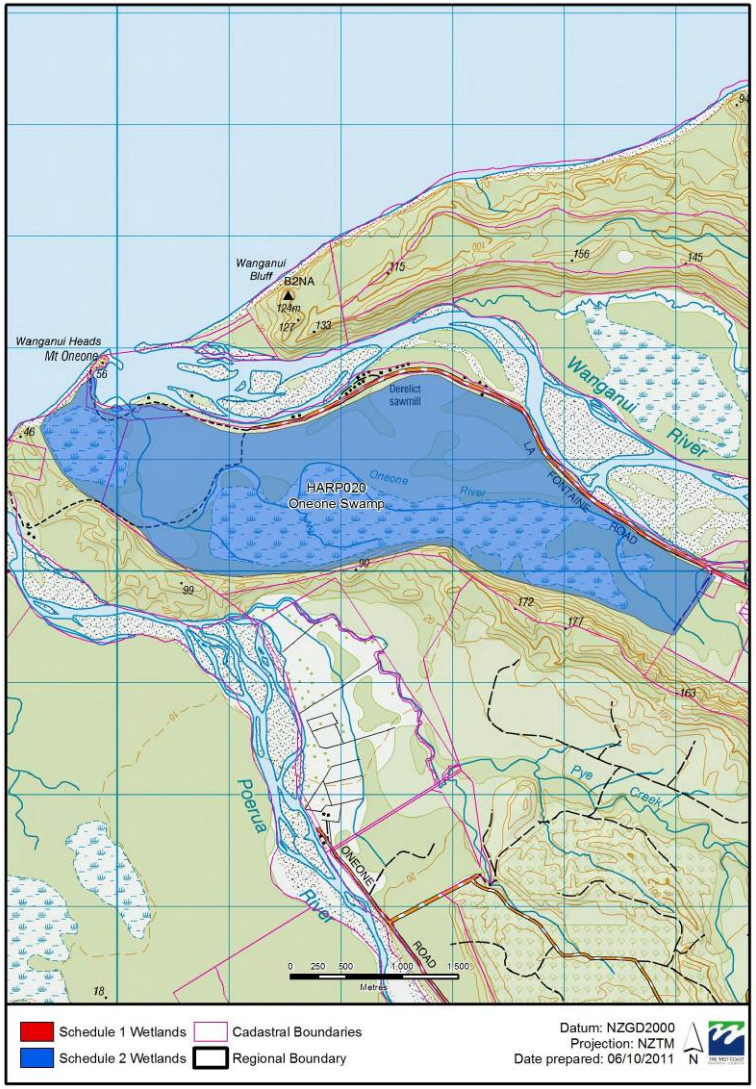
West Coast Schedule 1 and 2 Maps
HARP014 Waitangiroto River



West Coast Schedule 1 and 2 Maps
HARP015 Wanganui River Flat

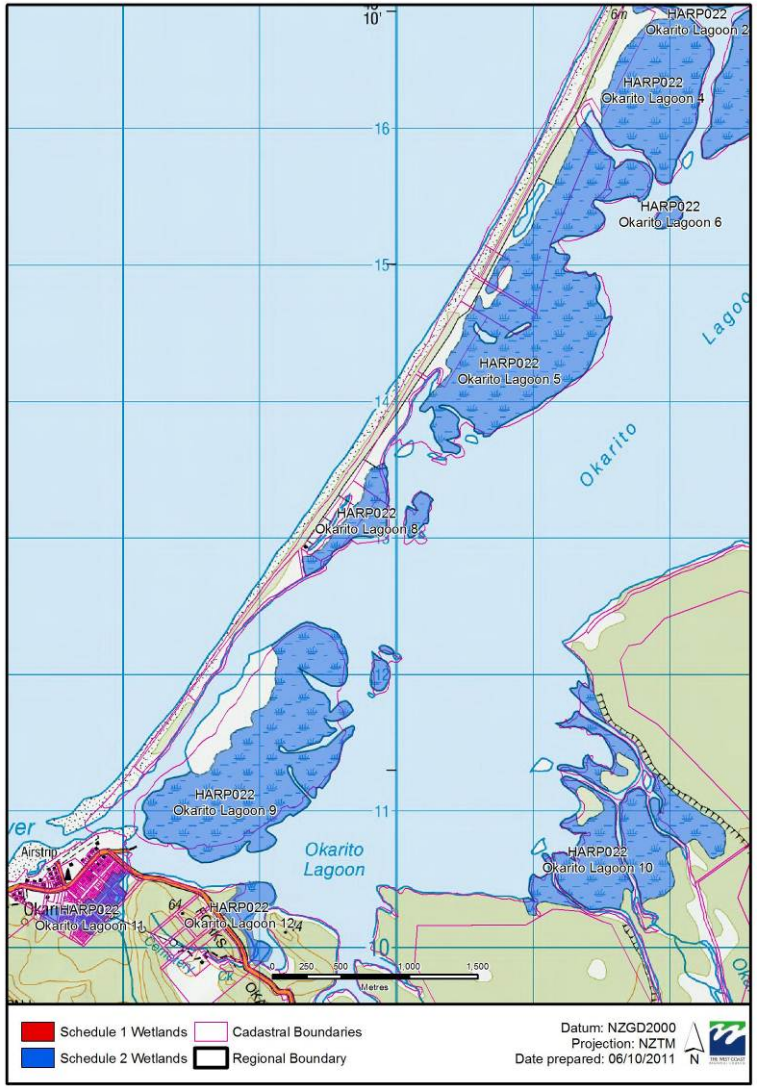


West Coast Schedule 1 and 2 Maps
HARP020 Oneone Swamp

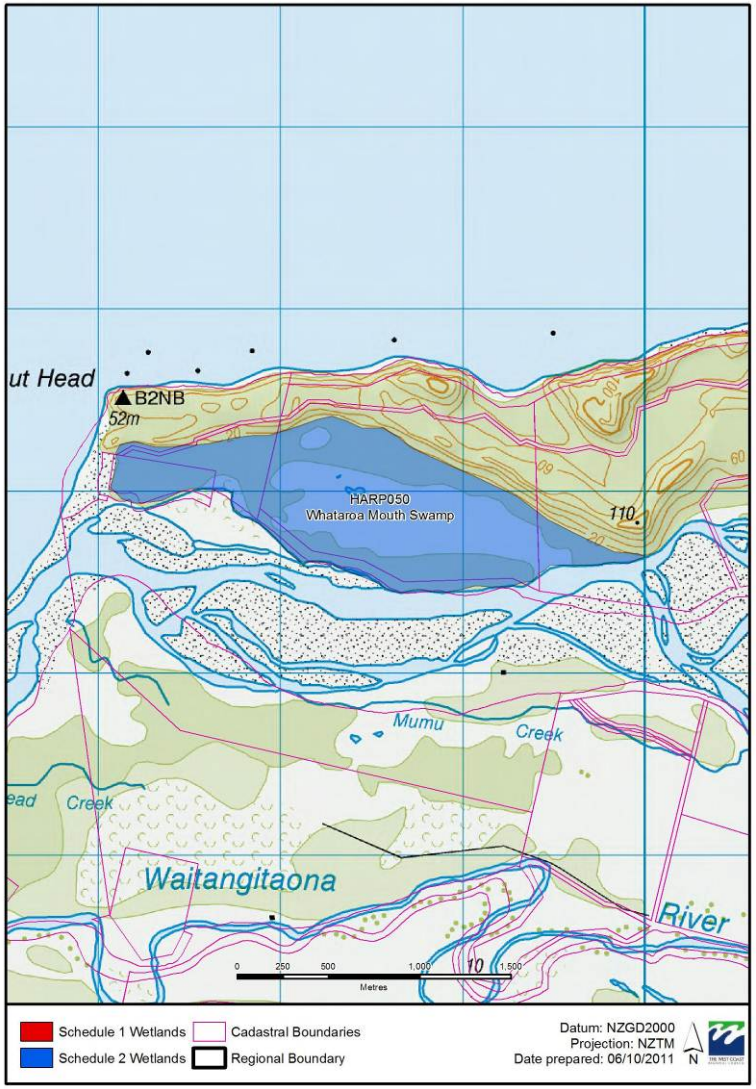


West Coast Schedule 1 and 2 Maps
HARP022 Okarito Lagoon 1

West Coast Schedule 1 and 2 Maps
HARP022 Okarito Lagoon 2

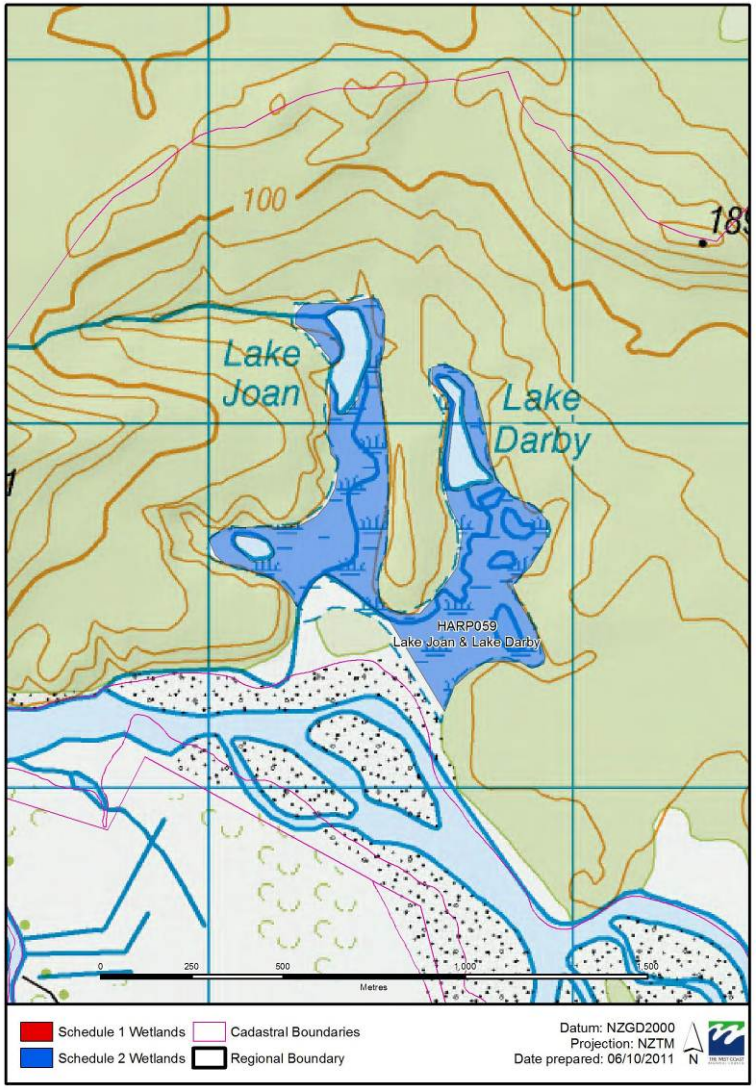


West Coast Schedule 1 and 2 Maps
HARP050 Whataroa Mouth Swamp



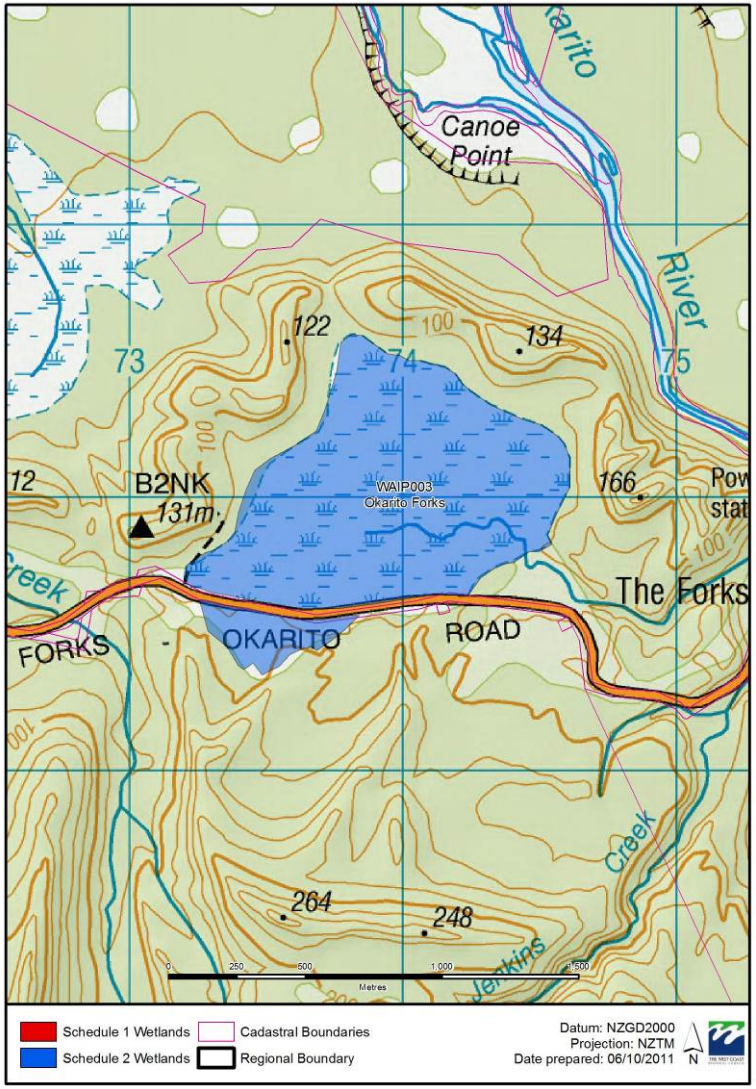
West Coast Schedule 1 and 2 Maps
HARP052 Okarito

West Coast Schedule 1 and 2 Maps
HARP059 Lake Joan & Lake Darby

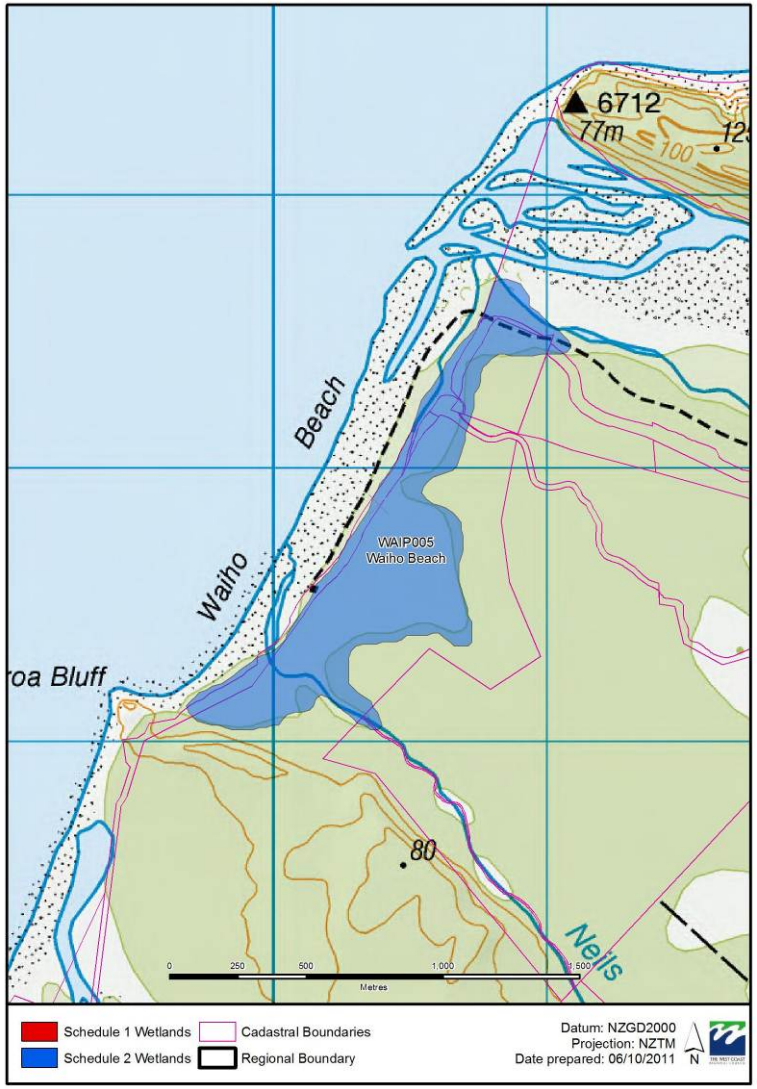


West Coast Schedule 1 and 2 Maps
WAIP002 Five Mile Lagoon

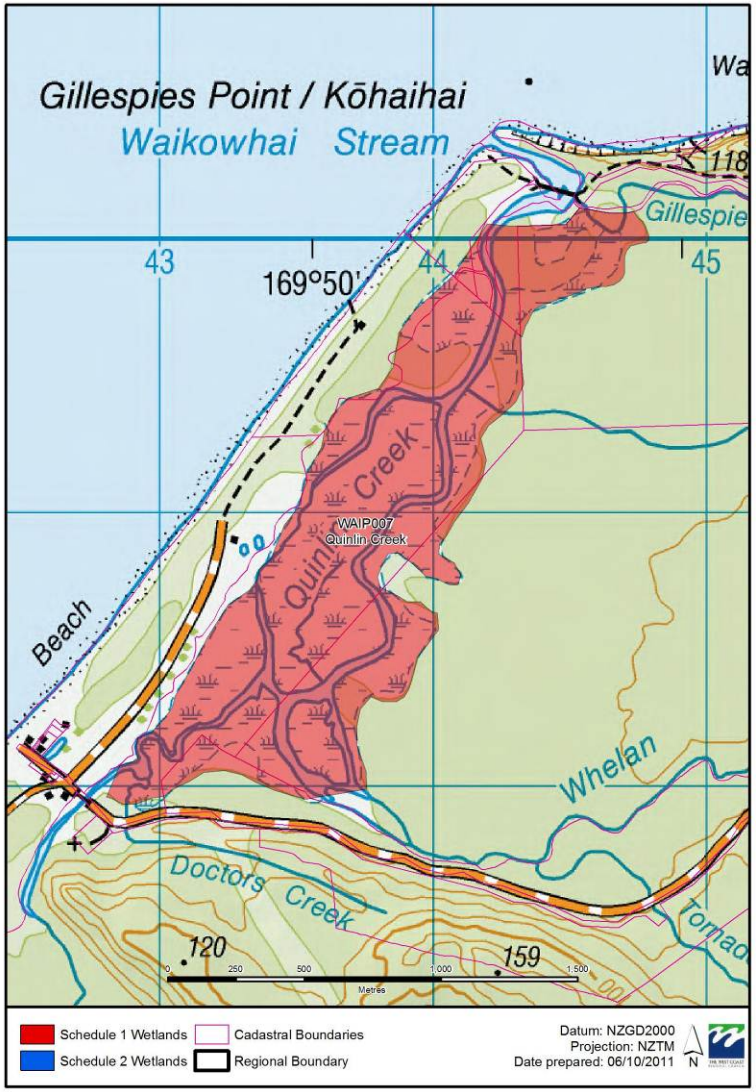
West Coast Schedule 1 and 2 Maps
WAIP003 Okarito Forks



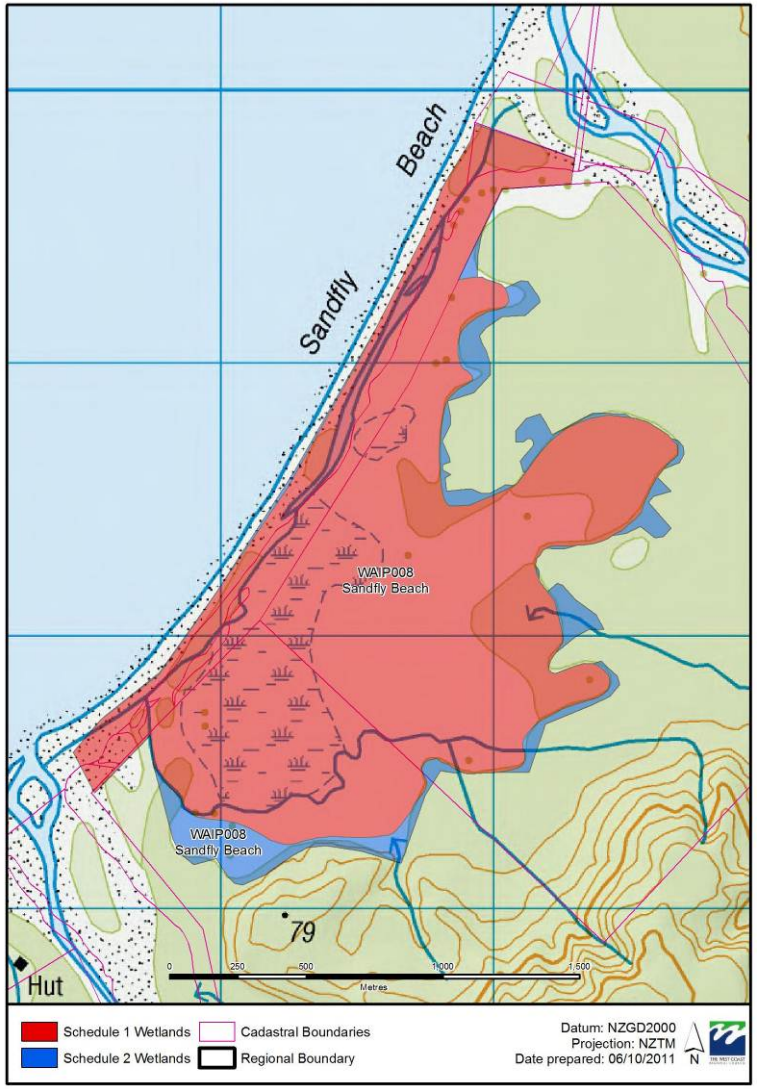
West Coast Schedule 1 and 2 Maps
WAIP005 Waiho Beach



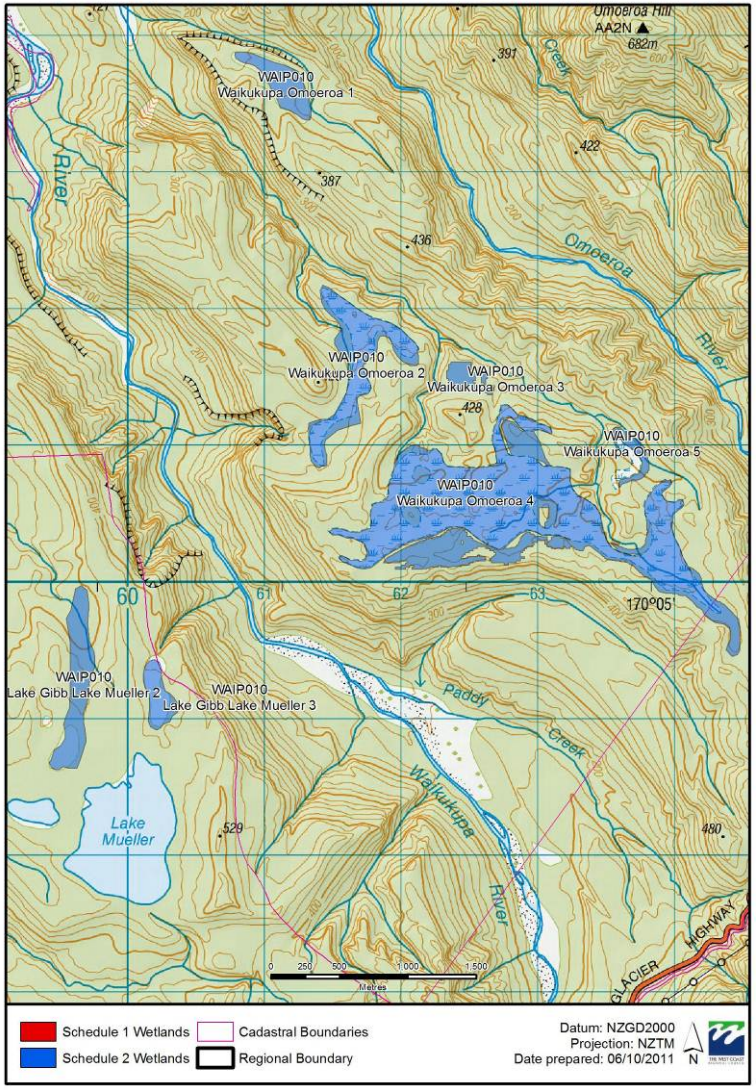
West Coast Schedule 1 and 2 Maps
WAIP007 Quinlin Creek



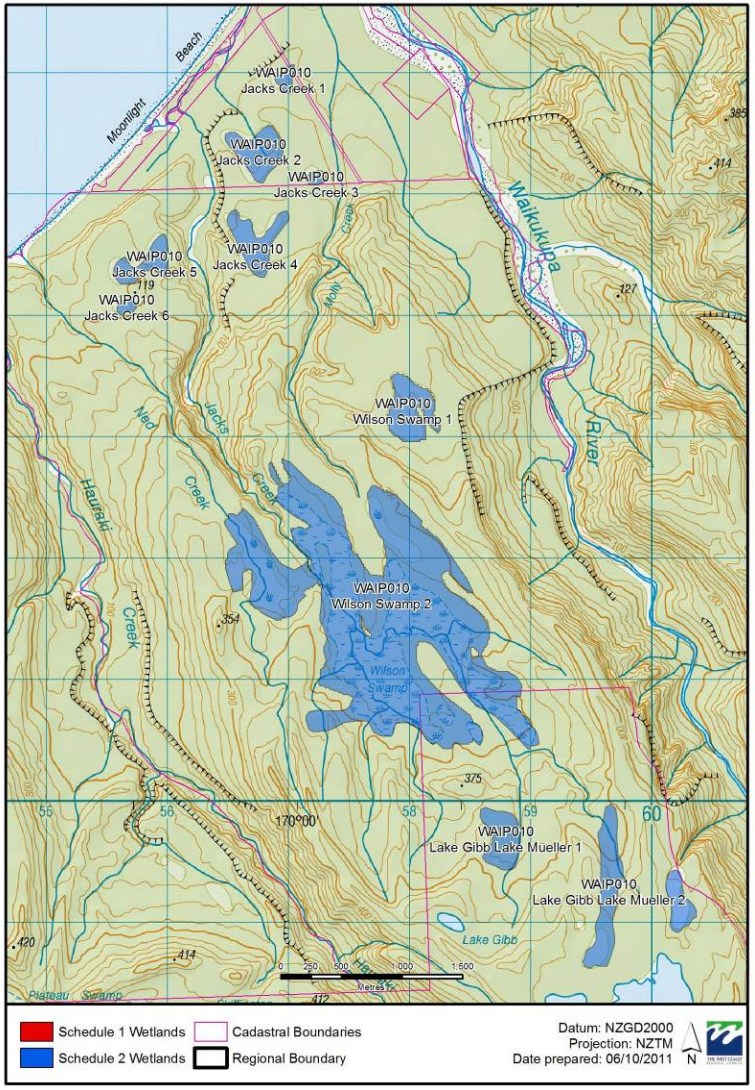
West Coast Schedule 1 and 2 Maps
WAIP008 Sandfly Beach



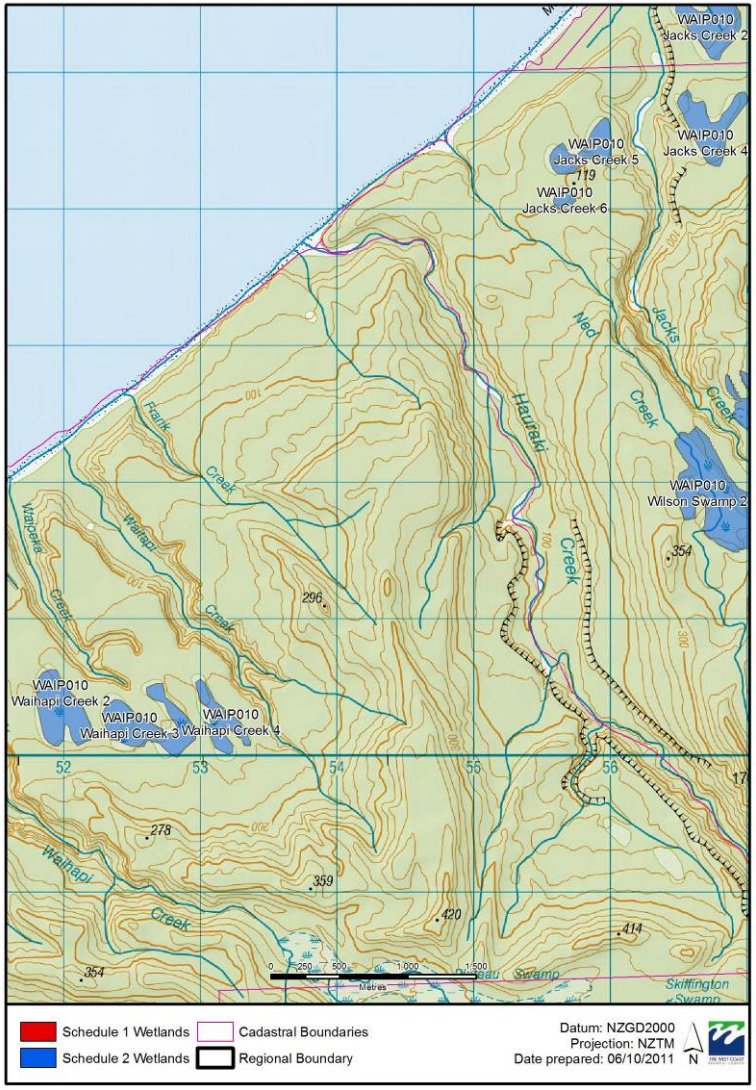
West Coast Schedule 1 and 2 Maps
WAIP010 Waikukupa Area 1



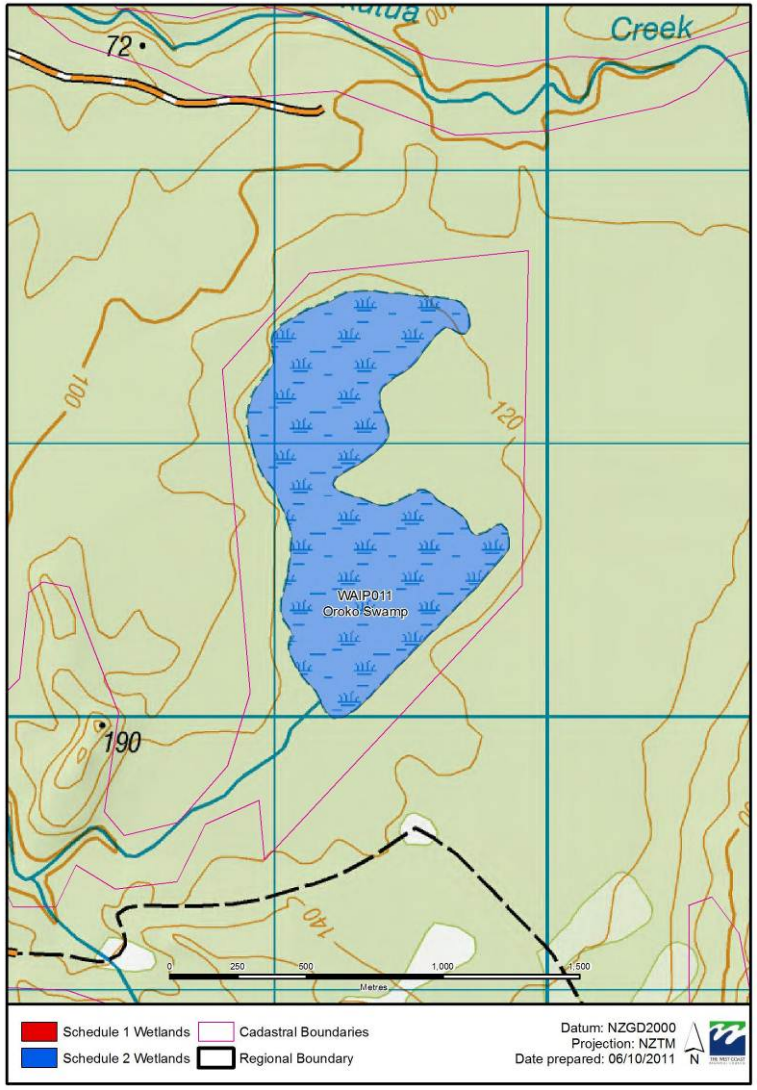
West Coast Schedule 1 and 2 Maps
WAIP010 Waikukupa Area 2



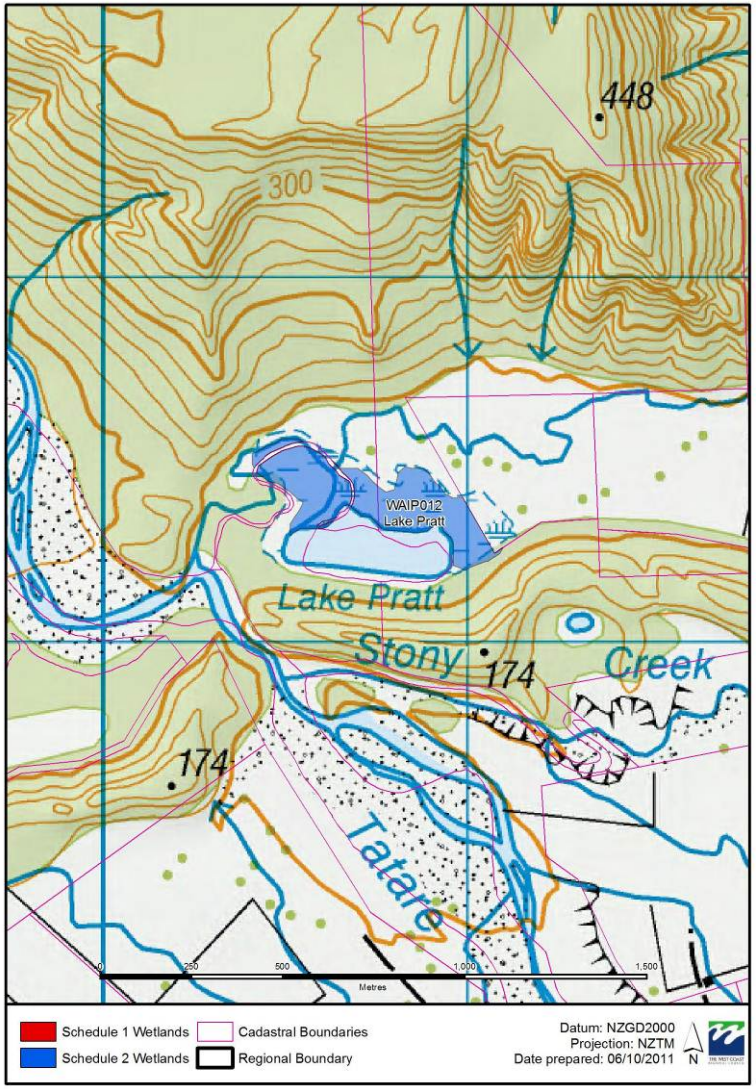
West Coast Schedule 1 and 2 Maps
WAIP010 Waikukupa Area 3



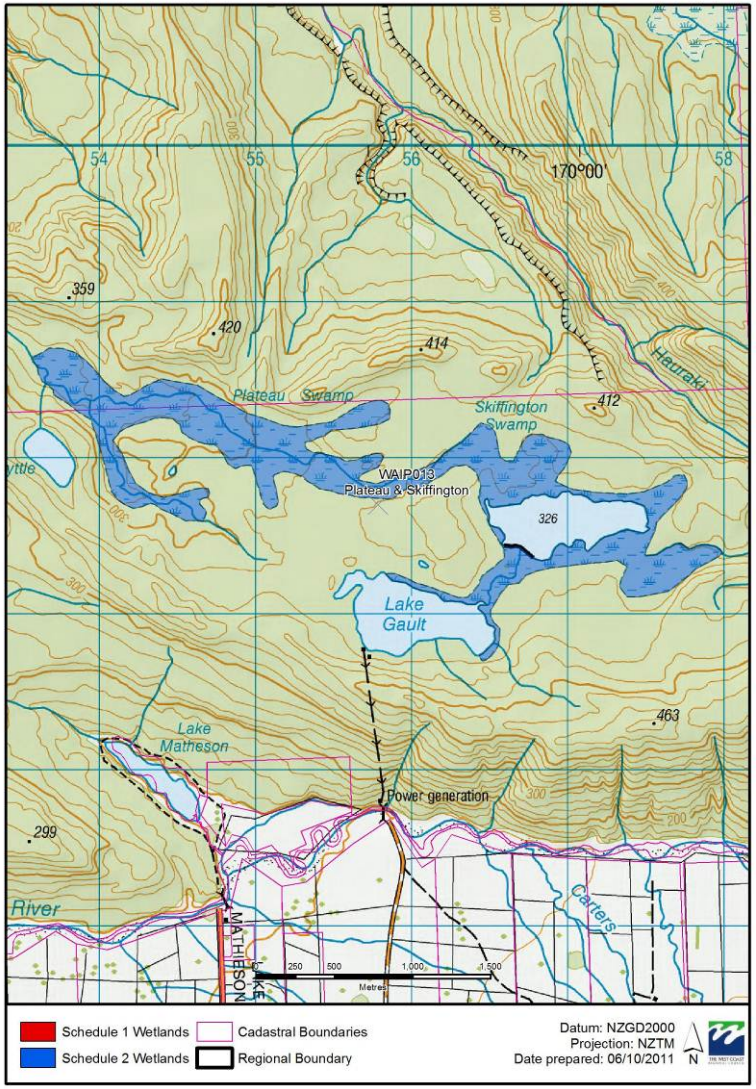
West Coast Schedule 1 and 2 Maps
WAIP011 Oroko Swamp



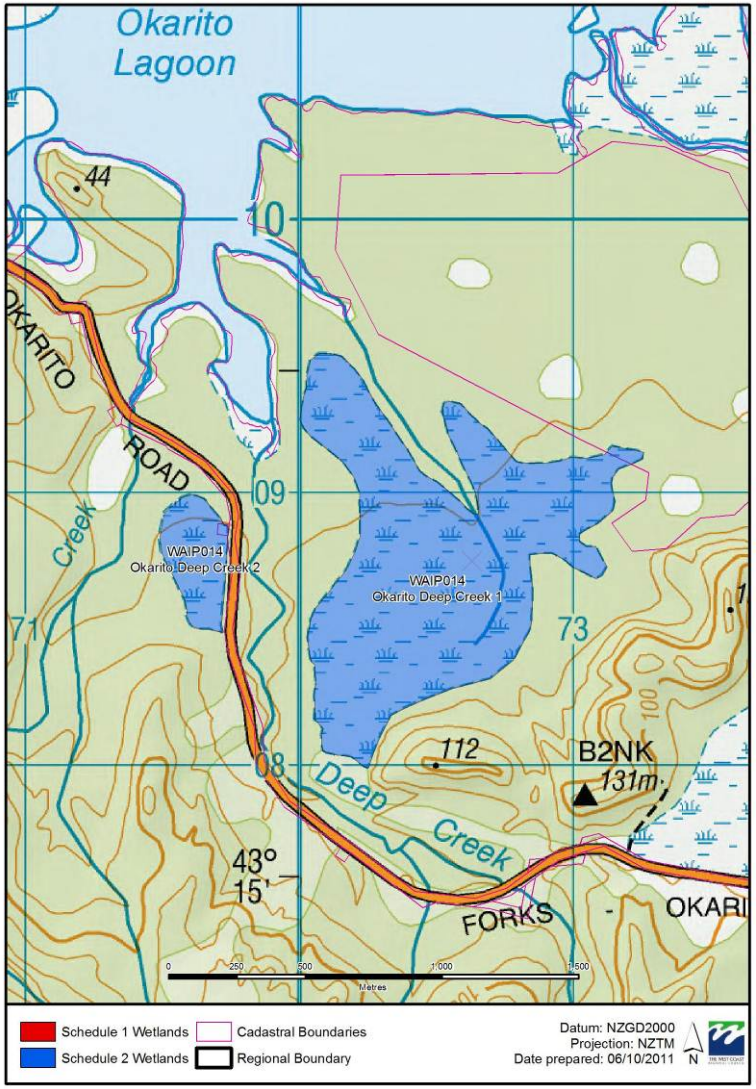
West Coast Schedule 1 and 2 Maps
WAIP012 Lake Pratt



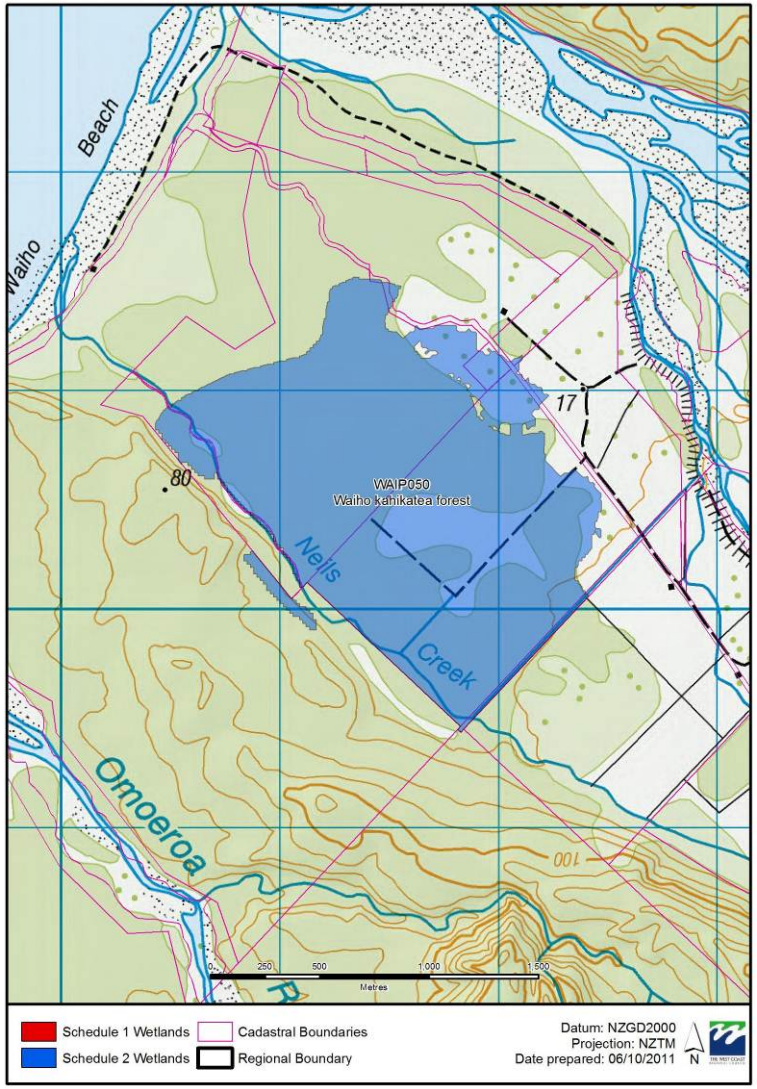
West Coast Schedule 1 and 2 Maps
WAIP013 Lateau & Skiffington



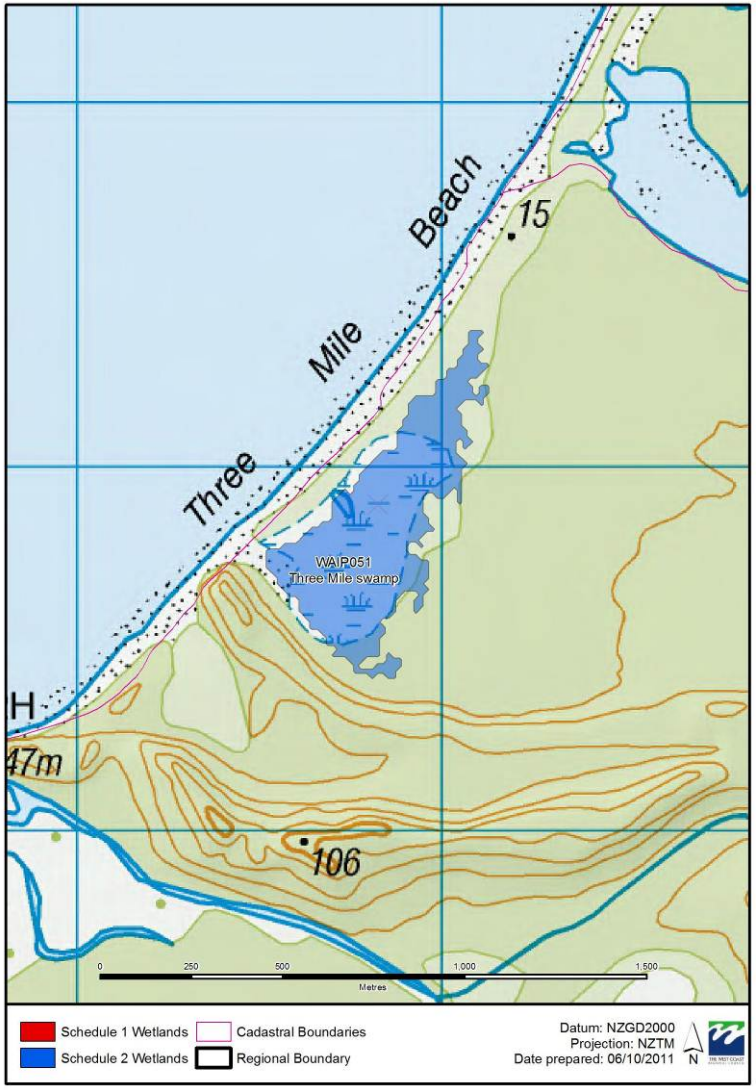
West Coast Schedule 1 and 2 Maps
WAIP014 Okarito, Deep Creek



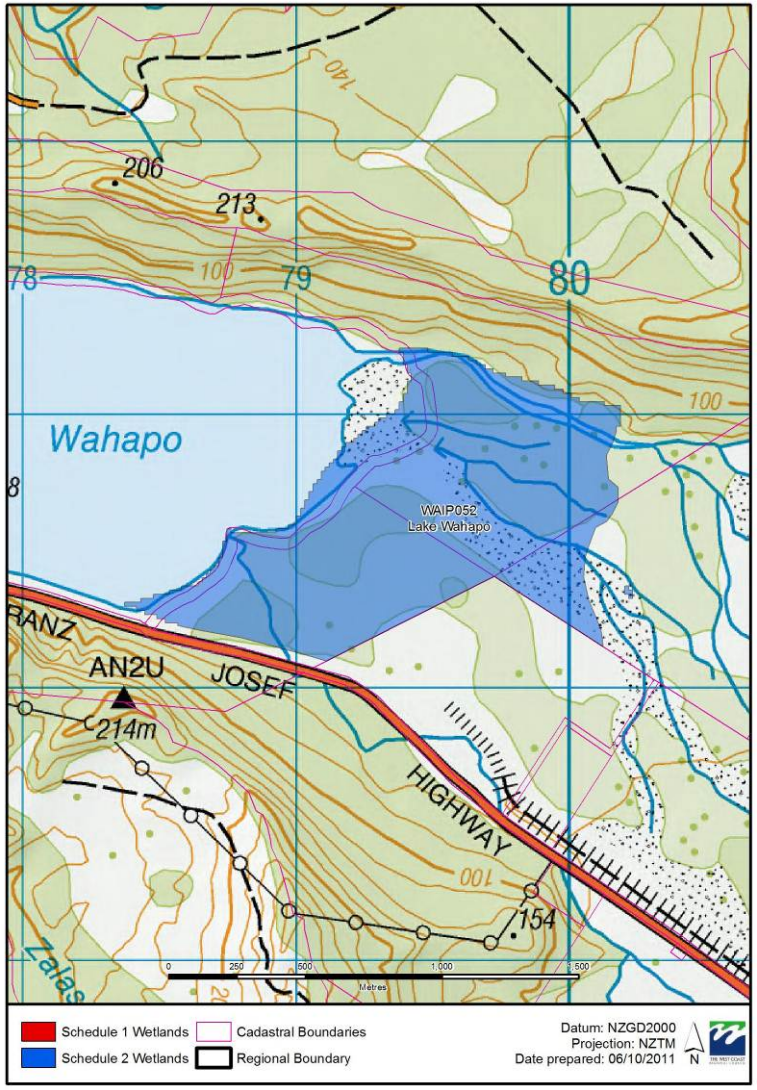
West Coast Schedule 1 and 2 Maps
WAIP050 Waiho Kahikatea Forest



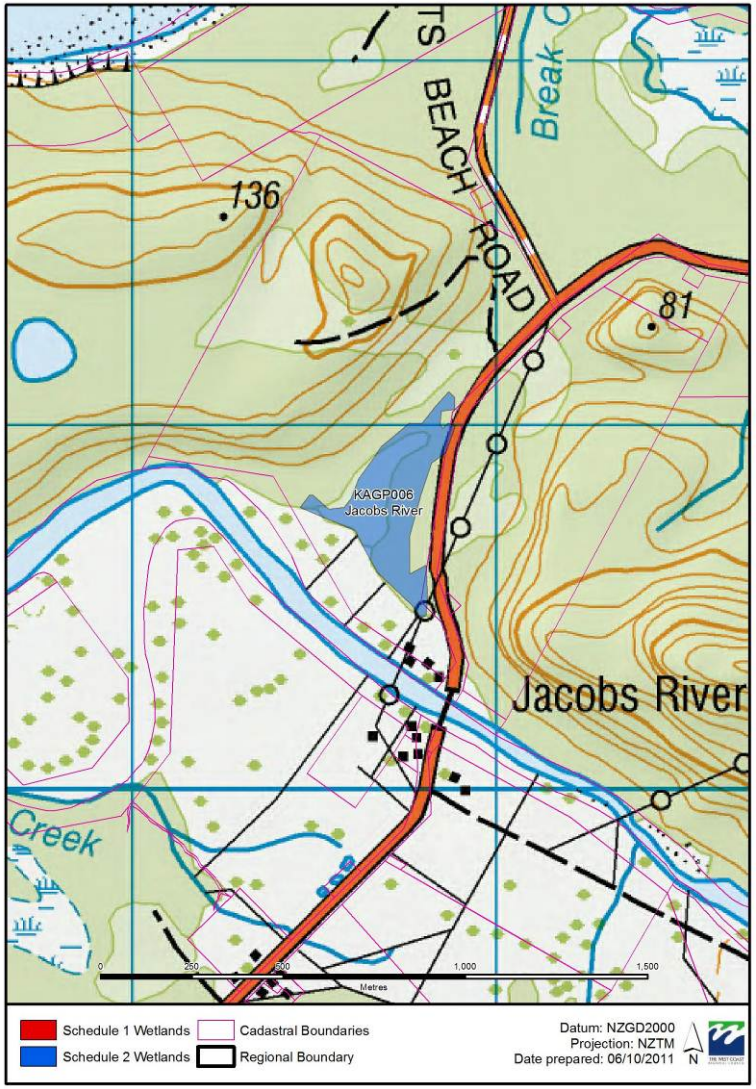
West Coast Schedule 1 and 2 Maps
WAIP051 Three Mile Swamp



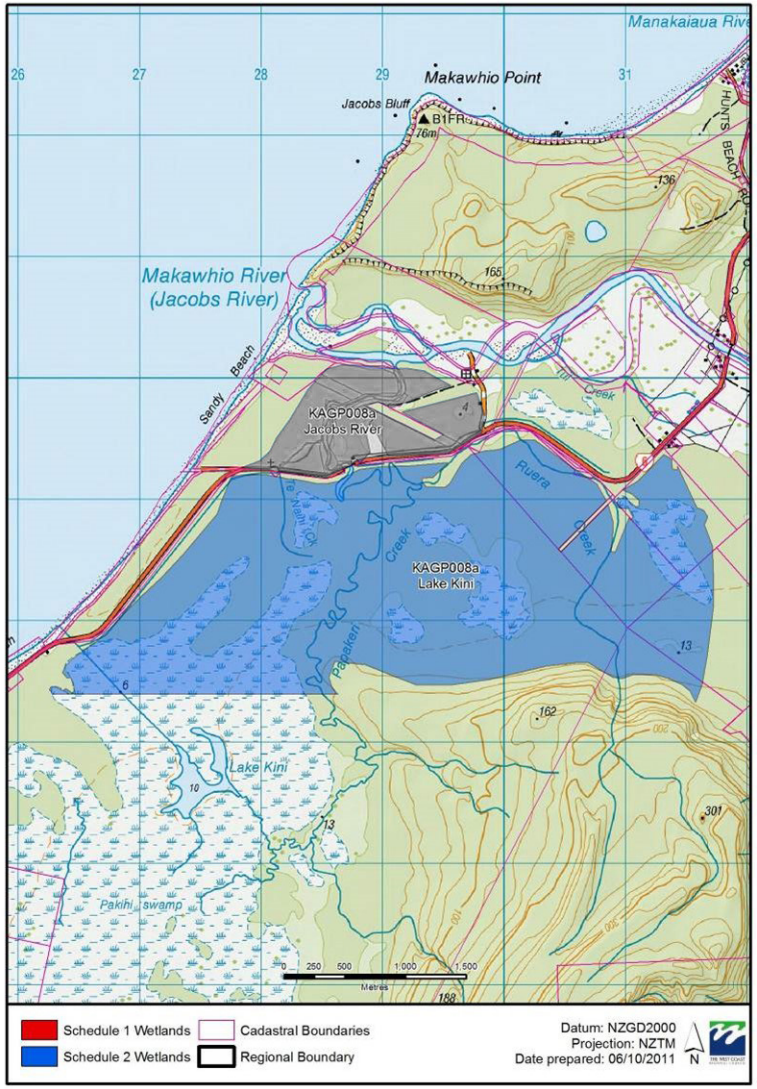
West Coast Schedule 1 and 2 Maps
WAIP052 Lake Wahapo



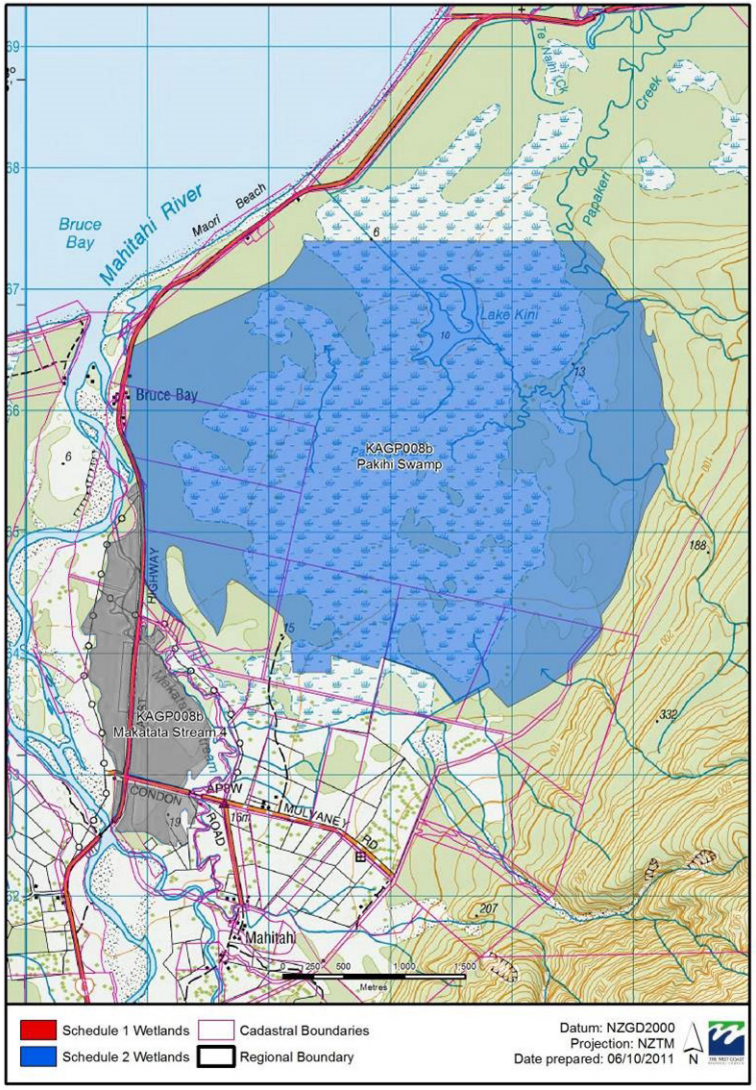
West Coast Schedule 1 and 2 Maps
KAGP006 Jacobs River



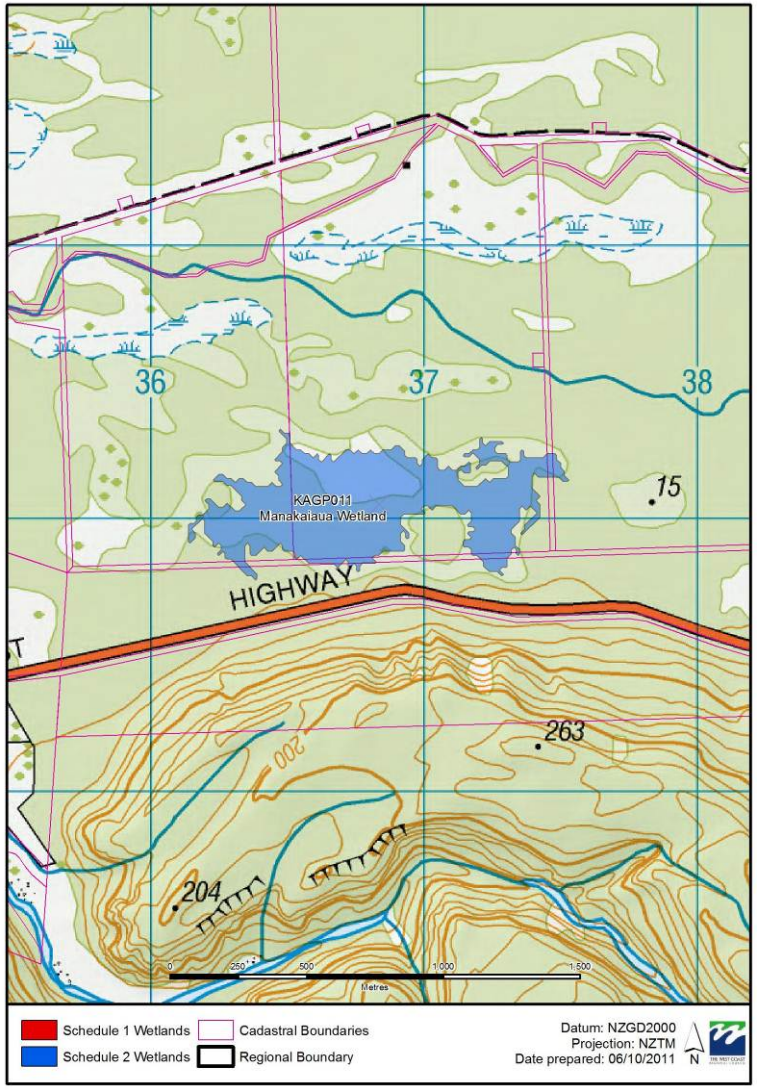
West Coast Schedule 1 and 2 Maps
KAGP008a Lake Kini



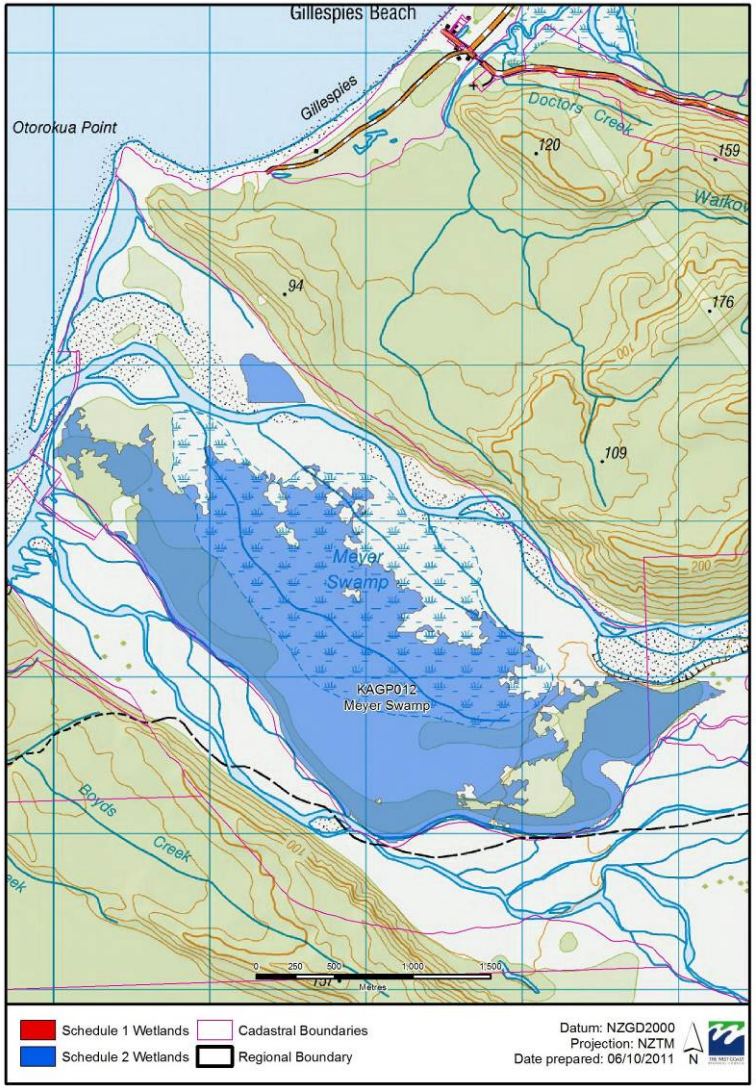
West Coast Schedule 1 and 2 Maps
KAGP008b Lake Kini



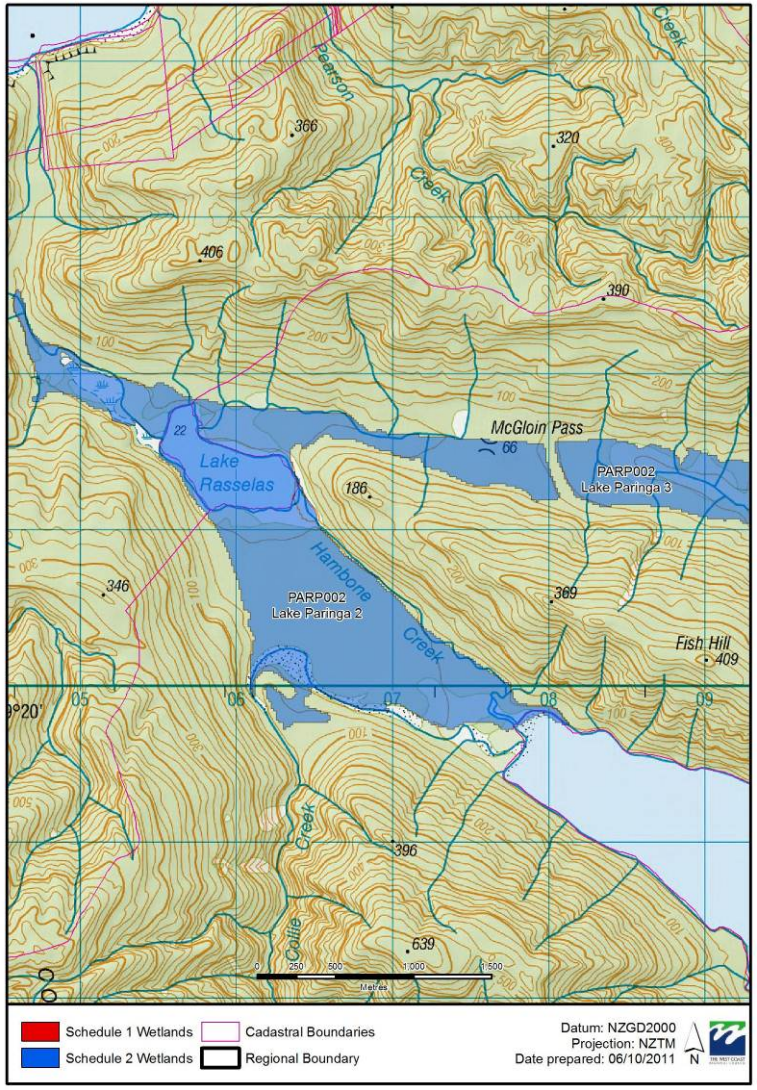
West Coast Schedule 1 and 2 Maps
KAGP011 Manakaiaua



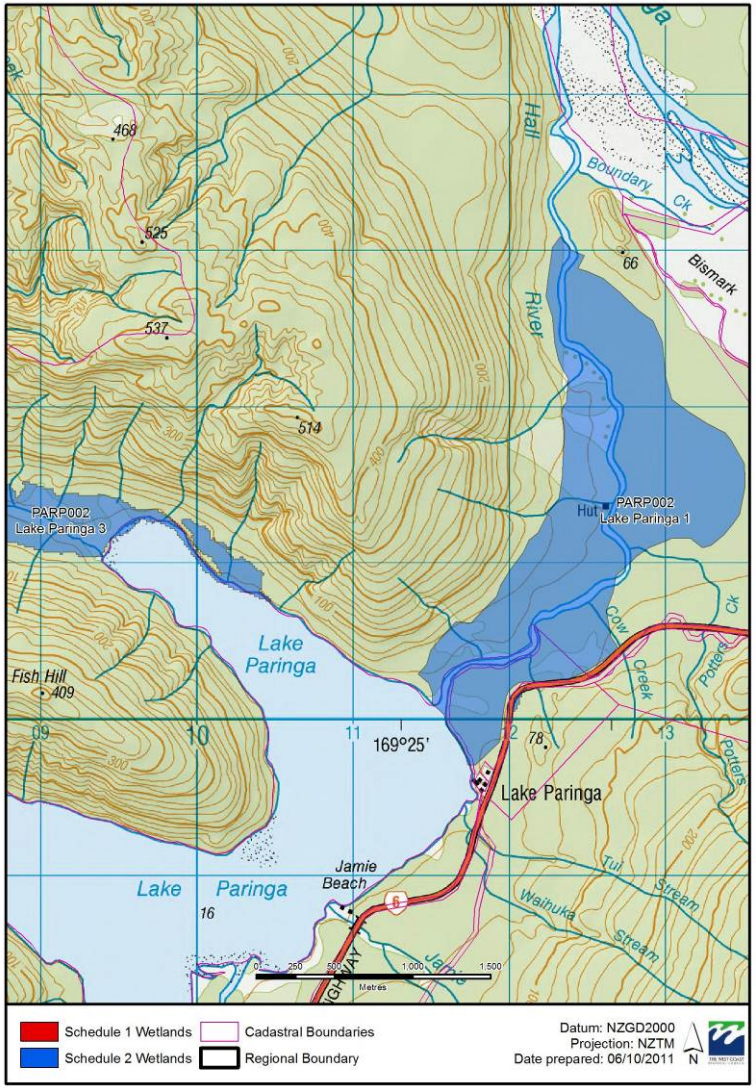
West Coast Schedule 1 and 2 Maps
KAGP012 Meyer Swamp



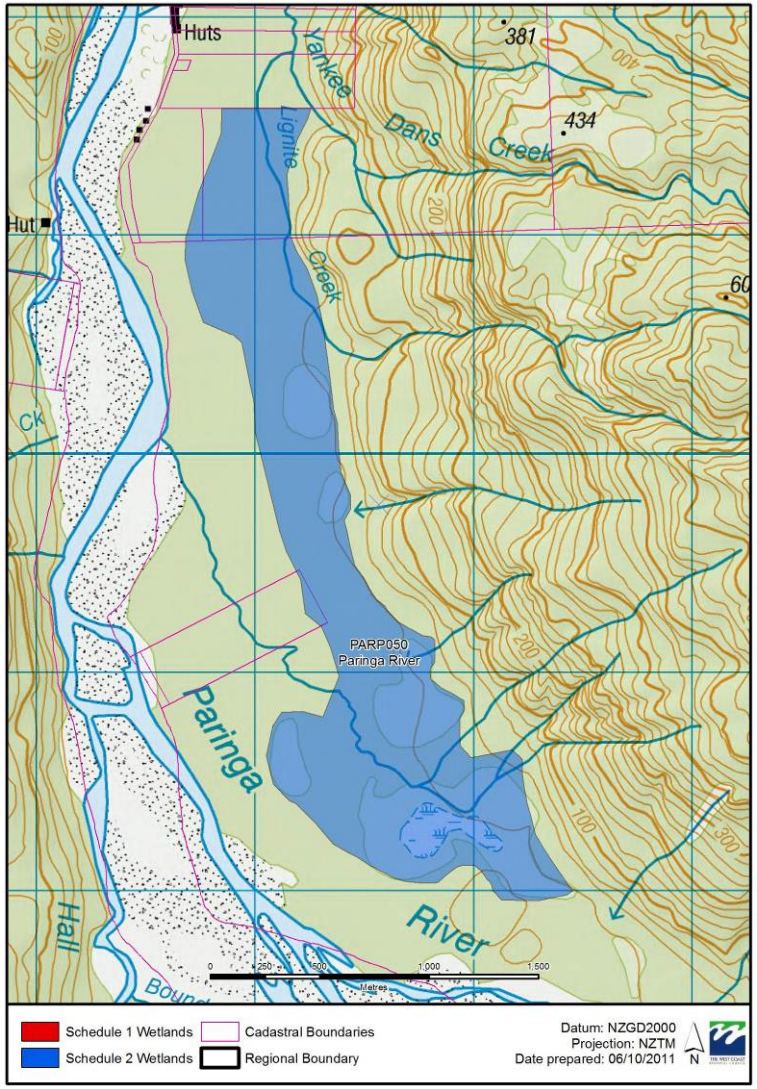
West Coast Schedule 1 and 2 Maps
PARP002 Lake Paringa 1



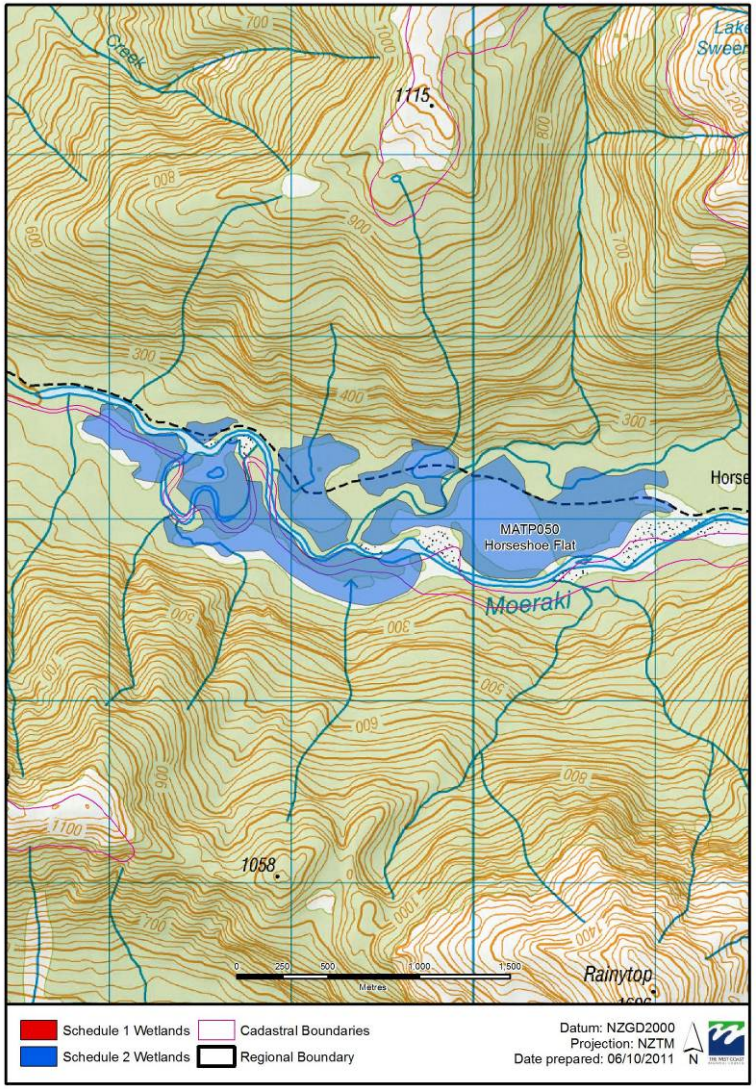
West Coast Schedule 1 and 2 Maps
PARP002 Lake Paringa 2



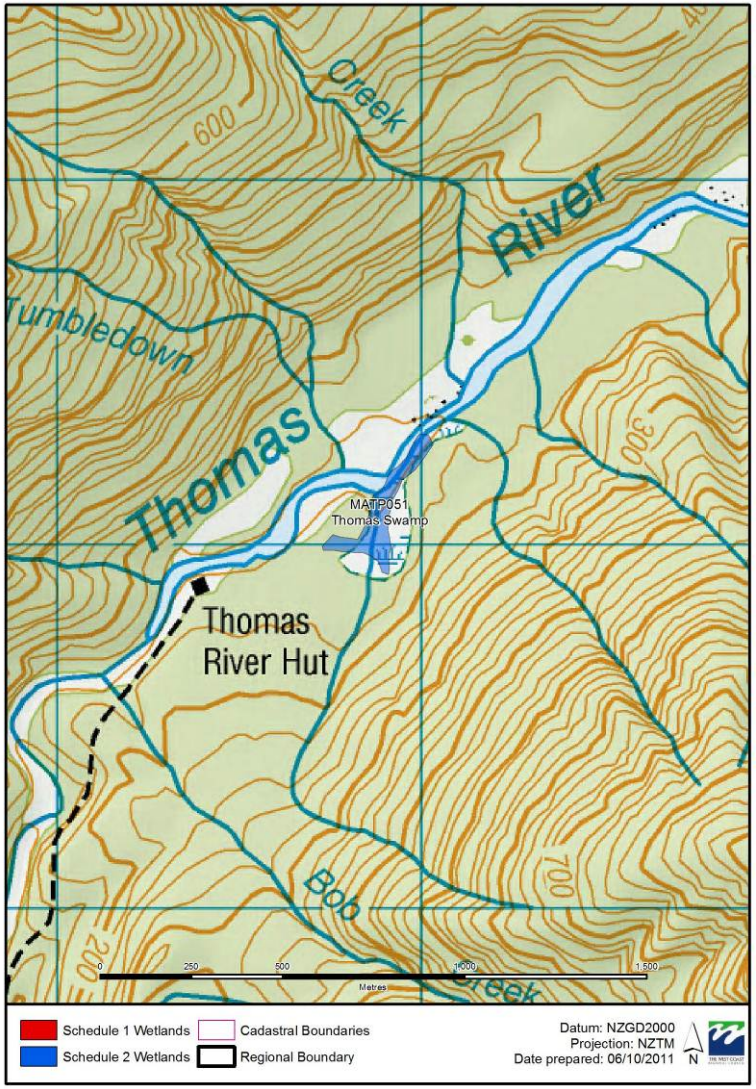
West Coast Schedule 1 and 2 Maps
PARP050 Paringa River



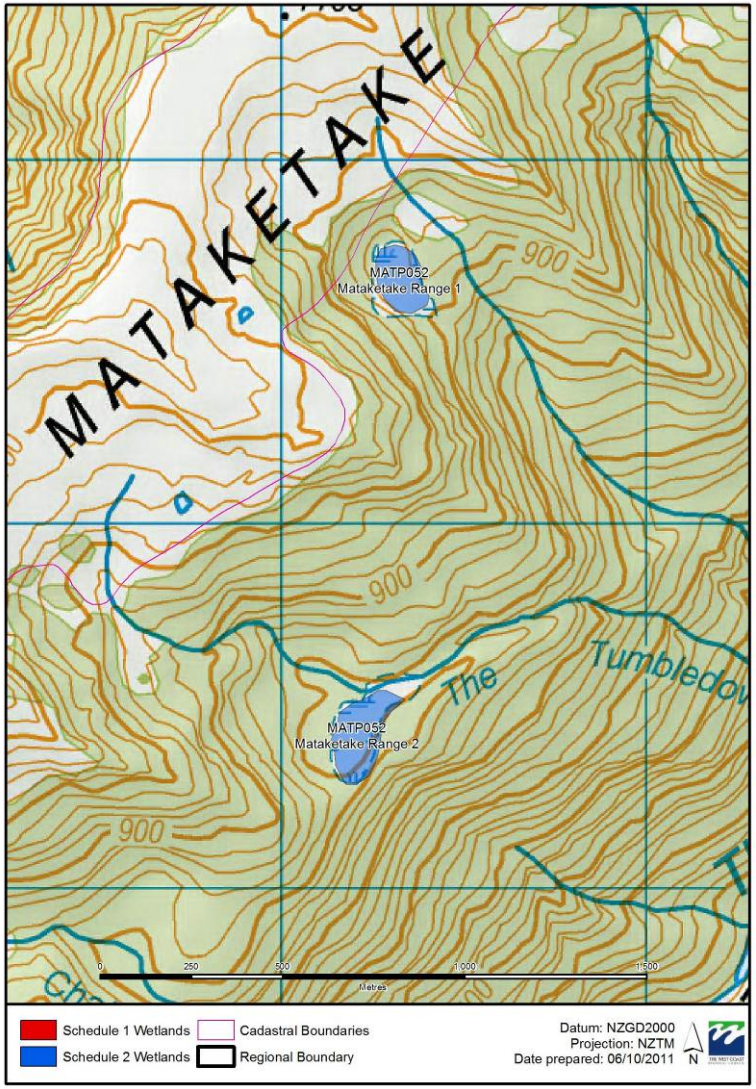
West Coast Schedule 1 and 2 Maps
MATP050 Horseshoe Flat



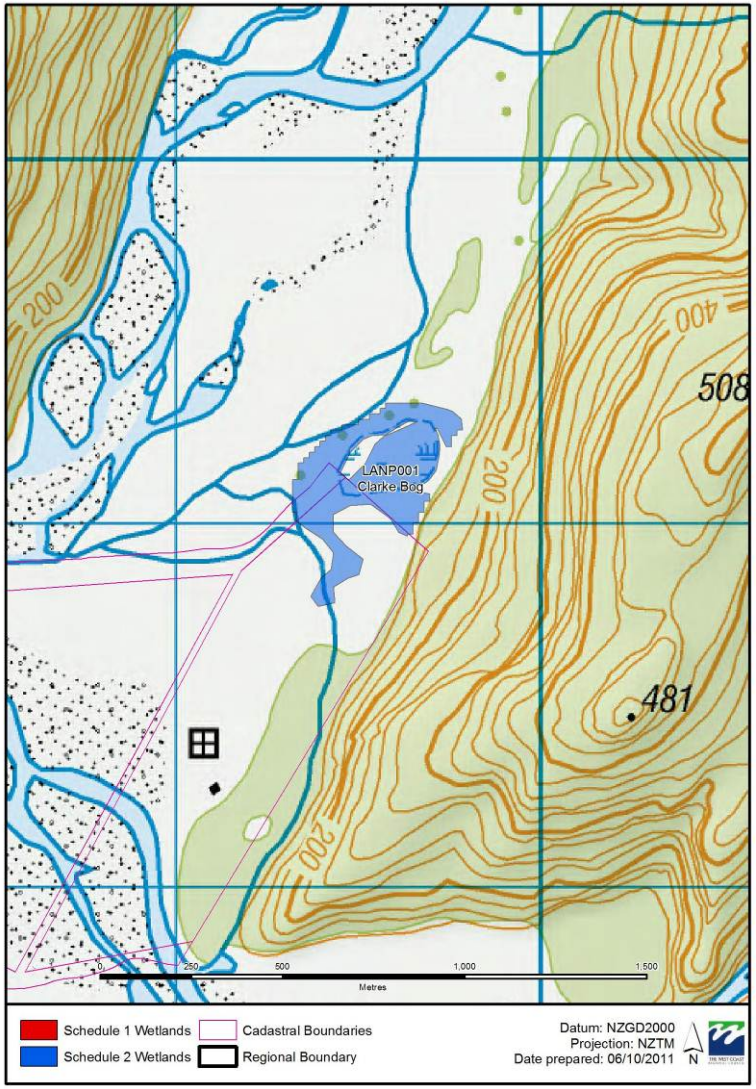
West Coast Schedule 1 and 2 Maps
MATP051 Thomas River



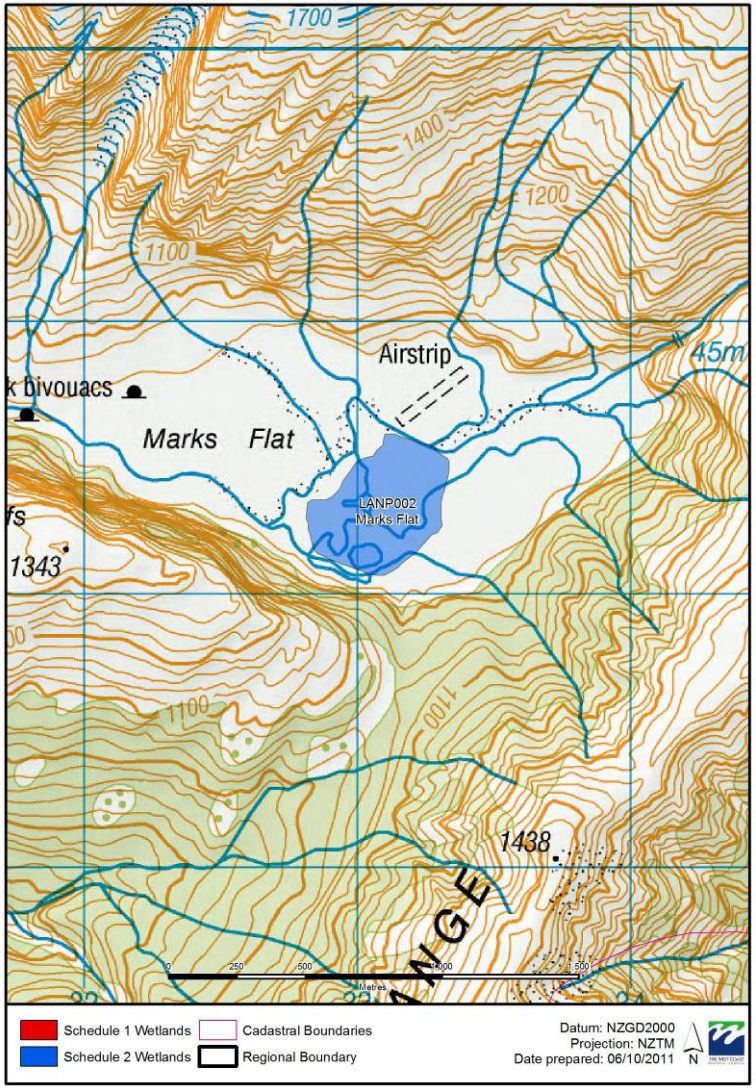
West Coast Schedule 1 and 2 Maps
MATP052 Mataketake Range



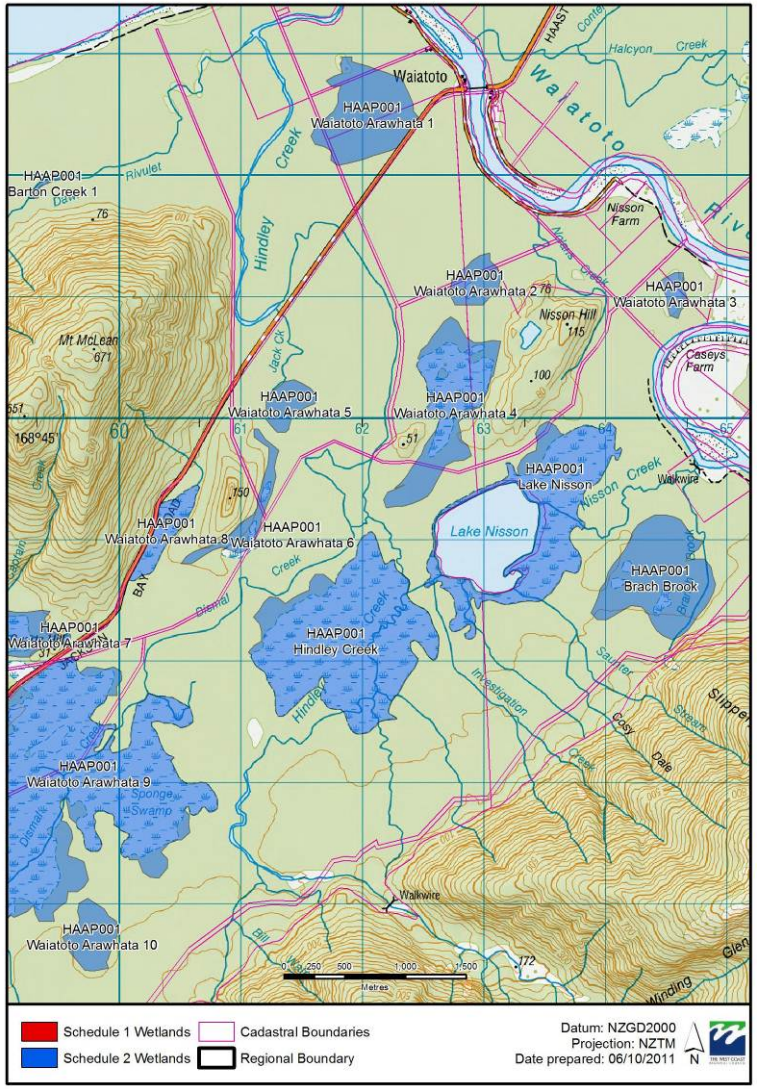
West Coast Schedule 1 and 2 Maps
LANP001 Clarke Bog



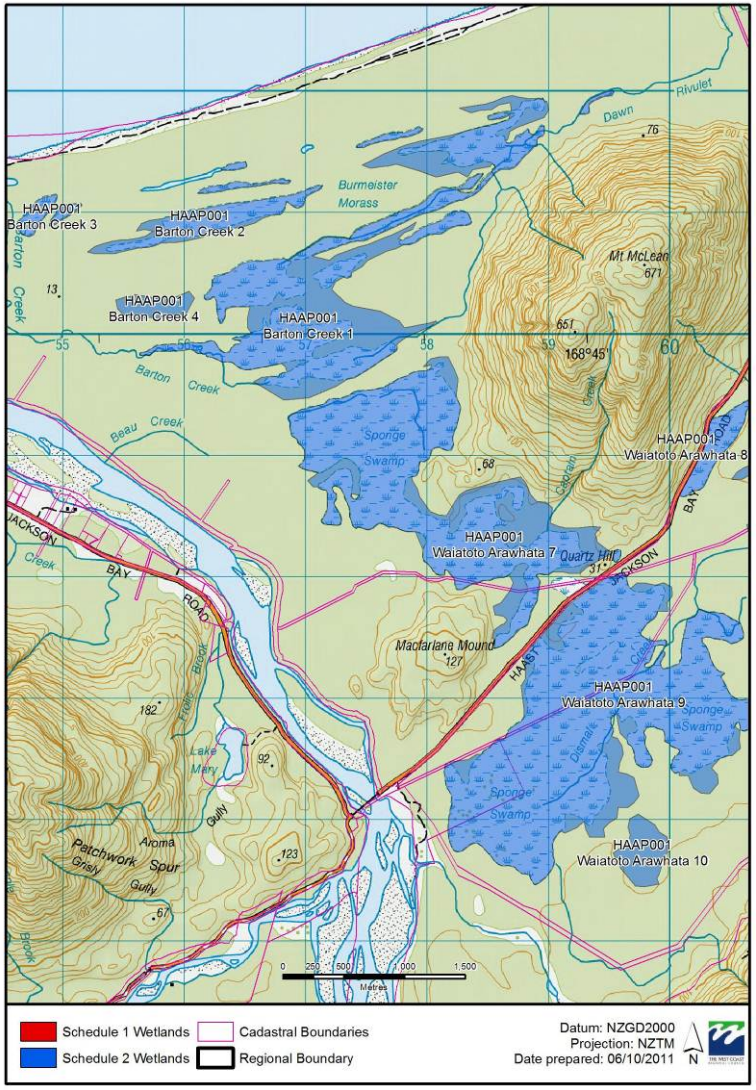
West Coast Schedule 1 and 2 Maps
LANP002 Marks Flat



West Coast Schedule 1 and 2 Maps
HAAP001 Waiatoto Arawhata 1

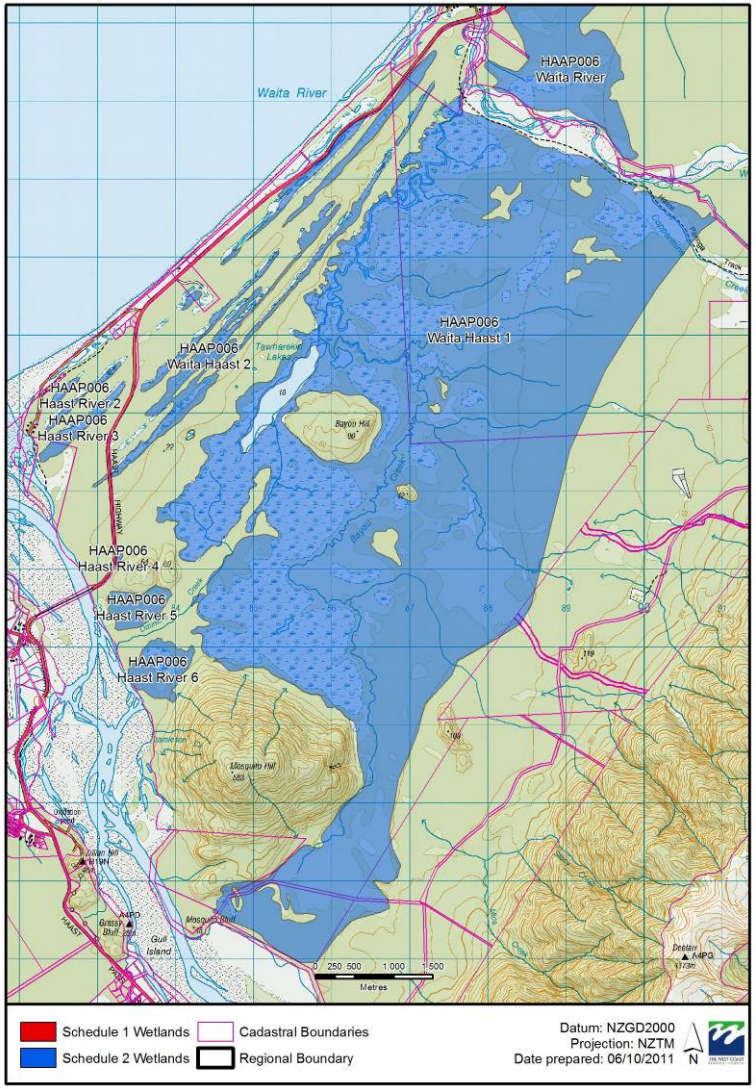


West Coast Schedule 1 and 2 Maps
HAAP001 Waiatoto Arawhata 2

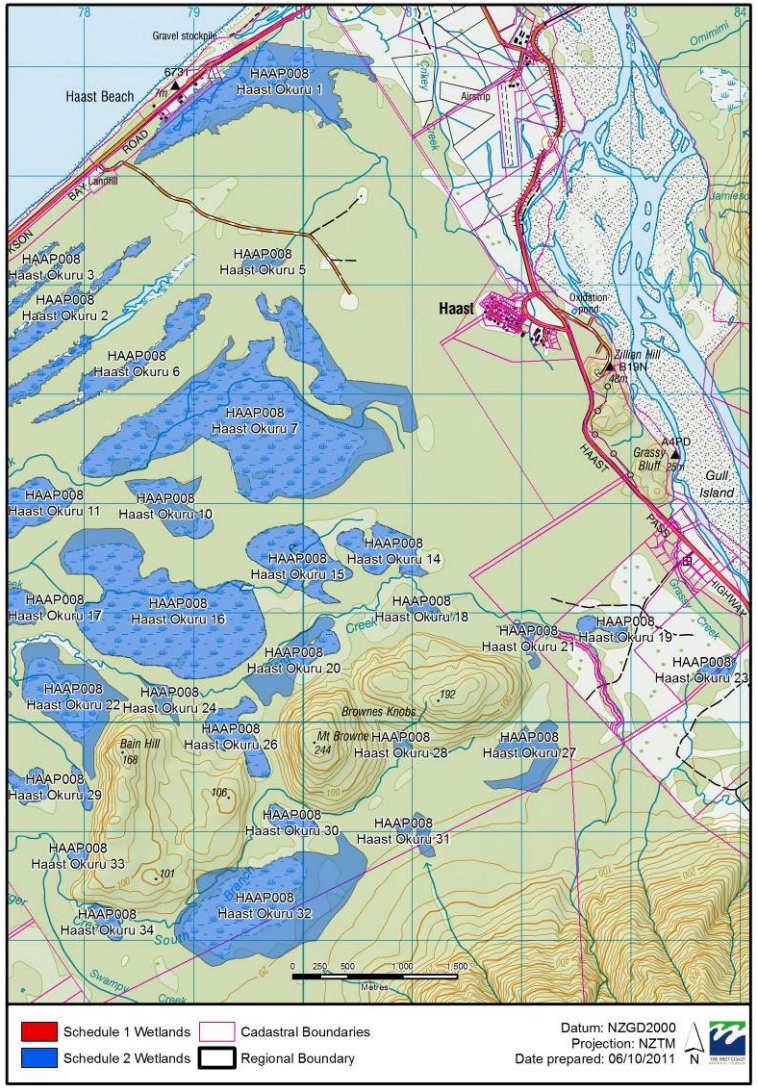


West Coast Schedule 1 and 2 Maps
HAAP006 Haast River 1

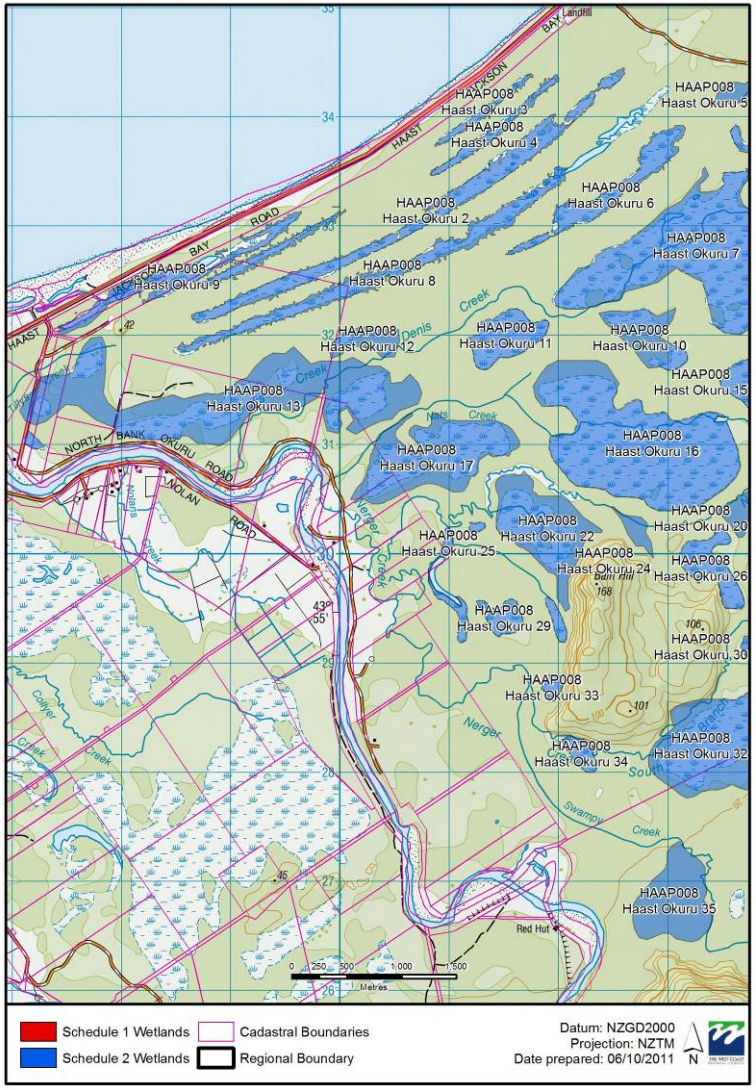
West Coast Schedule 1 and 2 Maps
HAAP006 Haast River 2



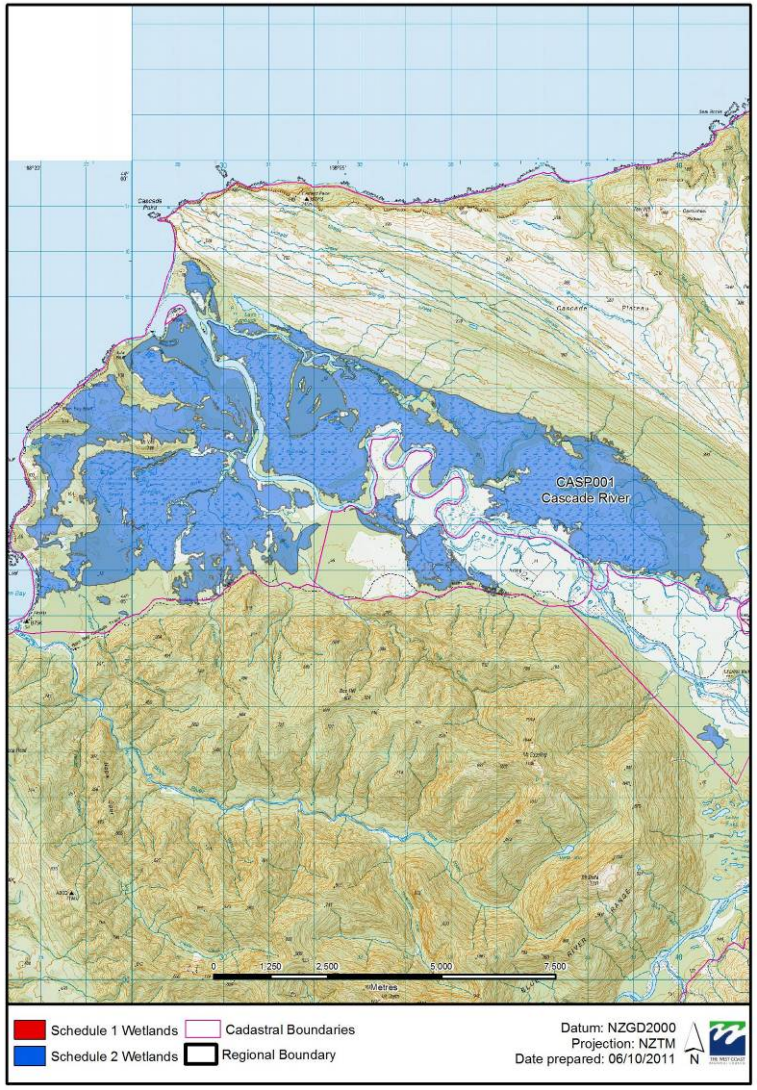
West Coast Schedule 1 and 2 Maps
HAAP008 Haast Okuru 1



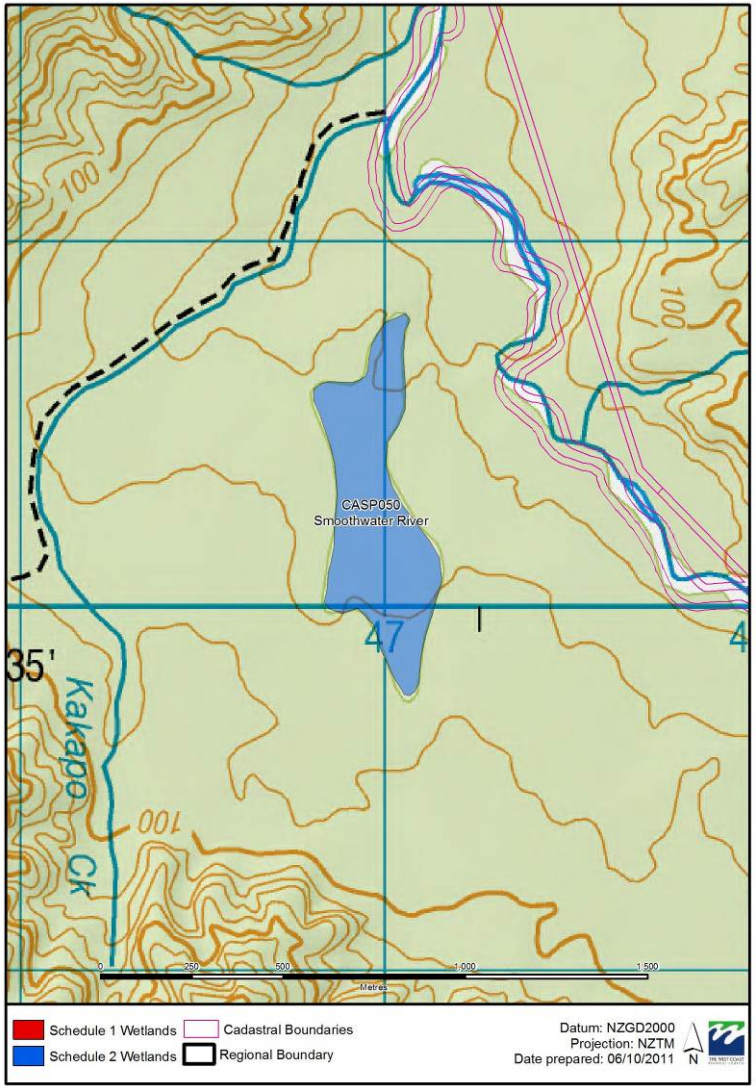
West Coast Schedule 1 and 2 Maps
HAAP008 Haast Okuru 2



West Coast Schedule 1 and 2 Maps
CASP001 Cascade River

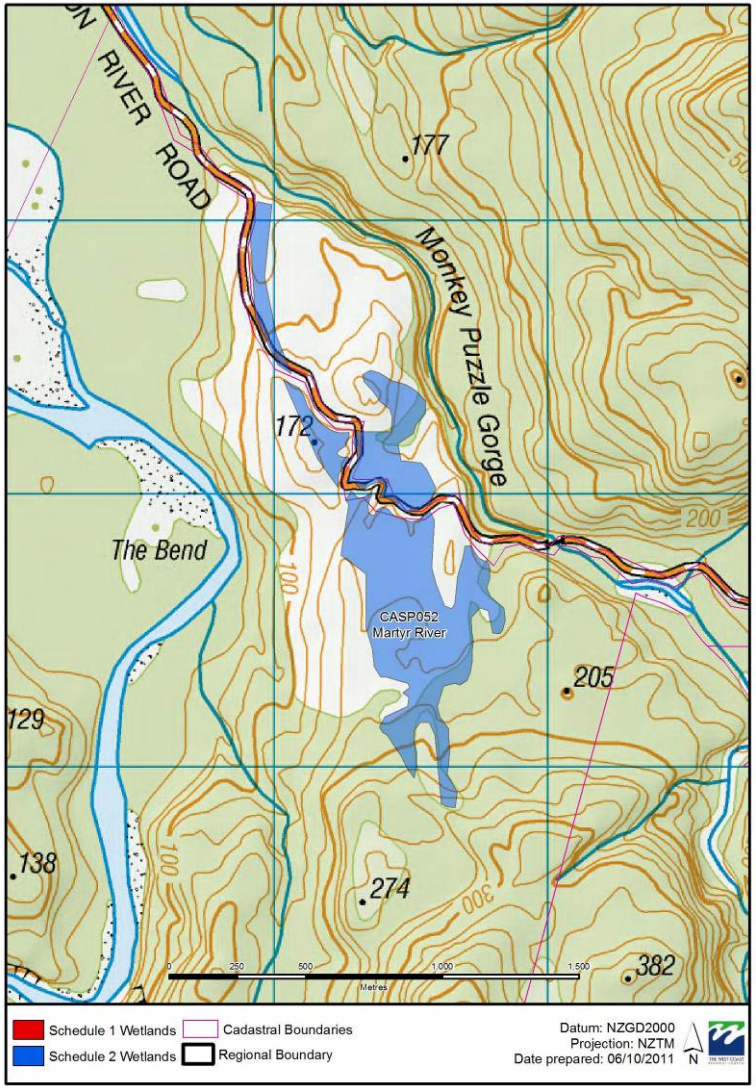


West Coast Schedule 1 and 2 Maps
CASP050 Smoothwater River

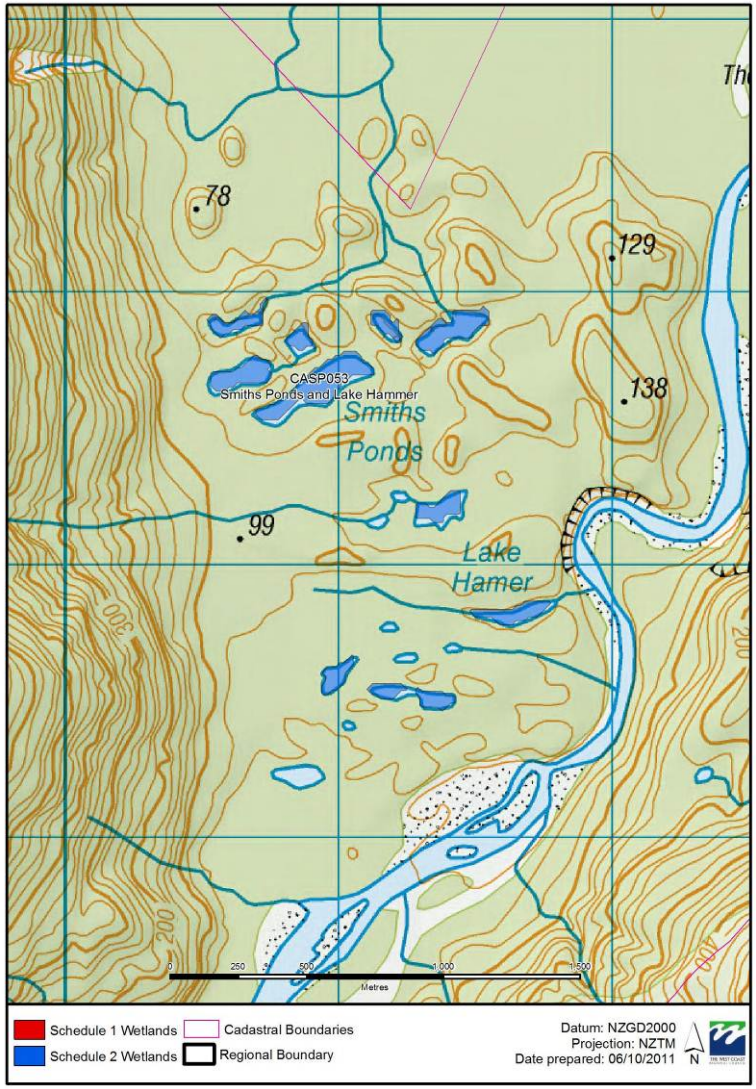


West Coast Schedule 1 and 2 Maps
CASP051 Cascade & Teer Plateau

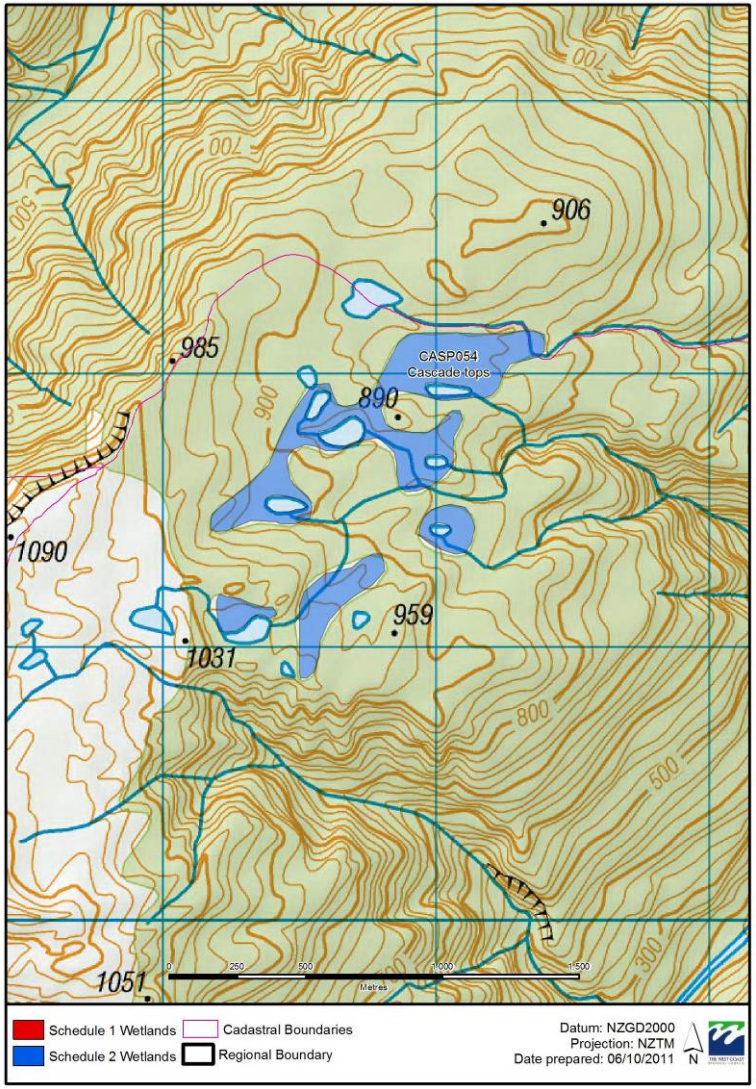
West Coast Schedule 1 and 2 Maps
CASP052 Martyr River



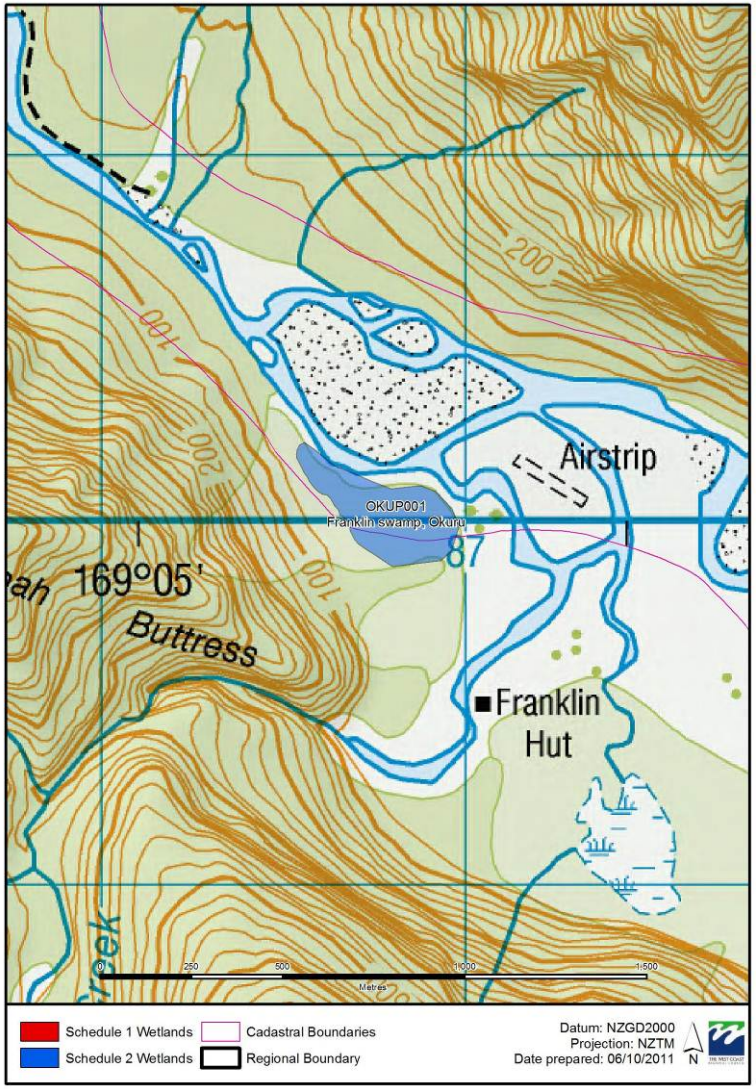
West Coast Schedule 1 and 2 Maps
CASP053 Smiths Ponds



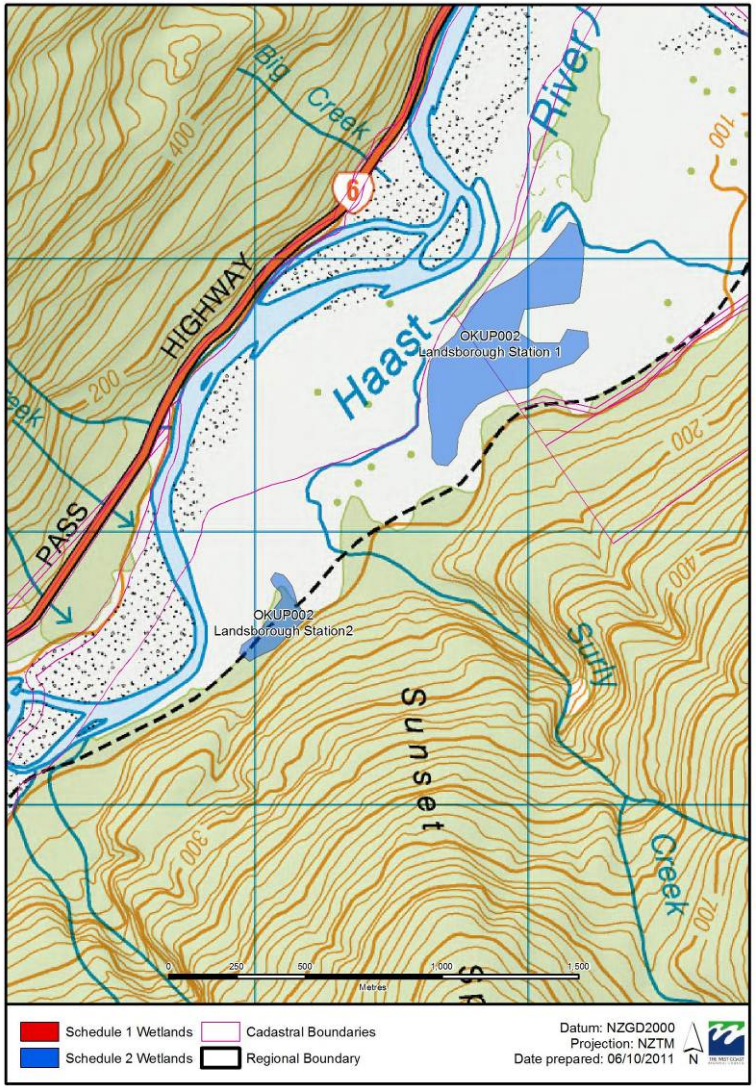
West Coast Schedule 1 and 2 Maps
CASP054 Cascade tops



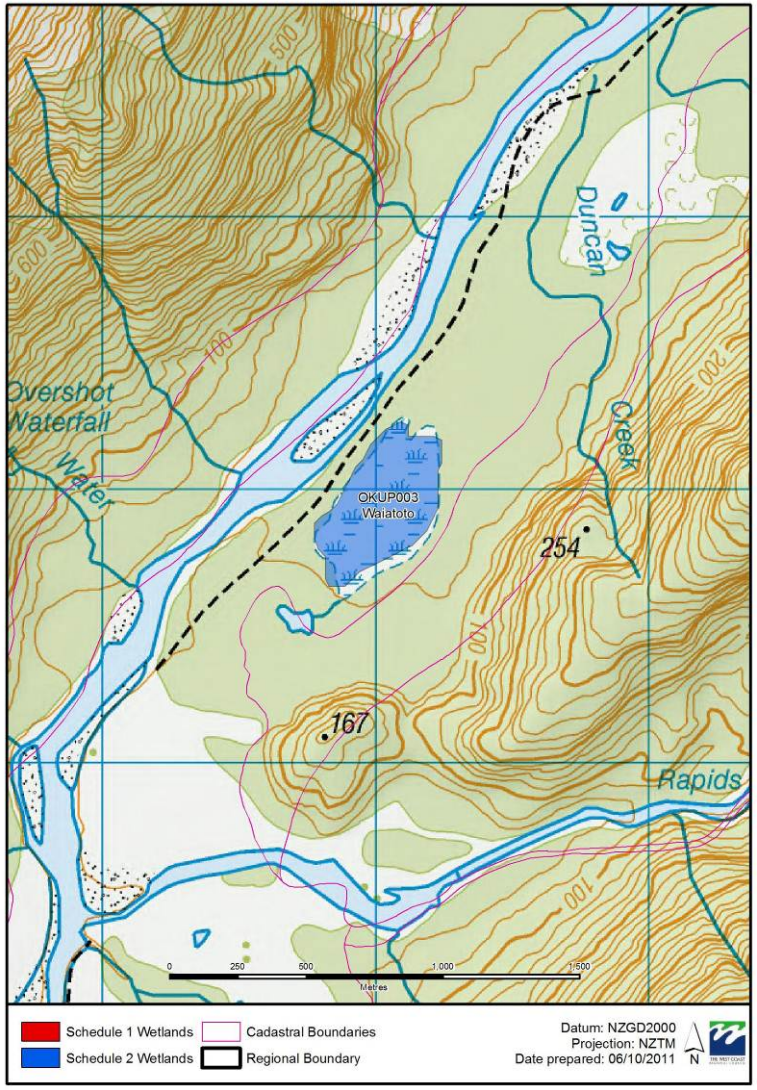
West Coast Schedule 1 and 2 Maps
OKUP001 Franklin Swamp



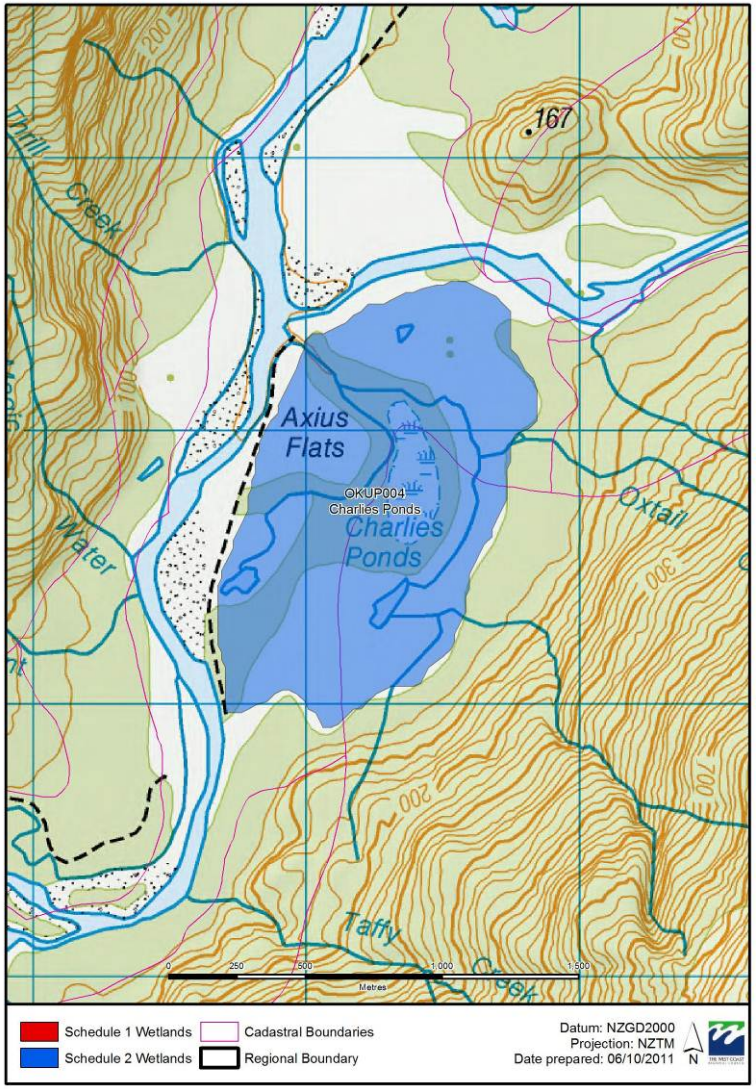
West Coast Schedule 1 and 2 Maps
OKUP002 Landsborough Station



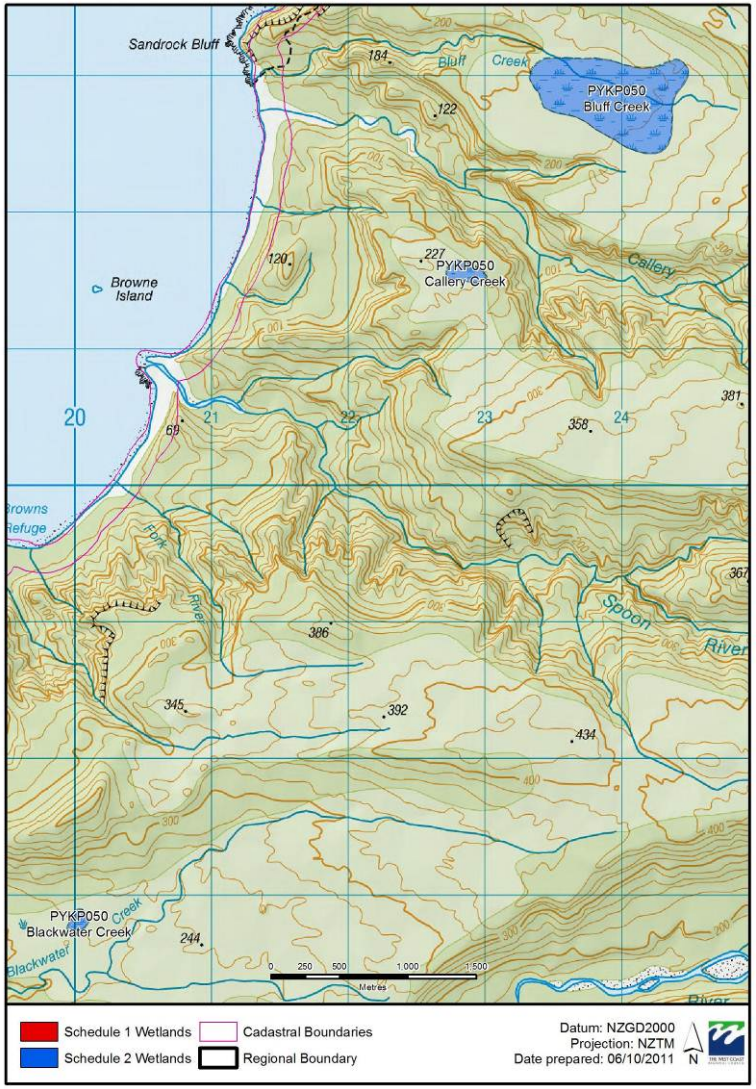
West Coast Schedule 1 and 2 Maps
OKUP003 Waiatoto



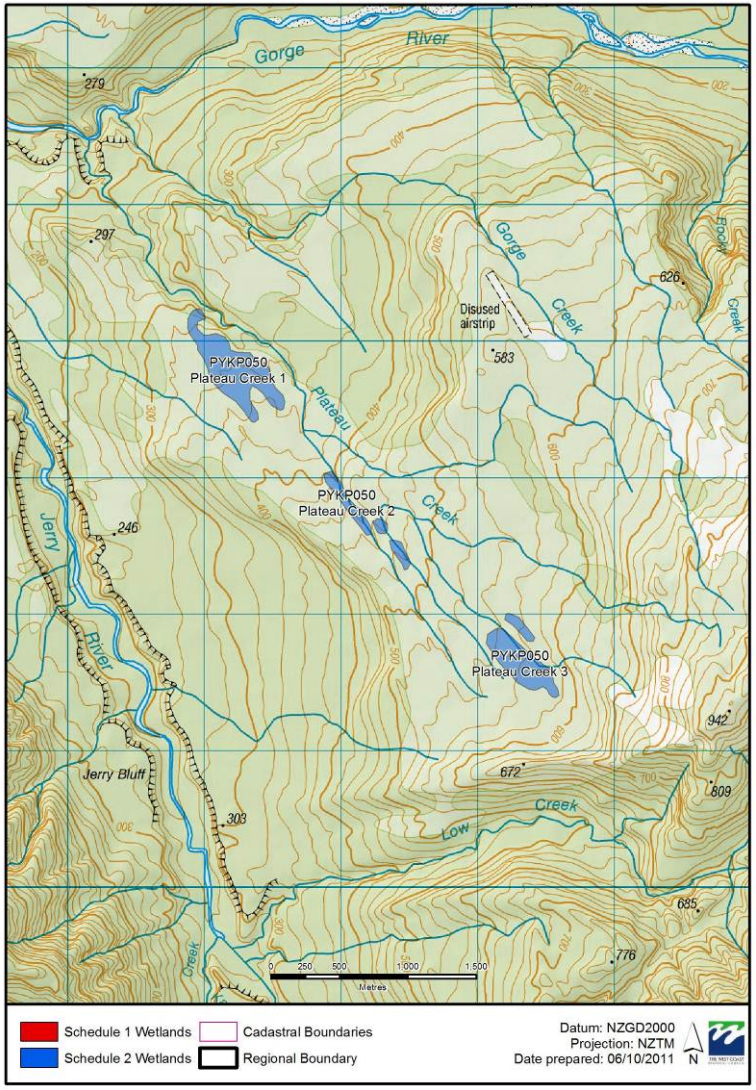
West Coast Schedule 1 and 2 Maps
OKUP004 Charlies Ponds



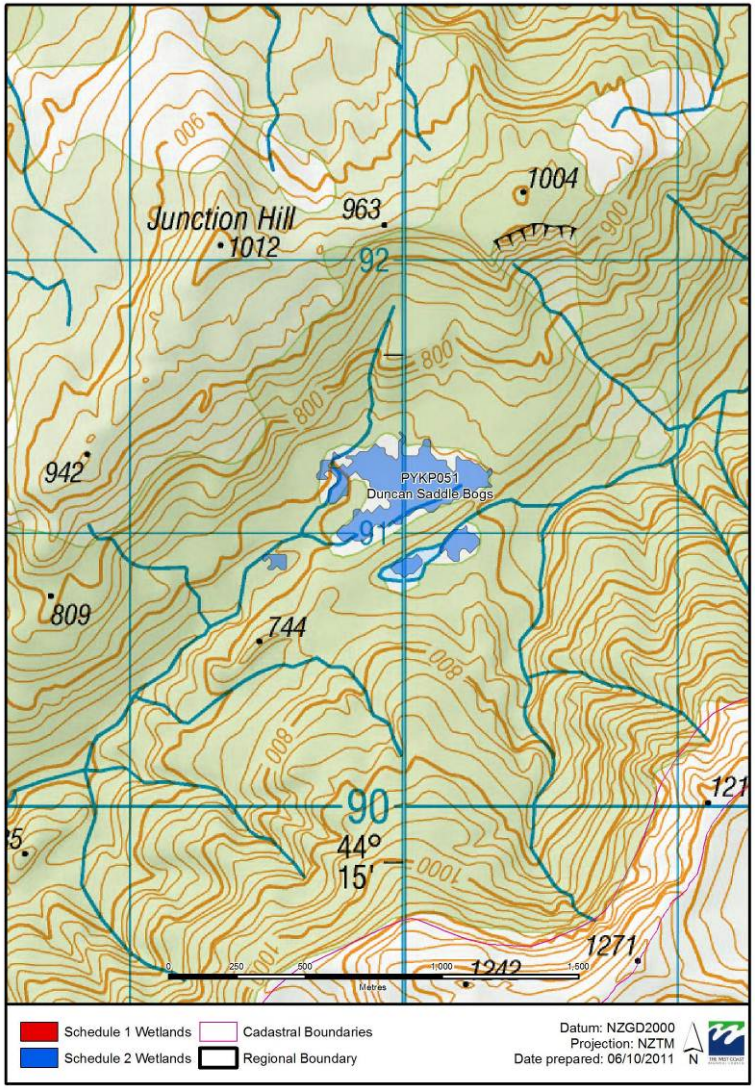
West Coast Schedule 1 and 2 Maps
PYKP050 Gorge Plateau 1



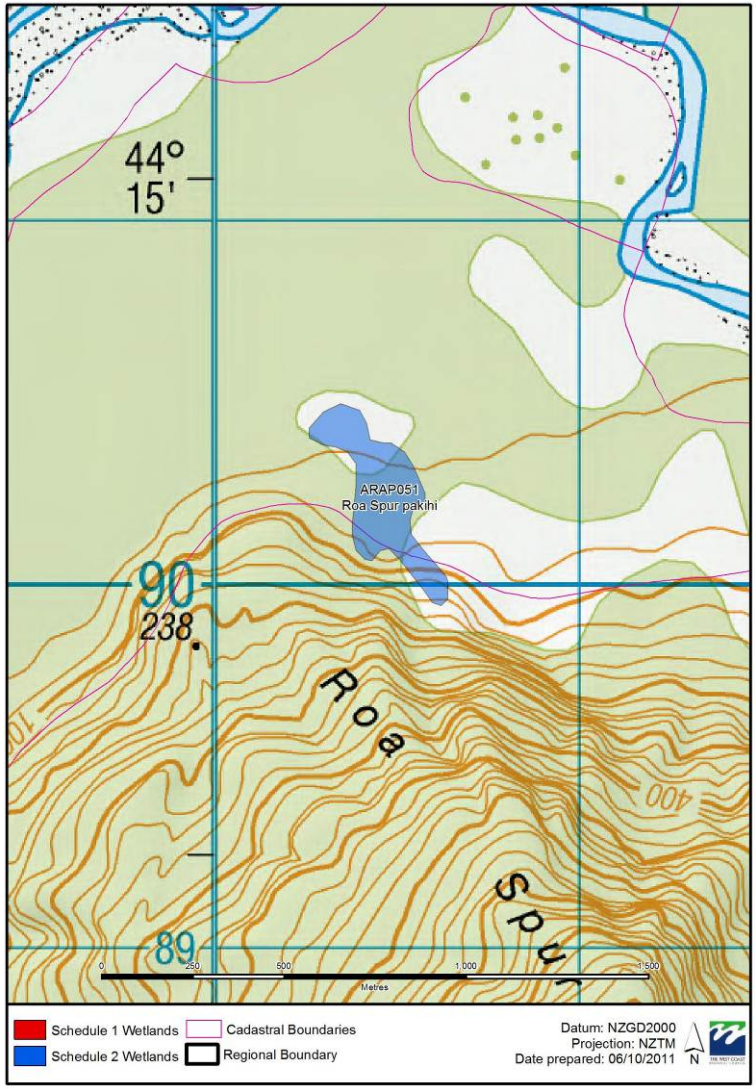
West Coast Schedule 1 and 2 Maps
PYKP050 Gorge Plateau 2



West Coast Schedule 1 and 2 Maps
PYKP051 Duncan Saddle Bogs



West Coast Schedule 1 and 2 Maps
ARAP051 Roa Spur



Schedule 3: Ecological Criteria for Significant Wetlands

The criteria in this Schedule will be used to ascertain whether a wetland is ecologically significant. A wetland is ecologically significant if it meets one or more of the following criteria:

Ecological Context

(1) The **ecological context** of the wetland has one or more of the following functions or attributes:
   (a) It plays an important role in protecting adjacent ecological values, including adjacent and downstream ecological and hydrological processes, indigenous vegetation, habitats or species populations; or
   (b) Is an important habitat for critical life history stages of indigenous fauna including breeding/spawning, roosting, nesting, resting, feeding, moulting, refugia, or migration staging points (as used seasonally, temporarily or permanently); or
   (c) It makes an important contribution to ecological networks (such as connectivity and corridors for movement of indigenous fauna); or
   (d) It makes an important contribution to the ecological functions and processes within the wetland.

Representative wetlands

(2) A **representative wetland** is one that contains indigenous wetland vegetation types or indigenous fauna assemblages that were typical for, and has the attributes of, the relevant class of wetland as it would have existed circa 1840.
(3) This criterion will be satisfied if the wetland (not including pakihi wetlands) contains either:
   (a) Indigenous wetland vegetation types that have the following attributes:
      (i) The **indigenous wetland vegetation types** that are typical in plant species composition and structure; and
      (ii) The condition of the wetland is typical of what would have existed circa 1840 in that:
         - Indigenous species dominate; and
         - Most of the expected species and tiers of the wetland vegetation type(s) are present for the relevant class of wetland; or
   (b) (i) The wetland contains **indigenous fauna assemblages** that:
         - Are typical of the wetland class; and
         - Indigenous species are present in most of the guilds expected for the wetland habitat type.
(4) A pakihi wetland is a representative wetland where:
   (a) It is greater than 40 hectares in area; and
   (b) It is dominated by a mixture of sedges, ferns, restiads, rushes, mosses and manuka (Leptospermum scoparium) of which Baumea spp, Sphagnum spp, Gleichenia dicarpa, and Empodisma minus are the main species.
(5) The representative wetland criterion applies to the whole or part of the wetland irrespective of land tenure;
(6) Each wetland is to be assessed at the ecological district and freshwater bio-geographic unit scale.

Rarity

(7) The wetland satisfies this criterion if:
   (a) Nationally threatened species[1] are present[2]; or
   (b) Nationally at risk species or uncommon communities or habitats are present and either:
      - The population at this site provides an important contribution to the national population and its distribution;
      - There are a number of at risk species present; or
      - The wetland provides an important contribution to the national distribution and extent of uncommon communities or habitats;
   (c) Regionally uncommon species are present; or
   (d) Is a member of a wetland class that is now less than 30% of its original extent as assessed at the ecological district and the freshwater bio-geographic unit scales; or

[1] The Threatened and At Risk categories are defined in the current version of the New Zealand threat classification system (Townsend et al 2008). Species are reassessed according to these categories approximately every three years.
[2] For mobile species such as kotuku, this requires some assessment of the importance of the site for the species i.e. the intention is not to include areas such as wet pasture where these birds are foraging.

(e) Excluding pakihi, it contains lake margins, cushion bogs, ephemeral wetlands, damp sand plains, dune slacks, string mires, tarns, seepages and flushes or snow banks which are wetland classes or forms identified as historically rare by Williams et al (2007).

Distinctiveness

(8) The wetland satisfies the **distinctiveness criterion** if it has special ecological features of importance at the international, national, freshwater bio-geographic unit or ecological district scale including:
   (a) Intact ecological sequences such as estuarine wetland systems adjoining tall forest; or
   (b) An unusual characteristic (for example an unusual combination of species, wetland classes, wetland structural forms, or wetland landforms); or
   (c) It contains species dependent on the presence of that wetland and at their distribution limit or beyond known limits.

Explanation

(9) The **wetland classes** may be determined in a number of ways including the classification index of Johnson and Gerbeaux (2004).

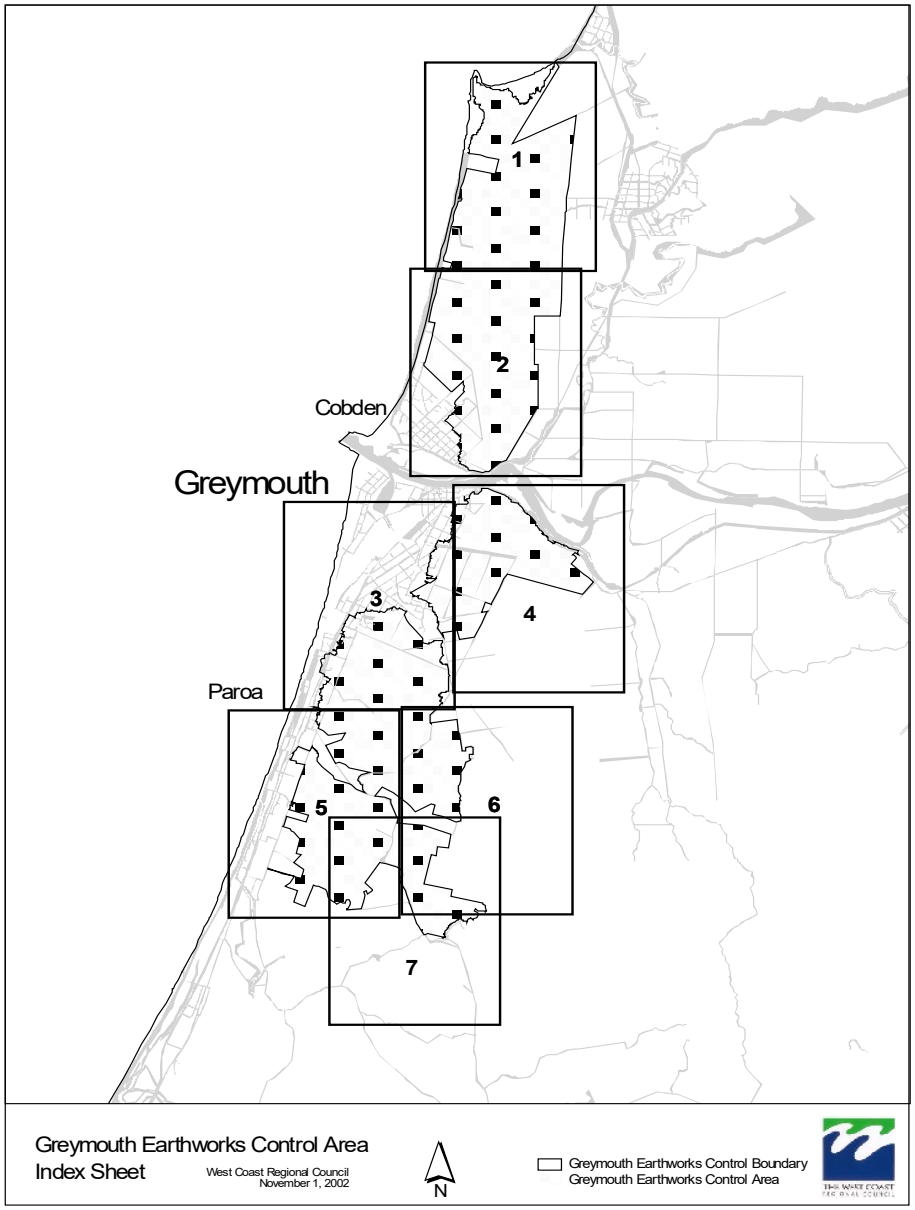
(10) **Wetland indigenous vegetation types** are identified with reference to the dominant plant species that are present, the structural class, wetland class and hydrosystem (see for example Johnson and Gerbeaux (2004) or similar method).

(11) The three **freshwater bio-geographic** units in the West Coast region are the Northwest Nelson-Paparoa, Grey-Buller and Westland units (Leathwick et al 2000).

(12) **Ecological districts** are described and mapped in McEwen (1987). The maps of the ecological districts on the West Coast region have been refined by David Norton and Fred Overmars for use at the 1:50,000 scale and are available from the Department of Conservation (West coast Conservancy).

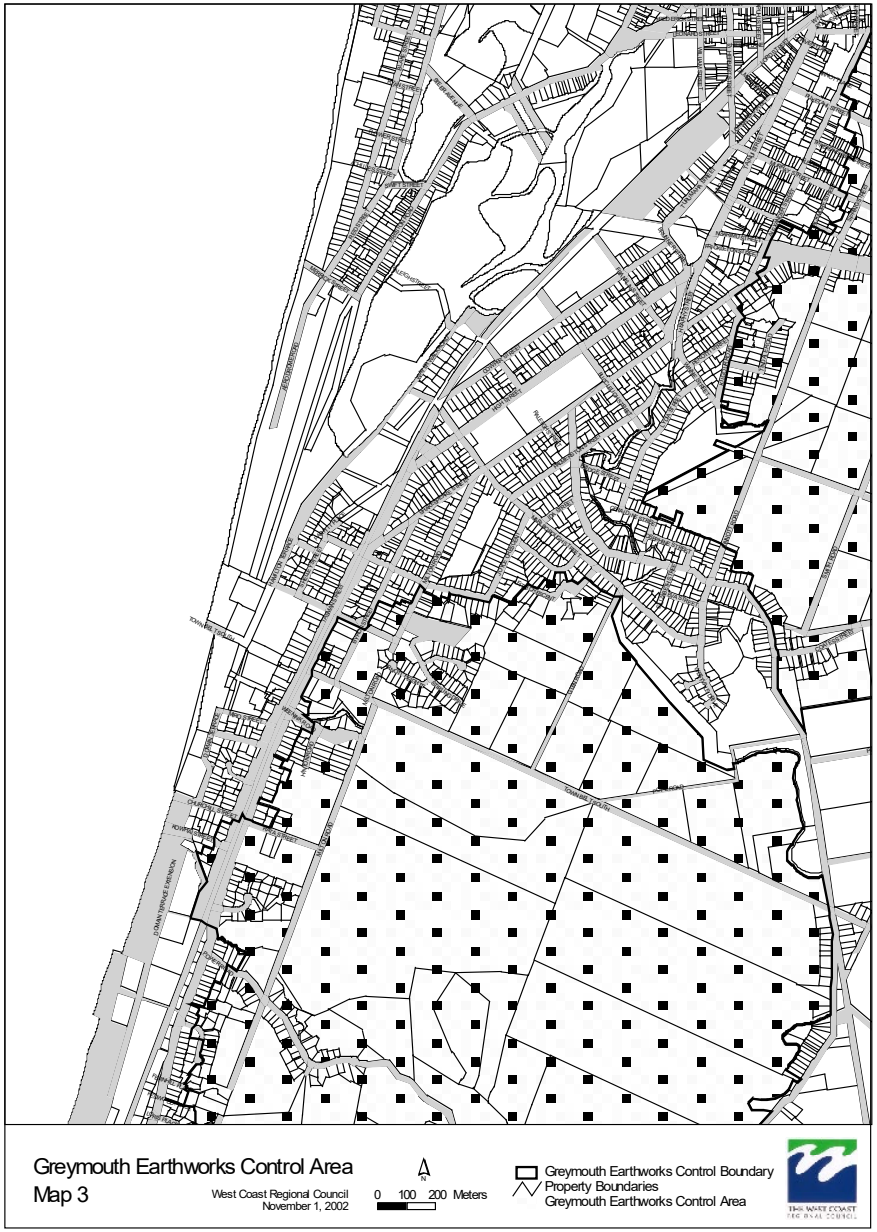
Schedule 4: Greymouth Earthworks Control Area Maps

The areas indicated by the black border and shading on the following maps are those in the rules of Chapter 18 that refer to the Greymouth Earthworks Control Area. They are Rules 5 and 8. General areas were identified as hazard areas in the research "Landslide Investigation and Hazard Zonation in the Greymouth Urban Area" (Metcalf, 1993). This was due to their slope angle, stability of the soil profile, and past history of slope failure. In order to have legal certainty those general areas have been aligned to the legal title boundaries of the properties in which they occur.

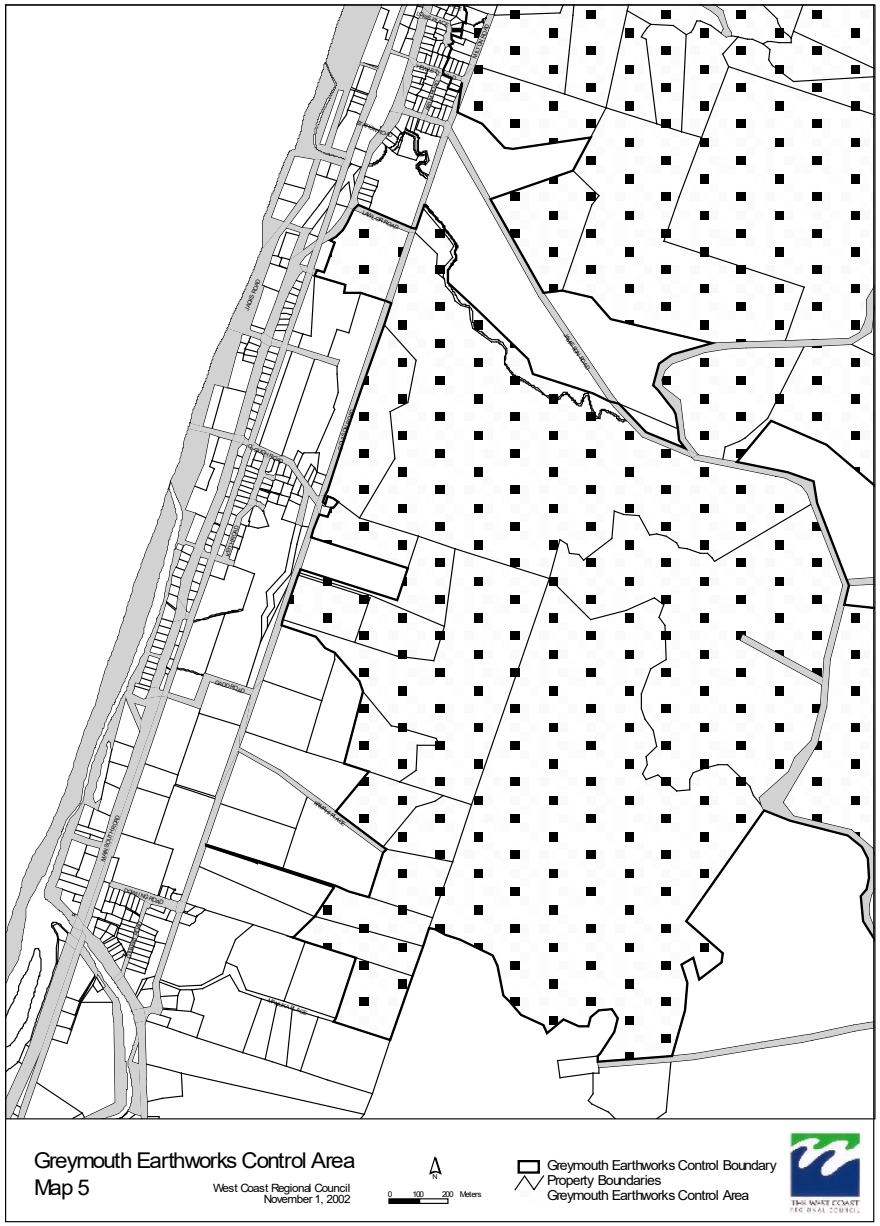


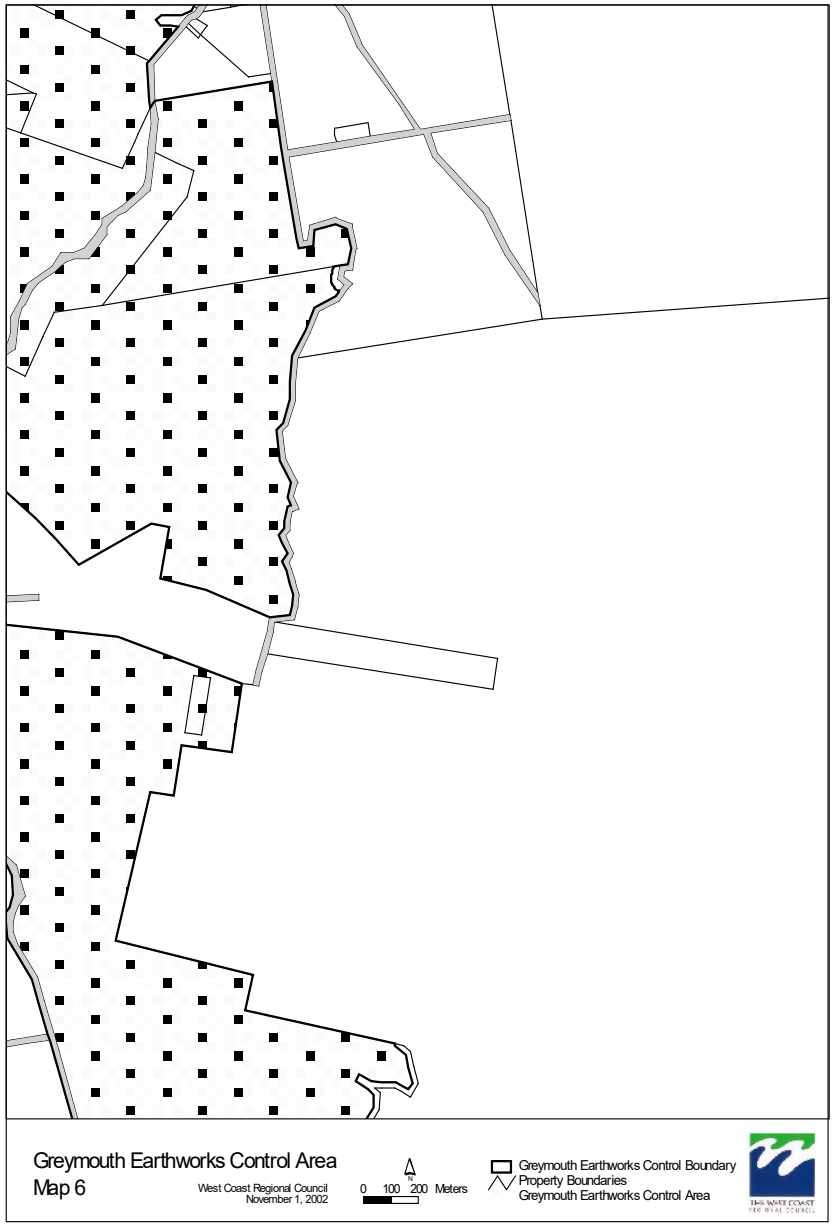

Greymouth Earthworks Control Area
Map 1
West Coast Regional Council
November 1, 2002
0 100 200 Meters
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area

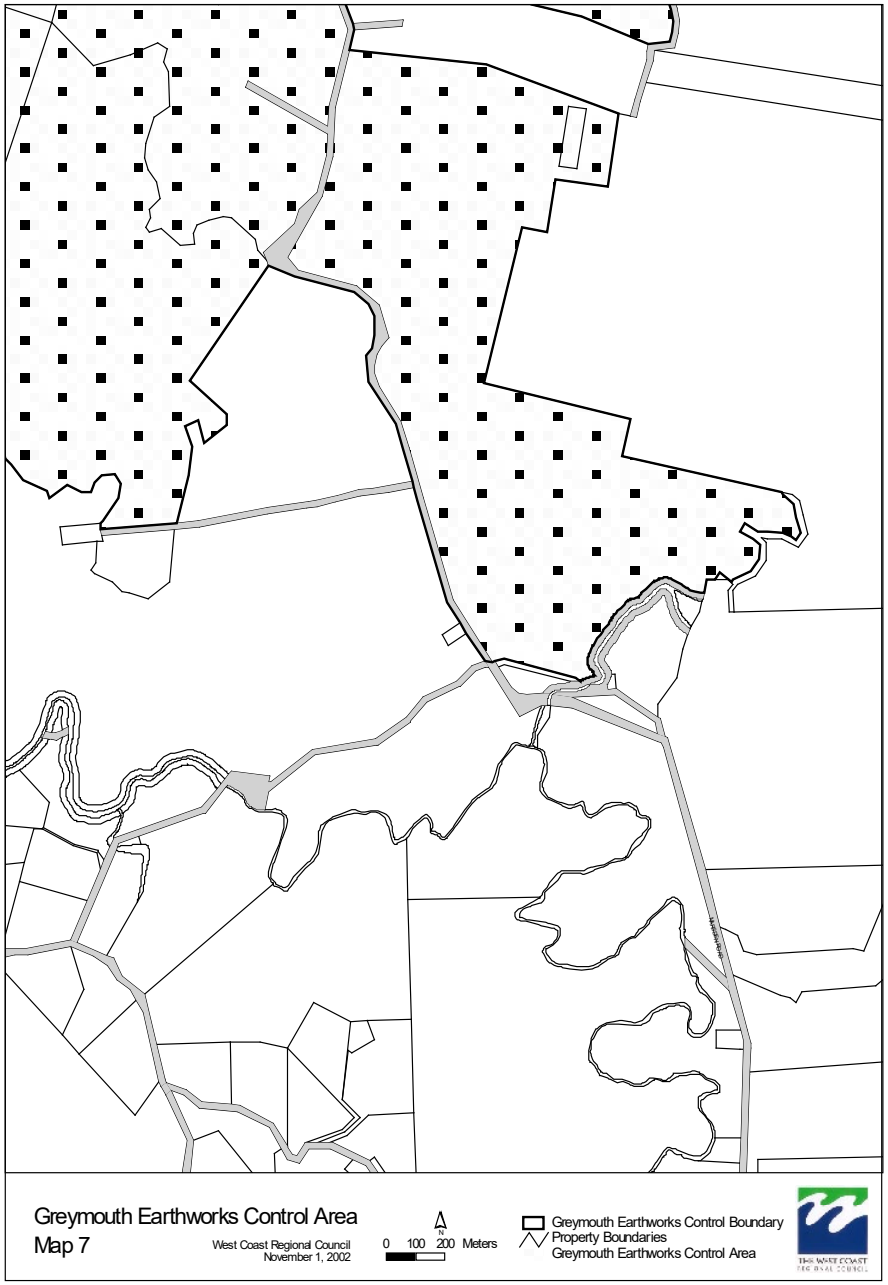

Greymouth Earthworks Control Area
Map 2
West Coast Regional Council
November 1, 2002
0 100 200 Meters
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area


Greymouth Earthworks Control Area
Map 3
West Coast Regional Council
November 1, 2002
0 100 200 Meters
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area


Greymouth Earthworks Control Area
Map 4
West Coast Regional Council
November 1, 2002
0 100 200 Meters
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area


Greymouth Earthworks Control Area
Map 5
West Coast Regional Council
November 1, 2002
0 100 200 Meters
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area


Greymouth Earthworks Control Area
Map 6
West Coast Regional Council
November 1, 2002
0 100 200 Meters
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area


Greymouth Earthworks Control Area
Map 7
West Coast Regional Council
November 1, 2002
0 100 200 Meters
N
Greymouth Earthworks Control Boundary
Property Boundaries
Greymouth Earthworks Control Area

Schedule 5: Water Conservation (Buller River) Order 2001

The following are sections of the Water Conservation (Buller River) Order 2001 that are relevant to the West Coast region:

Water Conservation (Buller River) Order 2001 - SR 2001/139
Pursuant to sections 214 and 423 of the Resource Management Act 1991, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

Orders

1. Title
This order is the Water Conservation (Buller River) Order 2001.

2. Commencement
This order comes into force on the 28th day after the date of its notification in the Gazette.

3. Interpretation
In this order, unless the context otherwise requires,—

Act means the Resource Management Act 1991

NTU means Nephelometric Turbidity Unit

Reasonable mixing means the mixing that occurs—
(a) within a maximum radius of 200 metres from a discharge into a still water body; or
(b) within a maximum distance of 200 metres downstream from a discharge into a river

River means the main stem of the waters specified in Schedule 1, 2, or 3; and includes any unnamed naturally occurring still water bodies that lie along the main stem

Tributaries means all the tributaries of the rivers or sections of rivers identified in Schedule 1, 2, or 3.

4. Outstanding characteristics and features
The waters specified in any of Schedule 1, 2, or 3 include, to the extent identified in Schedule 1, 2, or 3, the following outstanding characteristics, features, and values:
(a) outstanding recreational characteristics:
(b) outstanding wild and scenic characteristics:
(c) outstanding fisheries or wildlife habitat features:
(d) outstanding scientific values.

5. Waters to be retained in natural state
Because of the outstanding characteristics, features, and values identified in clause 4, the quality, quantity, level, and rate of flow of the waters specified in Schedule 1 are to be retained in their natural state.

6. Waters to be protected
Because of the outstanding characteristics, features, and values identified in clause 4,—
(a) the waters specified in Schedule 2 are to be protected in accordance with the restrictions and prohibitions in clauses 7 to 11, as specified in Schedule 2:

7. Restrictions on damming of waters
(1) For the purposes of this clause, damming does not include any intake or deflection structure that does not—
  (a) harm any salmonid fish spawning or prevent the passage of any fish; or
  (b) prevent the use of the waters for rafting or canoeing; or
  (c) reduce the wildlife habitat; or
  (d) intrude visually to the extent that it reduces wild and scenic values.
(2) No resource consent may be granted or rule included in a regional plan permitting the damming of the waters specified in Schedule 2 whenever any of the characteristics in subclause (1) are listed as outstanding in Schedule 2 and that schedule refers to this clause.

8. Restrictions on alterations of river flows and form
(1) No resource consent may be granted or rule included in a regional plan—
  (a) if the effect of the resource consent or rule would not generally maintain the channel cross-section, meandering pattern, and braided river channel characteristics of the form of any river specified in Schedule 2:
  (b) if the effect of the resource consent or rule would alter the naturally occurring instantaneous flow of the water in any river specified in Schedule 2 by more than 5%.
(2) The restriction in subclause (1)(a) does not apply in respect of dams, weirs, roads, fords, bridges, access ways, or fish passes lawfully existing on the date this order comes into force.

9. Restrictions on alteration of lake levels
No resource consent may be granted or rule included in a regional plan for the waters of Lake Rähui, item 22 of Schedule 2 (this may be an error – see item 20 in Schedule 20), if the effect of that resource consent or rule would alter the mean natural level of the lake or allow a daily fluctuation that exceeds—
  (a) 10% of the natural annual fluctuation; or
  (b) the natural limits of fluctuation.

10. Requirement to maintain fish passage
No resource consent may be granted or rule included in a regional plan for the waters specified in Schedule 2 unless that resource consent or rule maintains—
(a) adequate natural or artificial passage for trout through those waters where Schedule 2 identifies trout as an outstanding characteristic; and
(b) adequate natural or artificial passage through those waters for those native fish that require such passage where Schedule 2 identifies native fish as an outstanding characteristic.

11. Restrictions on alteration of water quality
(1) No resource consent may be granted or rule included in a regional plan permitting a discharge into any of the waters specified in Schedule 2 if, after allowing for reasonable mixing of the discharge with the receiving waters, the discharge would—
  (a) alter the concentration of suspended solids or turbidity in the receiving waters by more than 1 milligram per litre or 1 NTU where the ambient concentration of suspended solids or turbidity is less than or equal to 10 milligrams per litre or 10 NTU respectively; or
  (b) alter the ambient concentration of suspended solids or turbidity in the receiving waters by more than 10 milligrams per litre or 10 NTU where the concentration of suspended solids or turbidity is more than 10 milligrams per litre or 10 NTU respectively; or
  (c) alter the visual clarity of the waters by more than 20%; or
  (d) alter the natural temperature of the receiving waters —
    (i) by more than 3 degrees Celsius; or
    (ii) by increasing the water temperature to more than 20 degrees Celsius; or
    (iii) so as to adversely affect, during their spawning season, the spawning of —
      (A) rainbow and brown trout:
      (B) inanga:
      (C) koaro:
      (D) giant, banded, and short-jawed kokopu:
      (E) alpine, long-jawed, dwarf, and common galaxias.

(2) No resource consent may be granted or rule included in a regional plan permitting the discharge into any of the waters specified in Schedule 2 unless, after allowing for reasonable mixing of the discharge with the receiving waters,—
  (a) any change in the acidity or alkalinity in the receiving waters, as measured by the pH and attributable to that discharge, would either—
    (i) maintain the pH within the range of 6 to 9 units; or
    (ii) not allow a change by more than 0.5 units when the natural pH lies outside the range of 6 to 9 units; and
  (b) there would be no undesirable biological growths attributable to the discharge, including—
    (i) bacterial or fungal slime growths that are visible to the naked eye; or
    (ii) seasonal maximum covers of streams or river beds by—
      (A) periphyton as filamentous growth or mats (larger than 3 millimetres thick) exceeding 40%; or
      (B) biomass exceeding 100 milligrams of chlorophyll-a per square metre; or
      (C) 40 grams ash-free dry weight per square metre of exposed surface area; and
      (c) aquatic organisms are not made unsuitable for human consumption through the accumulation of excessive concentrations of contaminants; and
      (D) the water is not made unsuitable for recreation by the presence of contaminants, or the median bacterial level of 5 samples or more taken over a period of 30 days would not exceed 126 E coli per 100 millilitres.

(3) No resource consent may be granted or rule included in a regional plan permitting a discharge into any of the waters specified in Schedule 2 if, after allowing for reasonable mixing of the discharge with the receiving waters, the discharge would reduce the concentration of dissolved oxygen below 80% of saturation.

(4) For the purposes of subclause (3), if the natural concentration is less than 80% of saturation, the natural level must be maintained or increased.

13. Scope of order

(1) This order does not limit section 14(3)(b) and (e) of the Act, which relates to the use of water for domestic needs, for the needs of animals, and for, or in connection with, fire-fighting purposes.

(2) This order does not restrict or prevent the grant of resource consents to the Department of Conservation or rules being included in a regional plan that would permit minor water uses if those minor uses are necessary for the management of land administered by the Department.

(3) This order does not restrict or prevent the grant of resource consents for the purpose of—
  (a) research into, and enhancement of, fisheries and wildlife habitats; or
  (b) hydrological or water quality investigations; or
  (c) the construction, maintenance, or protection of any road or bridge, or the maintenance or protection of any other network utility operation (as defined in section 166 of the Act); or
  (d) the construction or maintenance of soil conservation and river protection works undertaken in accordance with the Soil Conservation and Rivers Control Act 1941.

(4) This order does not prevent the granting of further resource consents for the Maruia Springs Thermal Resort on similar terms and conditions to those imposed on the resource consents held on the date this order comes into force.

14. Exemptions

Nothing in this order prevents the grant of a resource consent that would otherwise contravene the conditions set out in clauses 7 to 12 if—

(a) a consent authority is satisfied that—
  (i) there are exceptional circumstances to justify the grant of the resource consent; or
  (ii) any discharge is of a temporary nature; or
  (iii) any discharge is associated with necessary construction and maintenance work for works and structures not otherwise prohibited by this order; and

(b) a consent authority is satisfied that the exercise of any such resource consent would not compromise the preservation and protection of the outstanding characteristics and features identified for the waters specified in the Schedules.

SCHEDULE 1

cl 5 – Waters to be retained in natural state

Item	Waters	Outstanding characteristics or features
13	Lake Daniels	Rainbow trout fishery, Wild and scenic, Native fishery
15	Te Wharau Creek (Stony River)	Headwater trout fishery
16	Blackwater River and Ohikaiti River	Wild and scenic, Blue duck, Native fishery
17	Ohikanui River and all its tributaries	Headwater trout fishery, Wild and scenic Native fishery, Blue duck

SCHEDULE 2
cl 6 - Protected waters

Item	Waters	Outstanding characteristics or features	Restrictions and prohibitions
4	Buller River from Maruia confluence to Iron Bridge	Canoeing, Rafting, Wild and scenic	cls 7, 8(1), 8(2), 10, and 11
5	Buller River from Iron Bridge to Te Kuha	Rafting, Wild and scenic	cls 7, 8(1), 8(2), 10, and 11
16	Maruia River downstream of Alfred River confluence and including the Alfred River to the upper end of the Mainstem Gorge at the Jones Creek confluence (map reference L30 434 017)	Headwater trout fishery Wild and scenic	cls 7, 8(1), 8(2), 10, and 11
19	Rappahannock River, Station Creek, Woolley River, and Rahu River	Headwater trout fishery, Trout spawning habitat, Native fishery	cls 7, 8(1), 8(2), 10, and 11
20	Lake Rähui	Wildlife habitat	cls 9, 10, and 11

Marie Shroff,
Clerk of the Executive Council.

Explanatory Note
This note is not part of the order, but is intended to indicate its general effect.
This order, which comes into force on the 28th day after the date of its notification in the Gazette, declares that—
(a) the waters described in Schedule 1 are to be retained in their natural state because of the outstanding characteristics, features, and values of the waters:
(b) the waters described in Schedule 2 are waters to be protected because of the outstanding characteristics, features, and values of the waters:
The order specifies how the waters are to be preserved and protected. The order also specifies the limitations of the preservations and protections.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in Gazette: 21 June 2001.
This order is administered in the Ministry for the Environment.

Schedule 6: Water Conservation (Grey River) Order 1991 - SR 1991/133

PURSUANT to section 20D of the Water and Soil Conservation Act 1967, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

Contents

Orders

1. Title and commencement

(1) This order may be cited as the National Water Conservation (Grey River) Order 1991.
(2) This order shall come into force on the 28th day after the date of its notification in the Gazette.

2. Interpretation

In this order, "Act" means the Water and Soil Conservation Act 1967.

3. Outstanding characteristic and features

It is hereby declared that the Ahaura River from Hamers Flat (NZMS 260 K31/064616 to NZMS 260 K31/973681) includes and provides —

(a) An outstanding natural characteristic in the form of an incised river gorge with a meandering pattern; and
(b) Outstanding scenic features.

4. Retention of natural waters in natural state

The waters of the Blue Grey River (from NZMS 260 L31/382656 upstream), its tributaries, and Lake Cristabel shall be preserved as far as possible in their natural state.

5. Partial retention of natural waters

Because of the outstanding characteristic and features specified in clause 3 of this order—

(a) No water right under section 21 of the Act shall be granted in respect of the Ahaura River upstream from Hamers Flat for the purposes of hydro-electric power generation or other works if the effect of granting the right would detract from the outstanding characteristic and features specified in clause 3 of this order:
(b) No right to dam the waters of the Ahaura Gorge shall be granted under section 21 of the Act:
(c) No right under section 21 of the Act shall be granted for the purposes of damming the rivers downstream of the Ahaura Gorge if the effect of granting the right would be to change the rate of flow or water levels in that gorge:
(d) Any water right may be granted under section 21 of the Act and any general authorisation may be given under section 22 of the Act, for mining and other water uses in the Ahaura Gorge, unless the effect of granting the right or authorisation would detract from the outstanding characteristic and features specified in clause 3 of this order:
(e) Any water right may be granted under section 21 of the Act and any general authorisation may be given under section 22 of the Act, in respect of the waters specified in clause 3 of this order, for the purposes of —
    (i) The construction, maintenance, or protection of roads, bridges, pylons, or other necessary public utilities:
    (ii) Soil conservation, river protection, or other activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941.

6. Scope

Nothing in this order shall be construed as limiting the effect of the second proviso to section 21(1) of the Act relating to the use of water for domestic needs, for the needs of animals, and for or in connection with fire-fighting purposes.

Marie Shroff,
Clerk of the Executive Council.

Explanatory Note
This note is not part of the order, but is intended to indicate its general effect.
This order, which comes into force 28 days after its notification in the Gazette, declares the waters of the Ahaura Gorge downstream of Hamers Flat —
(a) To be an outstanding natural characteristic in the form of an incised river gorge with a meandering pattern; and
(b) To have outstanding scenic features.
The order also includes various provisions to preserve and protect the waters of the Grey River.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in Gazette: 25 July 1991.

This order is administered in the Ministry for the Environment.

Schedule 7: Significant Natural and Human use values of the West Coast's Lakes and Rivers

Schedule 7 identifies the significant natural and human use values of the West Coast's lakes and rivers. The identification of natural and human use values in Schedules 7A, 7B, and 7C enables these values to be given appropriate protection in managing activities (see Policy 3.3.1). The scheduled values reflect information available to date and for some lakes or rivers there is little information available.

Natural and human use values are not limited to those characteristics identified in this Schedule, however. The natural character, outstanding natural features and landscapes and historic heritage values of lakes and rivers are also important natural and human use values and are also protected through Policy 6.3.1 and in the case of natural character, Policies 3.3.1 to 3.3.12.

Identification of a particular value for a river does not necessarily mean that value occurs at every point throughout that river. Identification does, however, provide a starting point, in identifying what values are expected to occur.

Schedule 7A: Habitats of Threatened Species

The following Schedule identifies some areas where threatened species are known to be present in the listed lakes and rivers. This list is not exhaustive. The threatened species listed may not necessarily be present throughout the main stem, or all tributaries, of particular rivers listed. For activities that require resource consent, and that affect other values associated with these lakes and rivers, or other lakes and rivers, further information, including an assessment of significance in accordance with Policy 3.3.1(1)(f) may be required. Lakes and rivers have been listed in the Schedule in order of north to south.

When interpreting Policy 3.3.1(a), it is important to remember that the degree of threat varies along a continuum and is influenced by qualifers[3] that provide additional information about why a species is classified as threatened. Where a water body is the habitat of a threatened species, preference will be given to avoiding adverse effects of use and development on that habitat. Giving priority to avoiding adverse effects on the habitat is more important, the more threatened the species.

The number (in brackets) refers to DoC's 'level of threat classification', where: 1=nationally critical, 2=nationally endangered, 3=nationally vulnerable, 4=serious decline, 5=gradual decline, 6=sparse, 7=range restricted and 8=data deficient.

Lake or River	Threatened species and threat classification
Heaphy River	Giant kokopu (5), blue duck (2), longfin eel (5)
Karamea River	Shortjaw kokopu (6), lamprey (6), blue duck (2), longfin eel (5)
Mokihinui River	Shortjaw kokopu (6), blue duck (2), longfin eel (5)
Birchfield Lagoon	Brown mudfish (5), giant kokopu (5), significant inanga spawning habitat
German Terrace Creeks	Brown mudfish (5), fernbird (6), bittern (2)
Lost Lagoon	Inanga habitat, marsh crake (6), Crassula ruamahanga (6)
Buller River Mouth	Brown mudfish (5), giant kokopu (5), bittern (2), white heron (1), significant inanga spawning habitat, longfin eel (5)
Fairdown Creek Lagoon	Bittern (2), white heron (1), caspian tern (3), black shag (6), little black shag (7)
Gillows Dam	Fernbird (6)
Virgin Terrace creeks	Brown mudfish (5), fernbird (6)
Charleston Dams	Fernbird (6) , brown mudfish (5), longfin eel (5)
Okari Lagoon	White heron (1), bittern (2), caspian tern (3), black (2)/white(5)-fronted terns, fernbird, banded dotterel (5); black shag (6), little black shag (7), shortjaw kokopu (6); significant inanga spawning habitat
Okari River	Shortjaw kokopu (6), lamprey (6), longfin eel (5)
Totara River	Shortjaw kokopu (6)
Little Totara River	Shortjaw kokopu (6)
Barrytown Dredge Ponds	Giant kokopu (5)
Maruia River	Upland Longjaw galaxias (5), dwarf galaxias (5), blue duck (2)
O'Malley Dredge Ponds	Little black shag (7), marsh crake (6)
Lake Christabel	blue duck population (2), longfin eel (5)
Taramakau River	Banded dotterel (5), blue duck (2)
Ahaura River	Giant kokopu (5), longfin eel (5)
Lake Hochstetter	Crested grebe (2). Longfin eel (5)
Lake Ahaura	Crested grebe (2). Longfin eel (5)
Lake Haupiri	Bittern (2), white heron (1), black shag (6), longfin eel (5), giant kokopu (5), Carex tenuiculmis , Deschampsia cespitosa (5)
Arnold River Dam	Fernbird (6), giant kokopu (5), black shag (6), lonfin eel (5)
Lady Lake	Giant kokopu (5), longfin eel (5), fernbird (6)
Kangaroo Lake	Bittern (2), black shag (6), fernbird (6), longfin eel (5)
Orangipuku River Mouth	Crested grebe (1), white heron (1), black-billed gull (4), black shag (6) little black shag (7)
Lake Brunner	Bittern (2), white heron (1), crested grebe (1), fernbird (6), black shag (6), little black shag (7), longfin eel (5).
Lake Poerua	Longfin eel (5), black shag (6), little black shag (7)
Lake Swan	Fernbird (6)
Lake Whitestone	Fernbird (6)
Lake Kaniere	Crested grebe (2), grey duck (2), giant kokopu (5), longfin eel (5)

[3] R. Hitchmough et al 2007 New Zealand Threat Classification System lists published by the Department of Conservation.

Lake or River	Threatened species and threat classification
Lake Mahinapua	Bittern (2), white heron (1), crested grebe (1), grey duck (4), black shag (6), little black shag (7), giant kokopu (5), mudfish, longfin eel (5), Myriophyllum robustum (5), Olearia virgata
Lake Arthur	Fernbird (6), grey duck (2)
Lake Mudgie	Fernbird (6)
Arahura River	Blue duck (2)
Hokitika River	Blue duck (2)
Kakapotahi Swamp	Fernbird (6), bittern (2), grey duck (2), giant kokopu (5), Myriophyllum robustum (5)
Lake Ianthe	Crested grebe (2), grey duck (2) and little black shag (7), brown mudfish (5); Scirpus polystachus
Lake Rotokino	Fernbird (6), white heron (1), little black shag (7), crested grebe (2), marsh and spotless crake (6), giant kokopu (5), brown mudfish (5)
Lake Windemere	White heron (1)
Waitangiroto River	White heron (1), Only white heron breeding colony in NZ (1)
Wanganui River	Fernbird (6), spotless crake (6)
Lake Mapourika	Grey duck (2), Crested grebe (2)
Lake Wahapo	Crested grebe (2), grey duck (4), white heron (1), black shag (6), little black shag (7)
Zolas Pond	Spotless crake (6), grey duck (2)
Styx River	Blue duck (2)
Lake Matheson	Grey duck (2), Myriophyllum robustum (5)
Lake Pratt	Crested grebe (2), grey duck (4), white heron (1), black shag (6), little black shag (7)
Cook River	White-fronted tern (5), banded dotterel (5), black-billed gull (4), bittern moulting site, marsh crake (6), black shag (6), little black shag (7), grey duck (4). Excellent wading bird and whitebait habitat
Lake Mueller, Lake Gibb	Crested grebe (2)
Lake Gault	Fernbird (6)
Papakeri Creek	Fernbird (6)
Waikowhai Stream	Fernbird (6), bittern (2), black shag (6), little black shag (7)
Lake Moeraki	Crested grebe (2), fernbird (6), grey duck (2)
Lake Paringa	Crested grebe (2), fernbird (6), grey duck (2)
Lake Rasselas	Crested grebe (2), fernbird (6), grey duck (2)
Mäori Lakes Complex	Bittern (2), fernbird (6), crested grebe (2), white heron (1), black shag (6), little black shag (7), grey duck (2), giant kokopu (5), Myriophyllum robustum (5), Deschampsia cespitosa (5)
Lake Nisson	Fernbird (6)
Hapüka River	Giant kokopu (5)
Nerger Creek	Fernbird (6), bittern (2)
Okuru River	Giant kokopu (5)
Turnbull River	Giant kokopu (5)
Waita River	Giant kokopu (5)
Lake Ellery	Crested grebe (2), grey duck (2), black shag (6), little black shag (7)
Lake Mary-Aspiring	Crested grebe (2), grey duck (2), black shag (6), little black shag (7)
Upper Cascade Oxbow	Fernbird (6)

Schedule 7B: Water Supply Values

This Schedule identifies existing water takes from lakes, rivers, and groundwater where the water taken is used for public water supply purposes. Rules 52 and 53 provide for replacement consents for these takes as a controlled activity, to provide certainty for these communities. The potential impact of activities on these takes will be taken into account when considering applications for resource consents.

Site No.	Water body or Catchment Arranged North to South	Description of water supply system	Water Supply Values and Resource Consent No
1	Unnamed Creek at NZTopo50 BQ22 212 171	Weir intake to 2 storage tanks	Little Wanganui Water Supply RCN96064
2	Groundwater bore – NZTopo50 BQ22 259 331		Karamea school and town supply RC01237 (consent held by Ministry of Education)
3	Brewery Creek at NZTopo50 BR21 117 016	Pumped from creek to storage tank	Mokihinui Water Supply RC01283/5
4	Dean Stream at NZTopo50 BR21 078 950	Pipe from stream bed to storage tank	Ngakawau/Hector Water Supply RC01284/1
5	Unamed Stream at NZTopo50 BR21 045 906	Weir intake to Reservoir	South Granity community supply
6	Fan Creek Catchment at NZTopo50 BR21 007 843	Intake	Birchfield community supply
7	Conns Creek at NZTopo50 BR21 987 796	Weir intake to reservoir	Waimangaroa Water Supply RC01281/1
8	Groundwater bore at NZTopo50 BS21 124 655	Bore water pumped to reservoir tanks	Inangahua Junction community supply
9	Groundwater bore – NZTopo50 BS21 064 362	Bore water pumped to main and reservoir	Reefton community supply RC01282
10	Rough and Tumble Creek – NZTopo50 BT21 928 294	Intake	Mawheraiti community supply
11	Giles Creek – south branch at NZTopo50 BR20 916 731	Weir intake to reservoir II to treatment plant	Westport/Carters Beach Water Supply RC03081/2 Nth branch RC03081/3 Sth branch (Consent still under application0)
12	Omanu Creek at NZTopo50 BS20 841 659	Weir intake to tank reservoir	Cape Foulwind Water Supply RC03264
13	Surface Water Take – NZTM – 5339280.18N, 1463507.16E	Weir intake to tank reservoir (subterranean source)	Punakaiki community supply RC86080
14	Goat Creek at NZTopo50 BV20 823 563	Intake	Otira Water Supply
15	Coal Creek at NZMS 260 671605	Main intake – true right bank	Greymouth water supply RC01092/3
16	Grey River, Omoto at NZTopo50 BT19 539 988	Lifelines emergency intake on true left bank	Greymouth water supply RC01180/1
17	Groundwater bore, Sidds Road, Coal Creek at NZTopo50 BT19 552 991	Bore source, confined aquifer	Rünanga water supply RC01180/2
18	Blackball Creek at NZTopo50 BT20 696 092	Main intake true right bank	Blackball water supply RC01180/3
19	Groundwater bore adjacent to Taylorville Road NZTopo50 BT19 647 008	Bore source, unconfined aquifer	Stillwater water supply RCN94482
20	Grey river NZTopo50 BT19 609 991	Main intake, true right bank	Taylorville/Dobson water supply RC86080
21	Old gold mining tunnel at NZTopo50 BU19 518 779	Intake	Kumara Water Supply RC10159/1
22	Cashmere Bay Rd NZTopo50 BU20 771 816	Bore from confined aquifer	Site No.10 Te Kinga water supply
23	Groundwater bore (Old School Rd) – NZTopo50 BU18 386 743	Bore source, unconfined aquifer	Arahura community Supply RC 11028/1

Site No.	Water body or Catchment Arranged North to South	Description of water supply system	Water Supply Values and Resource Consent No
24	Lake Kaniere at NZTopo50 BV19 477 597	Intake	Hokitika Water Supply RC91035
25	Minehan Creek at NZTopo50 BV18 209 472	Intake	Ross Water Supply RC06040/1 RC00359/1
26	Harrold Creek at NZTopo50 BW17 049 189	Intake	Harihari Water Supply RC11029/1
27	Groundwater bore (Robertson Rd) – NZTopo50 BW17 013 196	Bore source, unconfined aquifer	Harihari Water Supply RC06273
28	Unnamed water body at NZTopo50 BW16 723 915		
29	Groundwater bore (Whataroa Rd) – NZTopo50 BX15 592 831		Whataroa community supply RC03068
30	Mint Creek at NZTopo50 BW16 882 041	Intake	Whataroa Rural Water Supply
31	Unnamed tributary of Waiho River at NZTopo50 BW16 723 915	Intake	Franz Josef Water Supply RC00390/1
32	Carters Creek at NZTopo50 BX15 592 831	Intake	Fox Glacier Water Supply RC00391/1
33	Groundwater bore (Zion Hill Rd) – NZTopo50 BY12 827 337	Bore source, unconfined aquifer	Haast Village community supply RC01164/1
34	Groundwater bore – NZTopo50 BW15 698 102		Okarito community supply RCN97132
35	Groundwater bore in Coastal Marine Area		Okarito Community supply RC01185 (consent held by Okarito Community Association)
36	Unnamed water body at NZTopo50 BY10 479 217	Intake	Jackson Bay Water Supply RC01165/1

Schedule 7C: Spiritual and cultural beliefs, values, and uses of significance to Poutini Ngäi Tahu

This Schedule identifies the spiritual or cultural beliefs, values or uses associated with water bodies of significance to Poutini Ngäi Tahu. Poutini Ngäi Tahu provided the information that appears in this schedule.

Kaitiakitanga and Mauri are not listed for each river as these elements apply to all lakes and rivers on the West Coast. Shared rohe for Makaawhio and Ngäti Waewae are shown in italics.

Explanation of the values identified in the Schedule 1C Columns

Waahi tapu and/ or Waiwhakaheke	Sacred places; sites, areas and values associated with water bodies that hold spiritual values of importance to Poutini Ngäi Tahu. (Note: Poutini Ngäi Tahu may be consulted regarding the location of these places, sites, areas and values.)
Waahi taonga	Treasured resource; values, sites and resources that are valued and reinforce the special relationship Poutini Ngäi Tahu have with the West Coast's water resources.
Mahinga Kai	Places where food is procured or produced. Examples include eels, whitebait, kanakana (lamprey), kokopu (galaxiid species), koura (freshwater crayfish), freshwater mussels, indigenous waterfowl, watercress and raupo.
Kohanga	Important nursery/ spawning areas for native fisheries & breeding areas for birds
Navigation routes	Water bodies which formed part of traditional routes.
Cultural materials	Water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines).
Waipuna	Waters highly regarded for their purity, healing and health-giving powers.
Trad. Campsite	Area or site of either temporary, seasonal or permanent traditional occupation
Nohoanga	Ngäi Tahu seasonal occupation sites, given contemporary effect through the Ngäi Tahu Claims Settlement Act
Statutory Ack. Areas	Statutory Acknowledgements areas are in Schedule 5 and are areas of particular significance for Ngäi Tahu.

Poutini Ngäi Tahu Spiritual and Cultural Beliefs Values and Uses

	Waahi tapu	Waahi taonga	Mahinga Kai	Kohanga	Navigation	Cultural	Waipuna	Trad. campsite	Nohoanga	Statutory
Kahurangi	X			X	X			X		
Whakapoai (Heaphy)	X		X	X	X			X		
Wekakura				X						
Kohaihai				X	X			X		
Oparara			X	X	X					
Roto Aorere		X			X		X			
Karamea	X	X		X	X	X		X		
Whanganui iti			X	X	X					
Mokihinui		X	X	X	X	X	X	X		
Ngakawau			X	X	X					
Orikaka			X	X	X			X		
Orowaiti				X	X					
Matakitaki				X	X					
Maruia	X			X	X			X		
Inangahua				X	X					
Kawatiri (Buller)	X	X	X	X	X			X		
Ohikanui			X	X	X			X		
Okari Lagoon		X	X	X	X					X
Totaranui			X	X	X					
Totara iti				X						
Waitakere (Nile)			X	X	X					
Tiropahi				X						
Potikohua (Fox)			X	X	X	X		X		

	Waahi tapu	Waahi taonga	Mahinga Kai	Kohanga	Navigation	Cultural	Waipuna	Trad. campsite	Nohoanga	Statutory
PunuNgäiro (Bullock Crk)	X		X				X			
Pororari		X	X		X					
Punakaiki			X	X	X			X		
Canoe Creek		X				X		X		
Kotuku Whakaohe (L Brunner)	X	X	X	X	X	X	X	X		X
Kotuku awa (Arnold)	X	X	X	X	X	X	X	X		
Lakes: Lady, Kangaroo, Haupiri, Ahaura		X		X						
Mawhera (Grey)	X	X	X	X	X	X	X	X		
Paroa			X					X		
Kaimata/ New River			X					X		
Hohonu				X	X	X	X	X		
Taramakau River	X	X	X	X	X	X	X	X	X	X
Kapitea		X				X				
Waimea		X	X			X				
Arahura	X	X	X	X	X	X	X	X		
Lake Kaniere		X	X	X	X	X	X	X		X
Hokitika	X	X	X	X	X	X	X	X		
Tauwharewhare			X	X						
Mahinapua (Lake and Ck)	X	X	X	X	X	X				
Totara			X							
Mikonui			X	X					X	
Waikoriri		X	X			X				
Waitaha		X	X	X	X	X	X			
Wanganui			X				X	X		
Matahi (Ianthe)		X	X	X		X	X			
Pouerua (Saltwater Lagoon)		X	X	X	X	X				X
Poeruahapüa Lagoon		X	X	X		X		X		
Whataroa			X					X		
Waitangi Tahuna			X					X		
Waitangiroto			X	X						
Lake Wahapo			X					X		
Okarito Lagoon	X	X	X	X		X		X	X	X
Okarito River	X	X	X	X		X		X	X	
Lake Mapourika			X							
Waiau & Tatare					X					
Totara Iti & Nui/3 & 5 Mile Lagoons			X							
Omoeroa			X					X		
Waikukupa			X							
Te Wai A Hope Lake Mueller			X							
Lake Matheson			X							
Ohinetamatea			X		X					
Karangarua Lagoon			X			X		X	X	X
Karangarua River			X			X		X	X	
Manakaiaua			X					X		
Hunts Creek			X							
Ta Heke A Kai		X								
Makaawhio	X	X	X			X		X		X
Papkeri & Lake Kini			X							
Mahitahi			X					X	X	
Ohinemaka			X							
Paringa River			X					X		
Kaitaru/Gates Creek			X							
Waipai Rasselas Creek			X							
Lake Paringa	X	X	X			X				X
Lake Moeraki			X			X				
Whakapohai			X							
Tauparikaka/Ships Creek			X							

	Waahi tapu	Waahi taonga	Mahinga Kai	Kohanga	Navigation	Cultural	Waipuna	Trad. campsite	Nohoanga	Statutory
Tawharekiri/ Mäori Lakes			X			X		X	X	
Waita			X						X	
Awarua/Haast			X		X					
Otoatahi/Landsborough					X					
Putakuru/Okuru			X		X			X	X	
Putaiwhenua/Turnbull			X					X		
Opuka/Hapüka				X						
Waitoto/Waiatoto			X						X	
Hindley Crk			X							
Haehaeakumata/Lake Nissan			X							
Arawhata			X					X		
Jacksons	X									
Tahutahi/Cascade	X		X						X	
Lake Ellery			X							
Matyr	X									
Kotearohake/Smoothwater		X								
Papaki/Hope River	X	X								
Spoon & Hackett	X	X								
Hautai/Gorge River	X	X								

Schedule 8: Sportsfish Habitats

The list below is not an exhaustive inventory of West Coast rivers and lakes, nor does it include many valuable tributaries. However the list includes most of the catchments supporting the region's more significant sports fisheries.

Rivers

Adamson Creek
Ahaura River
Allen Creek
Arahura River
Arnold River
Berry Creek
Big River
Blue Grey River
Bradshaws Creek
Bruce Creek
Buller River
Camelback Creek
Camp Creek
Campbells Creek
Clarke River
Clear (Nicholas) Creek, "Taramakau Settlement"
Crooked River
Crow River
Cunninghams Creek
Deep Creek, Arnold River
Falls Creek, Hokitika River
Fox River
Goose Creek
Gordons Creek
Grey River
Harris Creek
Haupiri River
Hohonu River
Hokitika River
Inangahua River
Jacobs River
Kaniere River
Karamea River
Kokatahi River
La Fontaine Stream
Larrys Creek
Mahinapua Creek
Mahitahi River
Manakaiaua River
Mawheraiti River
Mikonui River
Mokihinui River
Molloy Creek
Moonlight Creek
Murray Creek
Nancy River
Nelson Creek
New River
Nile River
Ohikanui River
Okari River
Okarito River
Omoeroa River
Orangapuku River
Poerua River
Punakaiki River
Redjacks Creek
Otututu (Rough) River
Stony Creek
Styx River
Taipo River
Taramakau River
Ten Mile Creek
Toaroha River
Totara River
Vickers Creek
Waimea Creek
Waitaha River
Waitahu River
Waitangitaona River
Walls Creek
Wanganui River
Whataroa River
Whitcombe River
Windbag Creek

Lakes

Ahaura
Brunner
Ellery
Haupiri
Ianthe
Kangaroo
Kaniere
Lady
Mahinapua
Moeraki
Okuku Resevior
Paringa
Poerua
Wahapo

Schedule 9: Scheduled Swimming Areas

The following areas are scheduled as swimming areas and are to be managed to contact recreation water quality.

- Shingle Beach (Eastern Tiphead), Buller River
- Marrs Beach, Buller River
- Carters Beach
- North Beach (Westport)
- Inangahua River at Blacks Pt and Reefton
- Nile River
- Punakaiki River
- Pororari River
- Grey River at Taylorville swimming hole
- Grey River at Ikamatua
- Rapahoe Beach (Stathan Street)
- Rapahoe Lagoon (Seven Mile Creek mouth)
- Cobden Beach (Bright Street)
- Blaketown Beach breakwater
- Karoro Beach
- Nelson Creek at Nelson Creek Reserve
- Lake Brunner at Moana
- Lake Brunner at Iveagh Bay
- Lake Brunner at Cashmere Bay
- Lake Brunner at Bain Bay and Mitchells
- Lake Haupiri
- Arahura River
- Hokitika Beach
- Lake Kaniere at Sunny Bight
- Lake Kaniere at Hans Bay
- Kaniere River
- Lake Mahinapua
- Lake Ianthe
- Lake Wahapo
- Lake Mapourika
- Lake Paringa
- Lake Moeraki

Schedule 10: Pounamu Accidental Discovery Protocol

Extracts from the Pounamu Resource Management Plan
(Te Runanga o Ngai Tahu, 2002)

In-situ (natural state) pounamu/greenstone accidental discovery
Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. The Ngai Tahu Pounamu Resource Management Plan provides for the following measures:

Policy 4 (p 62):
Any pounamu (greenstone) accidentally discovered should be reported to the Pounamu Management Officer of Te Runanga o Ngai Tahu as soon as is practicable.

Policy 6 (p 65):
Any artefact made of pounamu discovered or found within the Ngai Tahu takiwa should be left untouched and notified immediately to the local regional museum who will in turn notify Ngai Tahu. If the artefact happens to be collected it should be handed directly to the appropriate regional museum along with all information about the find

Method iv (p 67):
In the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Management Officer.

Policy 29 (p 101):
All pounamu discovered, other than through authorised collection, regardless of size is the property of Te Runanga o Ngai Tahu and cannot be removed without consultation with Te Runanga o Ngai Tahu and authorisation from the appropriate Kaitiaki Runanga.

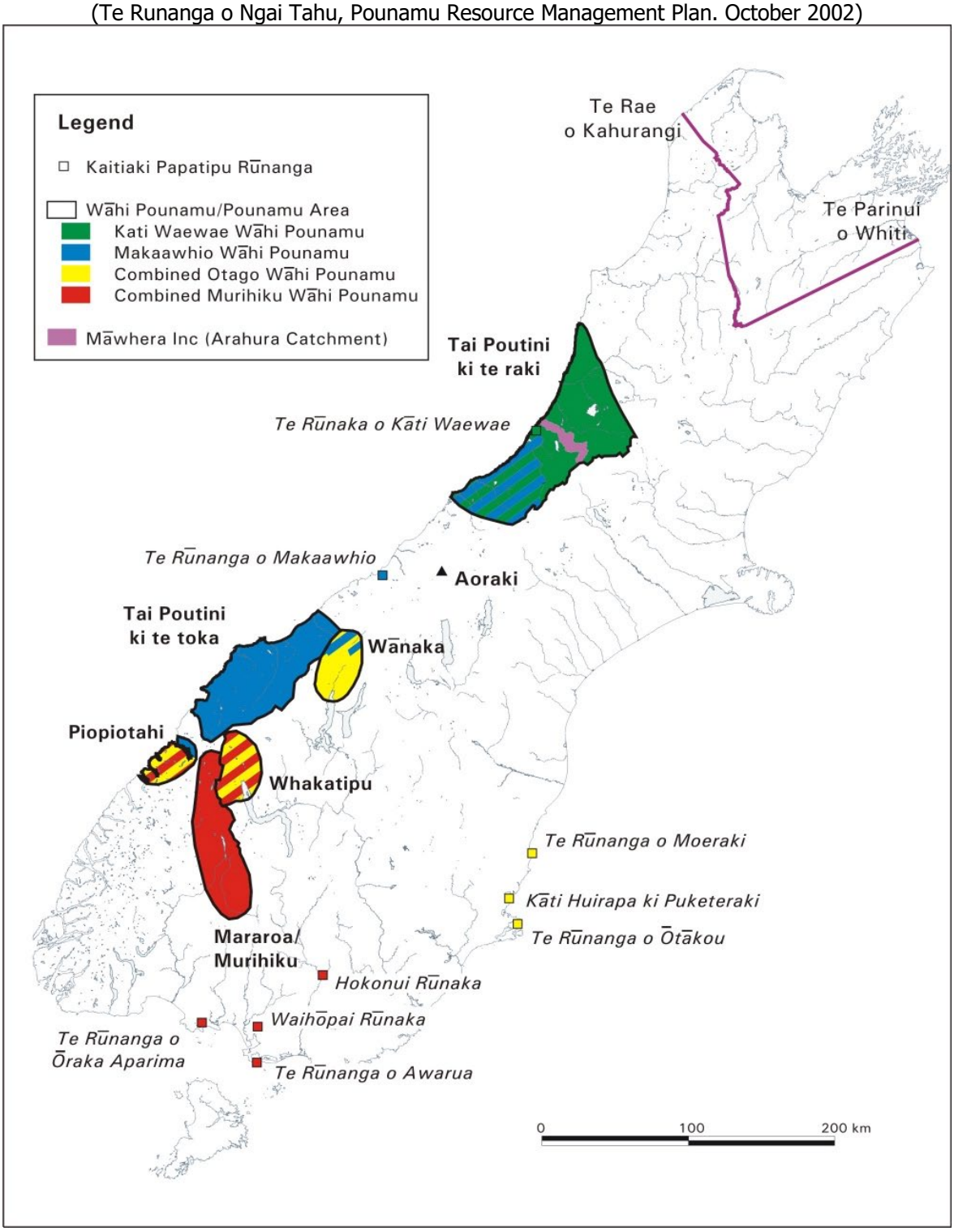
Public fossicking policy 19 (p 89):
Fossicking for pounamu by the public is only allowed on beaches along the West Coast and is limited to what an individual can carry by hand or bag/backpack and is limited to one such take per 24 hour period.

Other policies include:
Kaupapa 20 & 21 – Customary and Cultural Collection Policies (p 92)
Kaupapa 25 Extraction Policy for Te Runaka o Kati Waewae Takiwa (p 99)
Kaupapa 26 Extraction Policy for Te Runanga o Makaawhio Takiwa (p 99)

Refer map (page 141) for Runanga rohe boundaries.

Nga Wahi Pounamu and Nga Kaitiaki Runanga

(Te Runanga o Ngai Tahu, Pounamu Resource Management Plan. October 2002)



Schedule 11: Inanga (Whitebait) Spawning Sites*

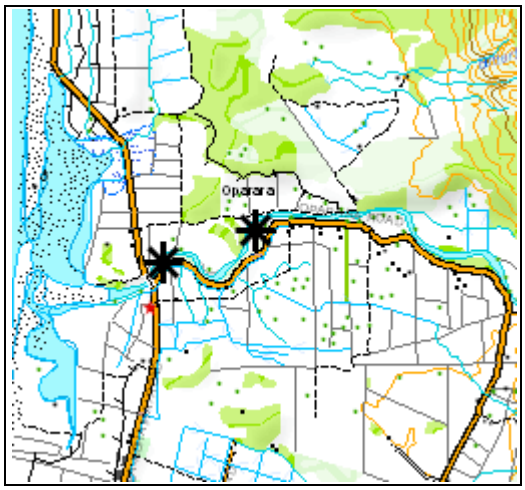
River	Area description	Grid Reference (NZTopo50)
Un-named creek entering Northeast corner of the Karamea estuary	Downstream of the point approximately 700m upstream of the point where it crosses the Karamea Kohaihai Road.	At or about BQ22 255 389
Oparara River	Downstream of the point 1km upstream of the Karamea Kohaihai Road bridge	At or about BQ22 262 374
Baker Creek (Karamea)	Downstream of the point opposite the end of Quinlans Road	At or about BQ22 261 342
Karamea River	Downstream of SH 67 bridge	At or about BQ22 272 319
Granite Creek	Downstream of the point opposite the junction of Granite Creek Road and Kongahu Swamp Road	At or about BQ22 254 280
Blackwater Creek	Downstream of the point approximately 400m upstream of the bridge on Granite Creek Road	At or about BQ22 250 276
Little Wanganui	Downstream of SH 67 bridge	At or about BQ22 240 191
Stony Stream	Downstream of the point where it crosses SH 67	At or about BR21 989 843
Jones Creek (Birchfield)	Downstream of the point where it crosses SH 67	At or about BR21 993 848
Waimangaroa Catchment	Downstream of the respective points where two un-named streams cross Collins Road	At or about BR21 961 833 and BR21 962 832
Whareatea River and un-named tributaries	Southern tributary downstream of the point approximately 400m upstream of its confluence with Whareatea River. Whareatea River downstream of the point where it crosses the Railway line. Northern tributary downstream of the point approximately 300m upstream of its confluence with Whareatea River.	At or about BR21 940 799, BR21 945 798, BR21 947 805
Black Creek	Downstream of the point 1.2 km upstream of the confluence with Deadman's Creek.	At or about BR20 910 788
Orowaiti River	Downstream of the end of McKennas Road	At or about BR20 854 744
Beaton Creek	Downstream of where it crosses Utopia Road	At or about BR20 876 772
Salt marsh (also known as the Mississippi) on north side of the Buller River	Downstream of the point where the channel forms.	At or about BR20 835 779
Buller River	Downstream of the point where the transmission lines cross the river upstream of the SH 67 bridge.	At or about BR20 836 745
Martin Creek	Downstream from where it rises	At or about BR20 829 760
Bradshaws Creek	Downstream of where it crosses the old road bridge just upstream of the bridge on Cape Foulwind Road	At or about BR20 822 764
Un-named creek flowing into the south side of the Buller estuary	Downstream of where it crosses Seaton Road	At or about BR20 808 769
Un-named Creek flowing into the south end of Tauranga Bay	Downstream of where it rises	At or about BR20 720 738
Okari River	Downstream of the point approximately 1km upstream from where it enters the lagoon	At or about BS20 741 684
Punakaiki River	Downstream of a point determined by the extension of the track that is perpendicular to the river on the south side	At or about BS19 623 350
Grey River including the Cobden lagoon	Downstream of SH 6 bridge	At or about BT19 533 991
Taramakau River Mouth – Un-named creek flowing into the south side of the estuary	Downstream of the point approximately 800m upstream from where it enters the estuary	At or about BU19 454 848
Sunday Creek	Downstream of the confluence of Sunday Creek and an un-named tributary	At or about BU18 421 778
Hokitika River	Downstream of the SH 6 bridge	At or about BU18 331 678
Mahinapua Creek	Downstream of the old SH bridge at Takutai	At or about BU18 312 663
Waitaha River	Ounatai Lagoon approximately 1km from the mouth	At or about BV17 083 404
Oneone River	Downstream of the footbridge	At or about BV16 901 297
Watangitaona River	Downstream of the point approximately 800m upstream from the Wardens Hut	At or about BW16 769 206
Gordon Creek – Ohinetamatea catchment	Downstream of the point approximately 350m upstream of the point where it enters the Saltwater lagoon	At or about BX14 390 835
Moeraki River (Blue River) and un-named tributaries	Downstream of the point approximately 1.5km upstream from the mouth	At or about BY12 986 524

Hunt Creek	Downstream of the point approximately 300 metres upstream from the confluence with Farm Creek	At or about BX14 333 729
Papakeri Creek	Downstream of SH 6 bridge	At or about BX14 287 693
Waita River Lagoon	Downstream of the SH 6 bridge	At or about BY12 880 441
Turnbull River catchment	Downstream of the confluence of Collyer Creek and Macs Lagoon	At or about BY11 722 289

- Information supplied by the Department of Conservation – Whitebait spawning areas, November 1999 and 2007; and Michael Hickford, University of Canterbury.

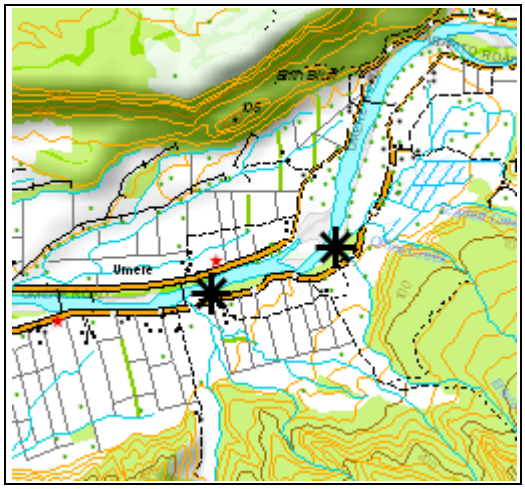
Schedule 12: Gravel Extraction Sites for Rule 29(ii)

BULLER DISTRICT

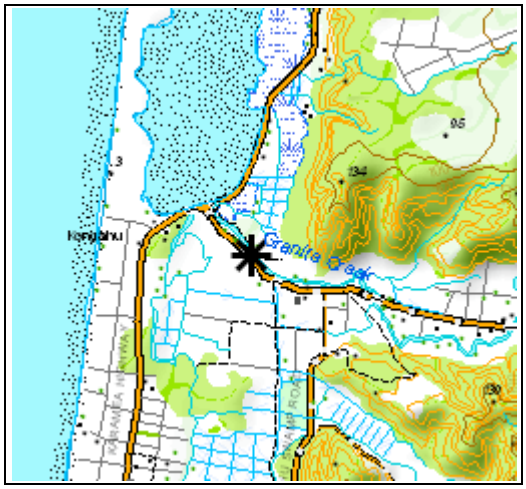


OPARARA RIVER

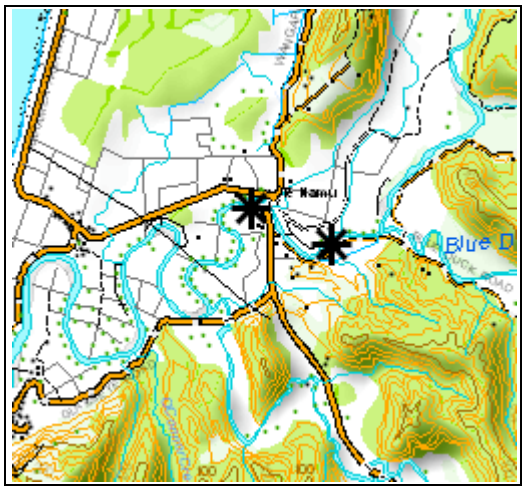
KARAMEA RIVER



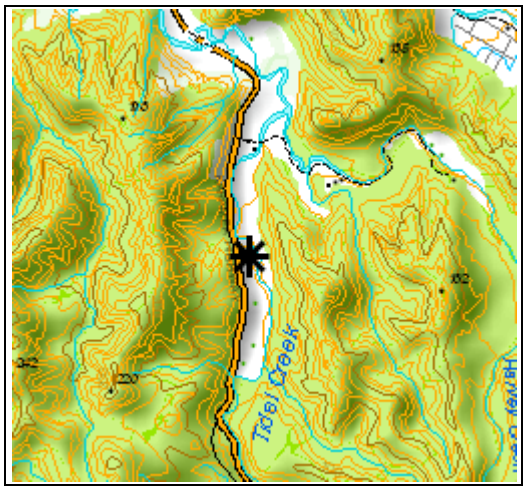
KARAMEA RIVER



GRANITE CREEK

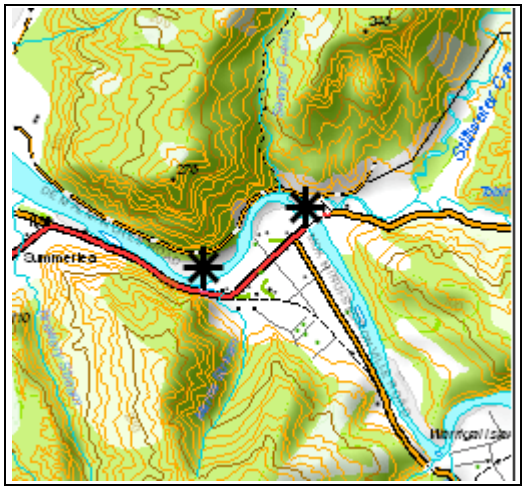


LITTLE WANGANUI RIVER

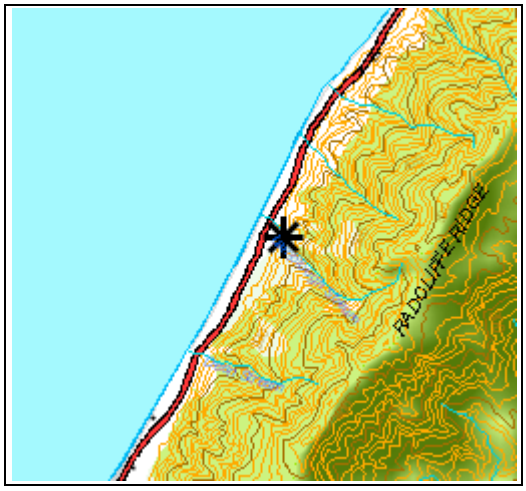


TIDAL CREEK

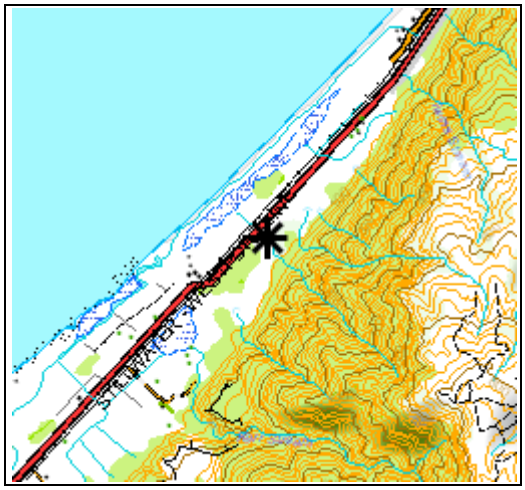
BULLER DISTRICT



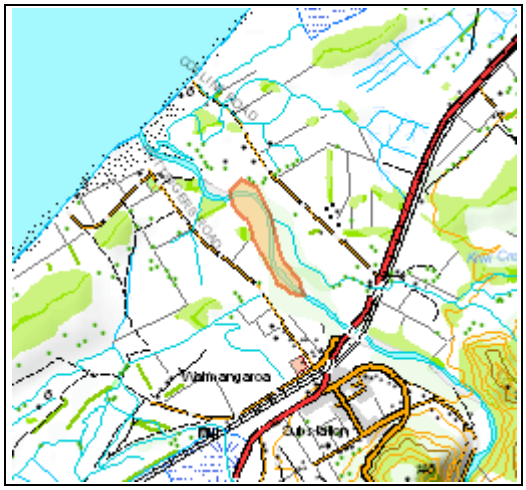
MOKIHINUI RIVER



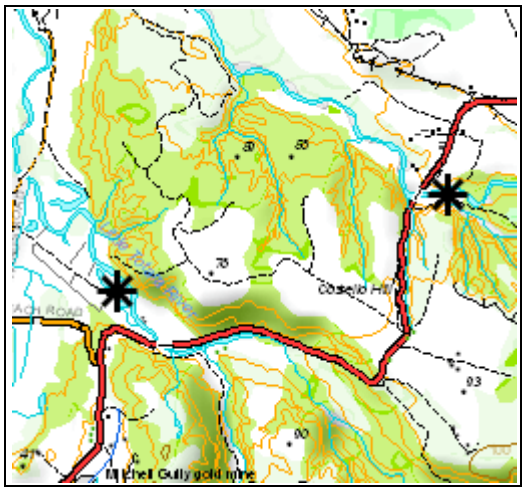
LAMPLOUGH STREAM



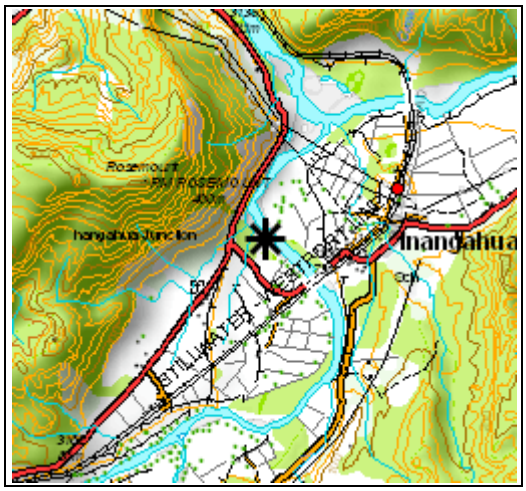
UNNAMED CREEK



WAIMANGAROA RIVER

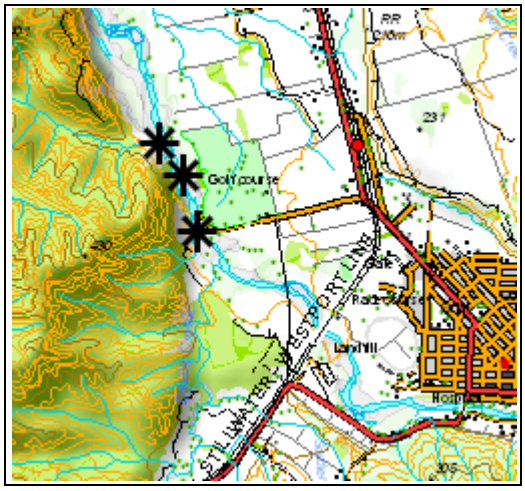


TOTARA RIVER

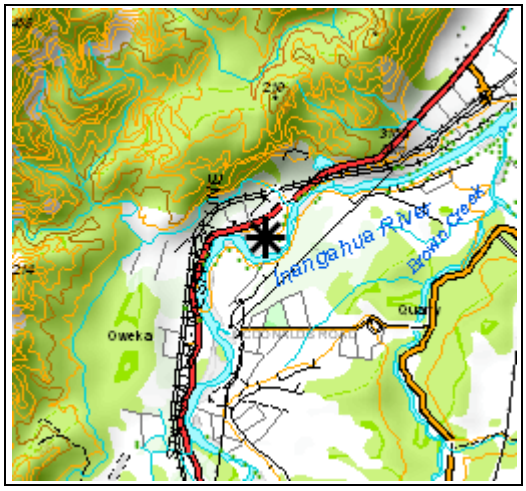


INANGAHUA RIVER

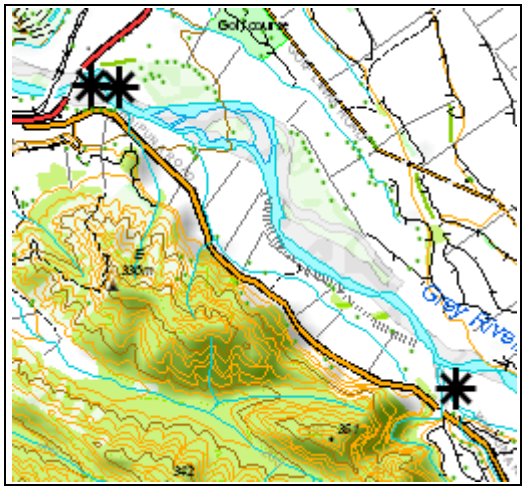
BULLER DISTRICT



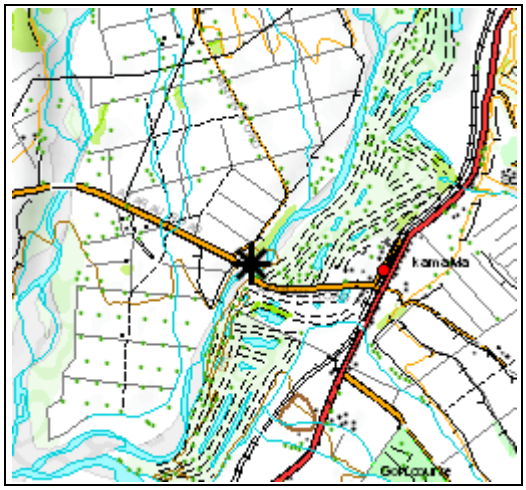
INANGAHUA RIVER



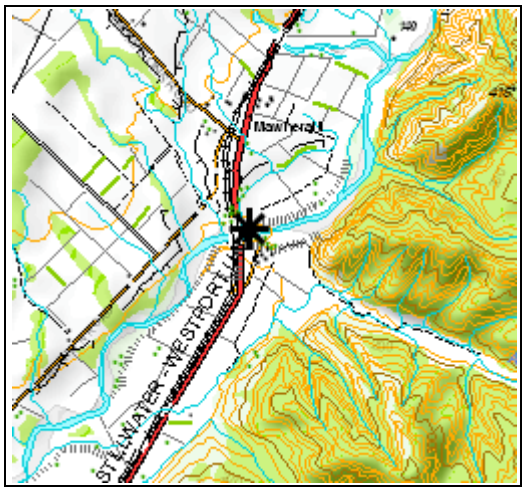
INANGAHUA RIVER



GREY RIVER

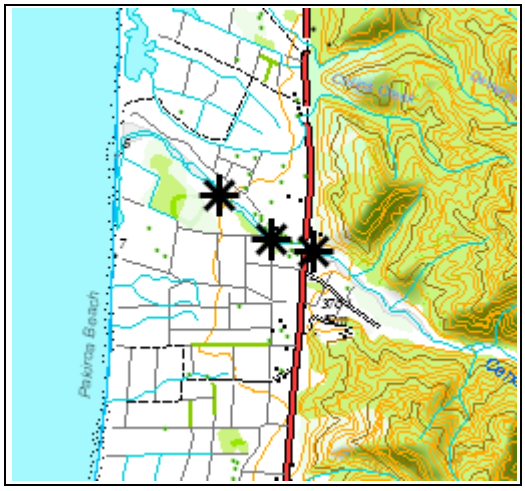


MAWHERAITI RIVER

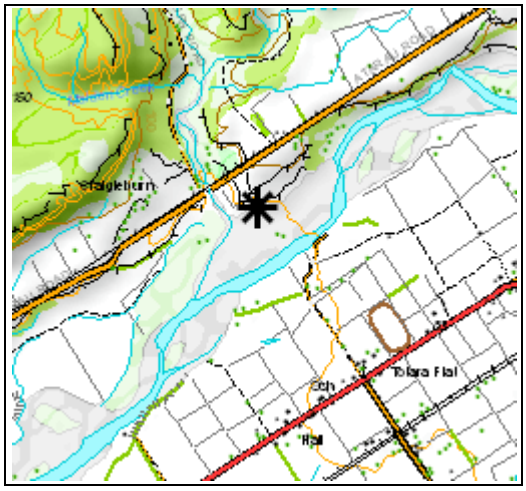


MAWHERAITI RIVER

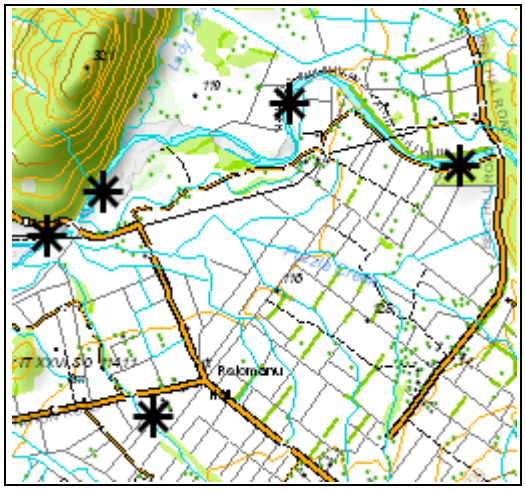
GREY DISTRICT



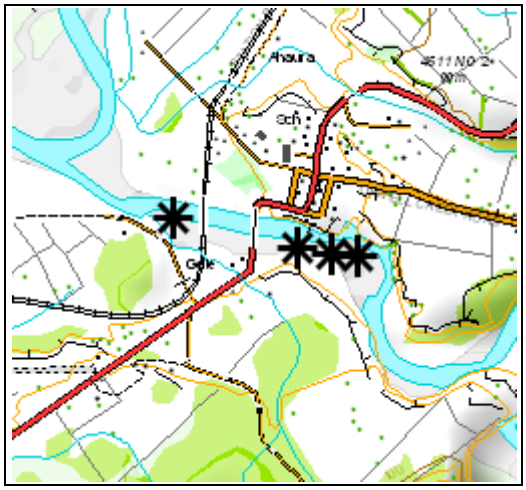
CANOE CREEK



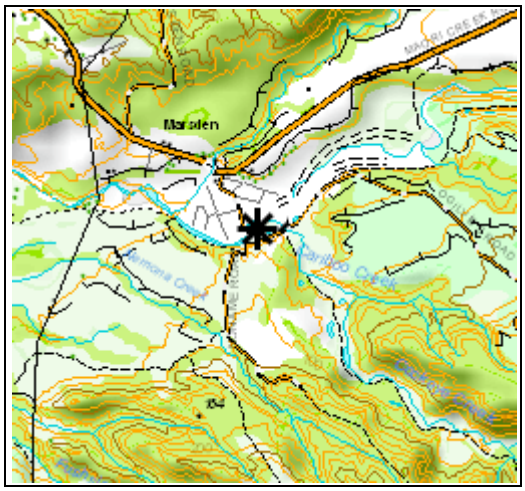
GREY RIVER



SLATY CREEK

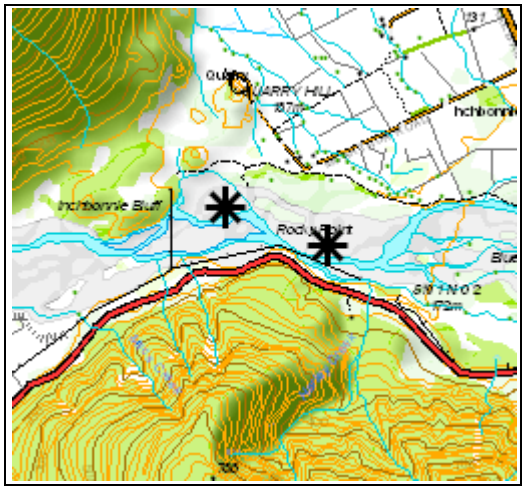


AHAURA RIVER

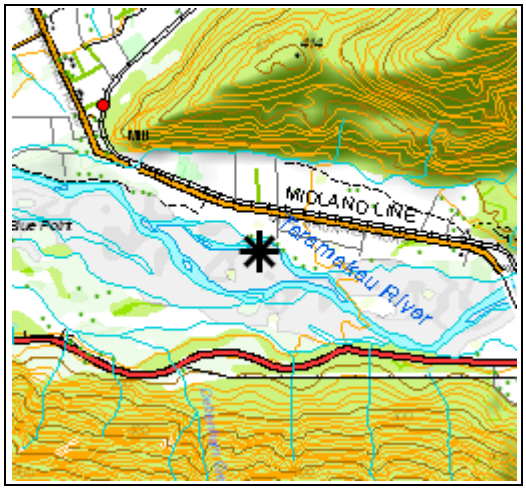


NEW CREEK

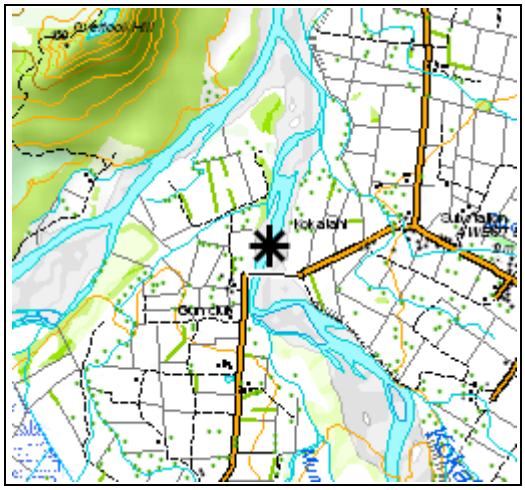
WESTLAND DISTRICT



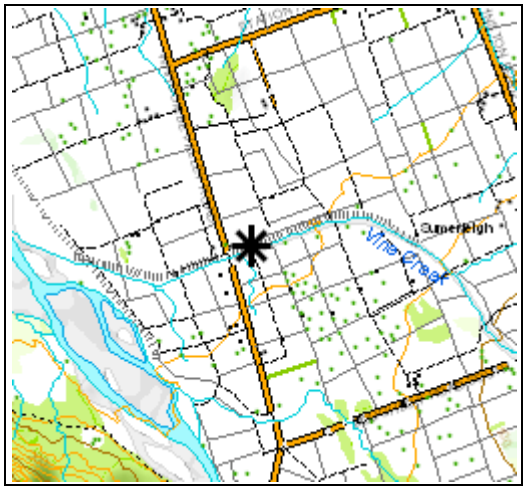
TARAMAKAU RIVER



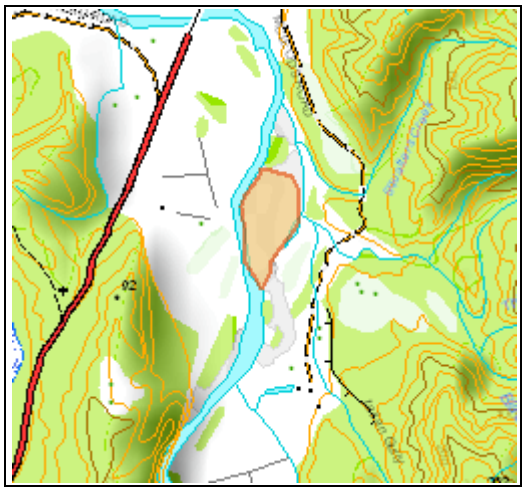
TARAMAKAU RIVER



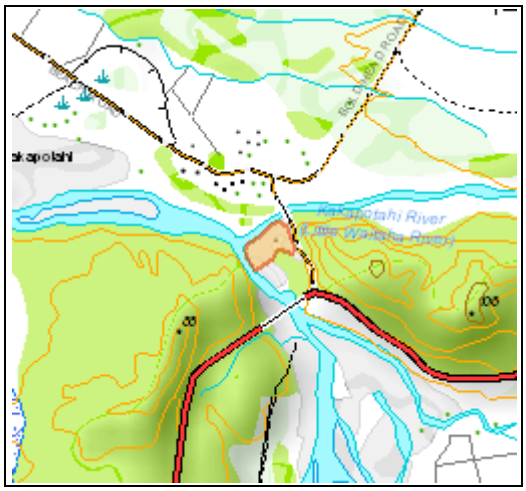
KOKATAHI RIVER



VINE CREEK

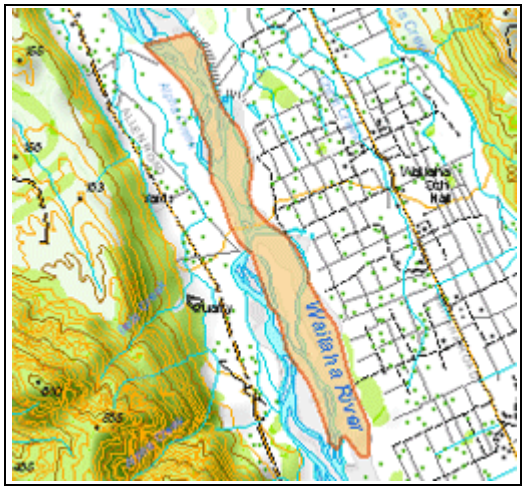


MIKONUI RIVER

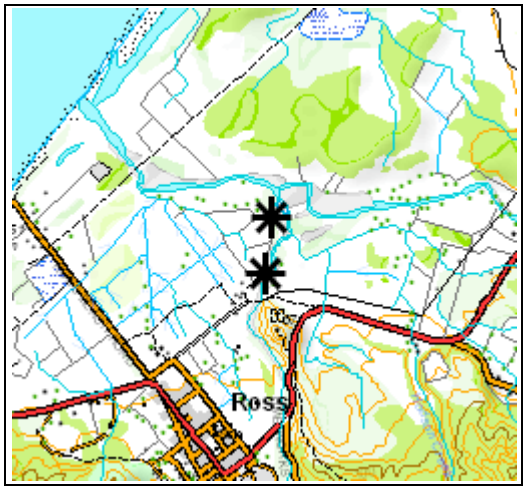


KAKAPOTAHI RIVER

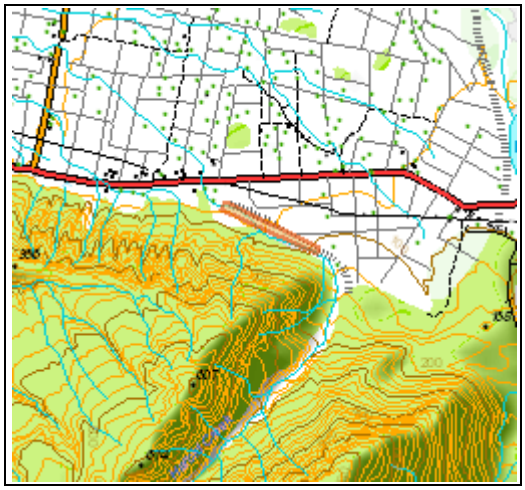
WESTLAND DISTRICT



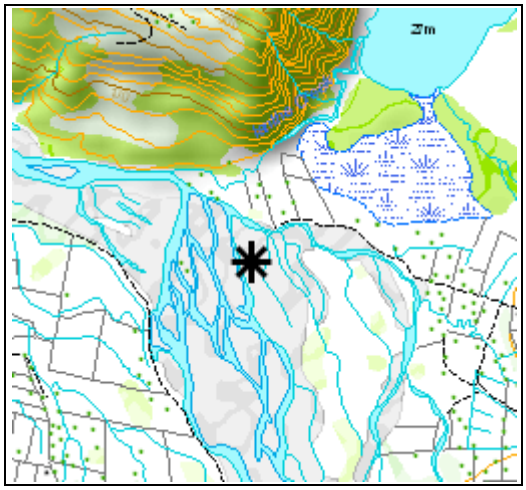
WAITAHA RIVER



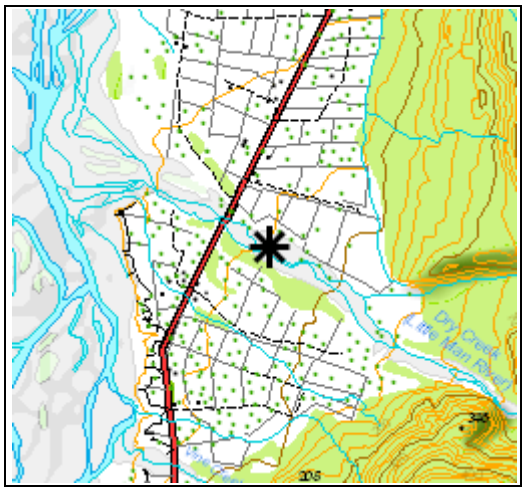
DONNELLY CREEK



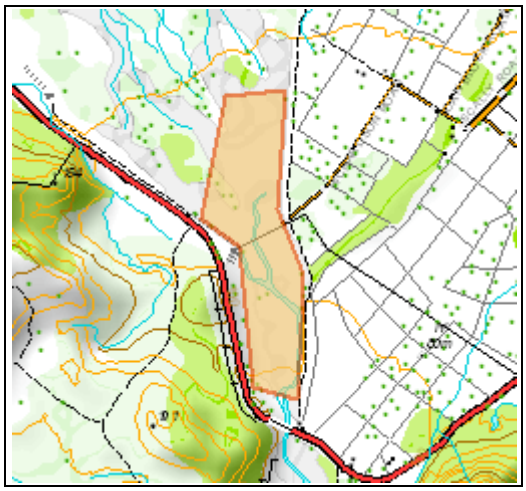
HAROLD CREEK



WANGANUI RIVER

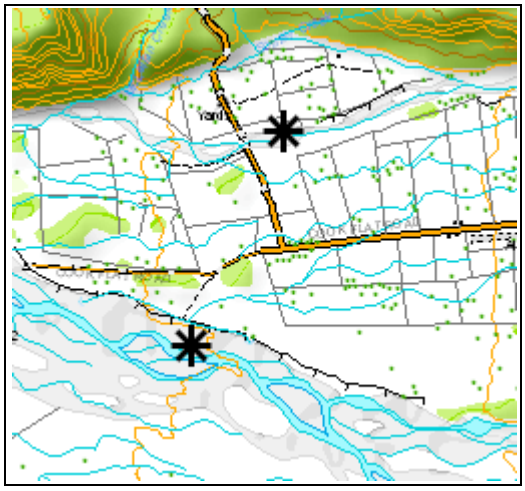


DRY OR LITTLE MAN CREEK

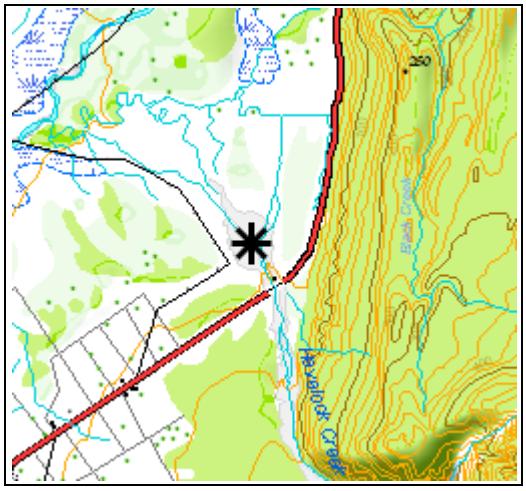


WAITANGITAONA RIVER

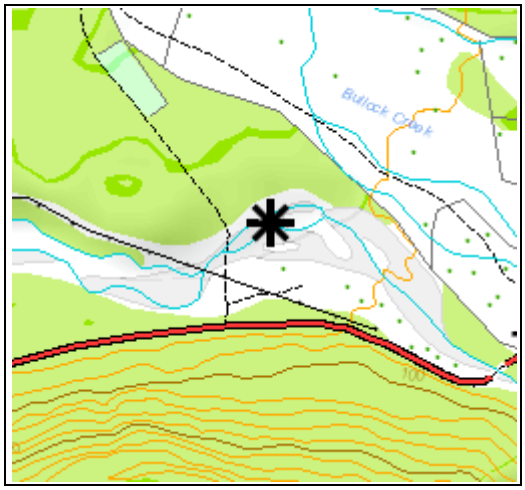
WESTLAND DISTRICT



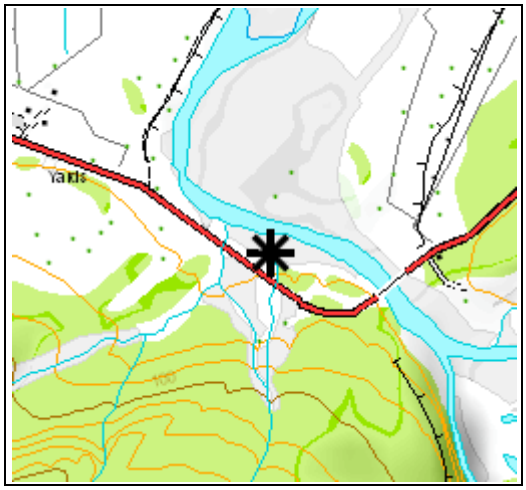
CLEARWATER CREEK AND FOX RIVER



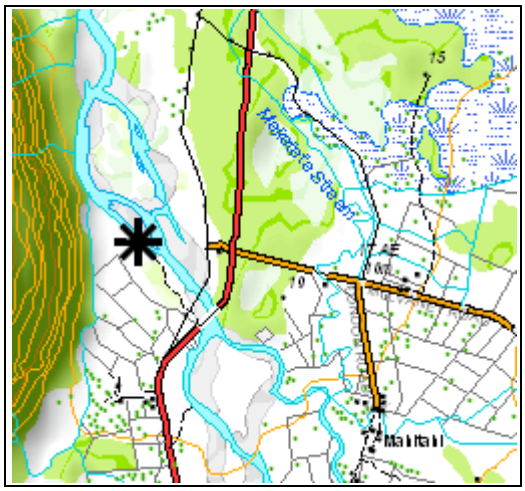
HAVELOCK CREEK



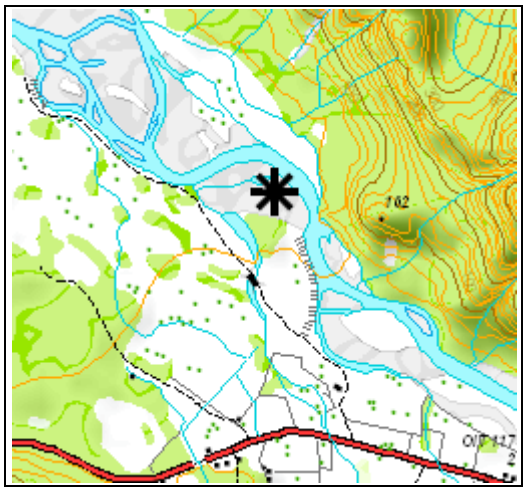
OHINETAMATEA CREEK



KARANGARUA RIVER

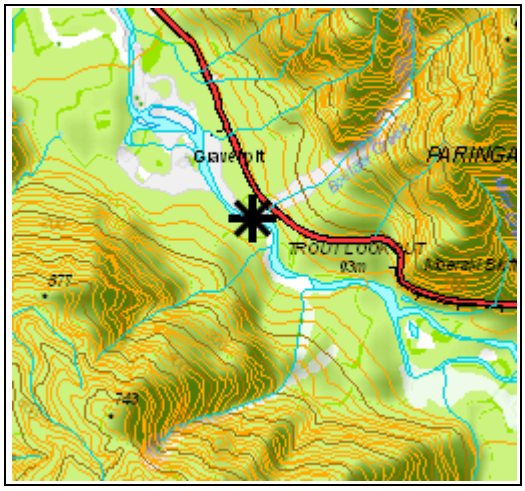


MAHITAHI RIVER

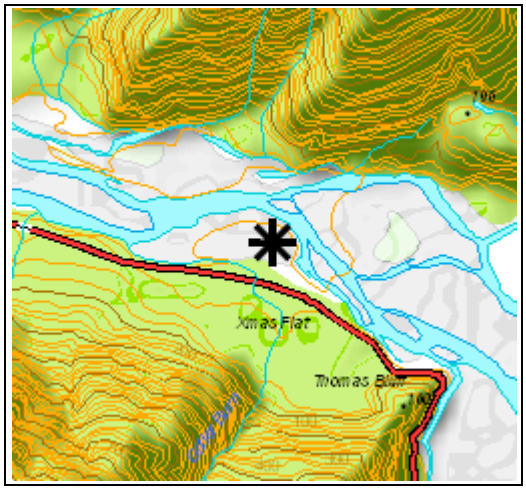


PARINGA RIVER

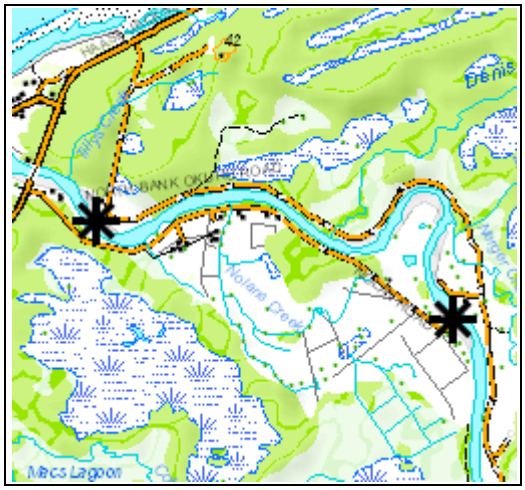
WESTLAND DISTRICT



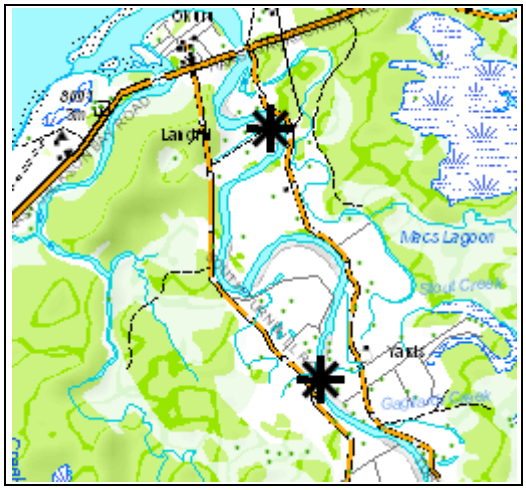
MOERAKI RIVER



HAAST RIVER

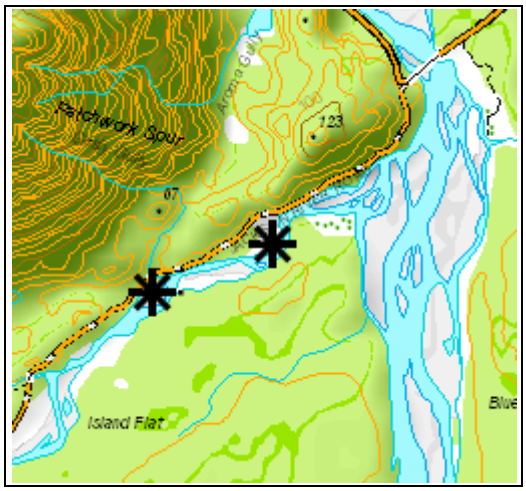


OKURU RIVER



TURNBULL RIVER

WAIATOTO RIVER



JACKSON RIVER

Schedule 13: Hydro Schemes Controlled Under Rule 54

Arnold River Hydro Electric Scheme	▪ Arnold River Dam and spillway discharge; ▪ Pipeline including intake, arch dam and pipeline bridge; ▪ Powerstation and associated surge tank and penstocks; ▪ Tailrace and discharge to Arnold River.
Dillmans, Duffers and Kumara Hydro Electric Scheme	▪ Arahura Wainihinihi race and Rough Wainihinihi race and their intakes and discharges; ▪ Duffers powerhouse and intake from Kawhaka Creek; ▪ Loopline and Kapitea reservoirs; ▪ Dillman's powerhouse and intake and discharge to Dillmans race; ▪ Kumara powerhouse and discharge to the Taramakau river.
Fox Hydro Electric Power Scheme	▪ Weir structure on Skiffingtons swamp; ▪ Weir structure on Lake Gault; ▪ Intake, tunnel and penstock from Lake Gault to Power House; ▪ Discharge from tunnel and powerstation to Clearwater Creek
McKays Creek Hydro Electric Scheme	▪ Kaniere River Weir and No. 2 race gates & intake; ▪ No. 2 race, Coal Creek and Blue Bottle Creek; ▪ Powerstation and associated penstock, forebay & screens, emergency bywash and spillway and discharge to Kaniere River.
Kaniere Forks Hydro Electric Scheme	▪ Lake Kaniere weir, lake level control boards, intake control gates and screen; ▪ No. 1 race and Johnsons flume ▪ Powerstation and associated penstock, forebay and screens and discharge to Kaniere River.
Turnbull Hydro Electric Power Scheme	▪ Intake structure on Turnbull River; ▪ Settling basin, pipeline, surge tank and penstock to power house; ▪ Discharge from settling basin, surge tank and powerstation to unnamed creek which flows into the Turnbull River
Wahapo Hydro Electric Scheme	▪ Lake Wahapo weir and Armco culvert; ▪ Race, race overflow and head pond plus intake into pipeline; ▪ Powerhouse and discharge to Okarito River
Lake Moeraki, Paringa River	▪ Resource consent number; RCN99077
Carew Creek, Lake Brunner	▪ Resource consent number; RC01059
McGregor Creek, Waitaha River	▪ Resource consent number; RC05216
Waitaki Downs, Deer Creek	▪ Resource consent number; RC06108
Springs Junction, Blue Grey River	▪ Resource consent number; RC10164
Griffin Creek, Big Waihinihini River	▪ Resource consent number; RC10269
Kawhaka Creek, Maher Creek & Unnamed tributary of Kawhaka Creek	▪ Resource consent number; RC10141
Arnold Valley Scheme	▪ Resource Consent number; RC06019

Or any other lawfully approved scheme granted since the adoption of this Plan.

Schedule 14: Soil Testing Protocol for the Lake Brunner Catchment

The fertiliser industry soil sampling protocol for pasture was primarily designed to monitor soil Olsen P levels and determine if the fertiliser programme was maintaining them in a desirable range. Typically this consisted of four to six composite samples, from four to six representative paddocks, (or blocks of paddocks). Each composite sample consisting of 15 grouped soil cores is taken along a transect across a paddock (or block or paddocks). However, as the Lake Brunner catchment is so sensitive in regard to outflow of P, it is suggested that the protocol is made more robust by increasing the number of monitor paddocks (or monitor blocks) to ten per farm.

For the Lake Brunner catchment the soil sampling protocol will consist of:

- Ten composite soil samples, from 10 representative paddocks per farm. Existing monitor paddocks and associated sampling points are to be retained in the expanded programme.
- Each soil sample is a composite of 15 soil cores, collected to a depth of 75mm, along a transect from within each representative paddock (or blocks of paddocks).
- Transects and sample sites should be recorded with GPS, or an accurate farm map with field markers. When selecting sample sites, avoid gateways, fences, tree lines, hedges, water troughs, obvious dung and urine patches and any unrepresentative sites.
- Sampling will be conducted annually, at the same time of year for the first five years to establish a reliable baseline dataset and to establish trends. Sampling will be scaled back to biennial after five years.
- Representative paddocks selected for soil sampling will be proportional to land management blocks on the farm. For example a farm with 70% of its area receiving no effluent and 30% receiving effluent would have seven paddocks sampled from the non-effluent block and three paddocks sampled from the effluent block.

Management blocks

Land Management blocks will be based on what is practical to the farm operation (where parts of the farm have distinctly different management practices due to soil and topography etc they are treated as different management blocks). The effluent irrigation area is a clear example of a distinctly land management (block). Reference paddocks should still be representative of each block (land management area).

For example if, within a non-effluent area, there are still two very different management zones (blocks) receiving different fertiliser recommendations, then allocation of the representative non-effluent sampling paddocks would be in proportion to the areas of the two blocks involved, i.e. A farm with a 70% non-effluent area, could be four representative hill paddocks (non-effluent), three representative river flat paddocks (non-effluent), and three representative effluent paddocks.

Outliers

It is important that soil results are representative of the paddock. Data from a sample is discarded when trends indicate the sample is probably not representative. An outlier is defined as a result different by more than five Olsen P units from the trend average for a paddock, block or farm. The outlier refers to the result of one sample (made up of 15 cores). The 15 cores do not guarantee that spatial and temporal variation will be completely overcome. There could be at least one outlier per sampling.

If one Management Unit, such as an effluent block, has Olsen P levels above 30, then this should be managed downwards by no application of P fertiliser, or spreading the effluent over a greater area of the farm.

Schedule 15: Hazardous substances and New Organisms Act 1996

Part I

1. Sodium fluoroacetate (also known as 1080).
2. Methyl naphthyl fluoroacetamide.

Part II

1. Arsenic trioxide.
2. Phosphorus.
3. Strychnine.
4. Sodium cyanide. |
5. Potassium cyanide. | Also known as "cyanide"
6. Calcium cyanide. |

Part III

1. 3-chloro-p-toludine hydrochloride (also knows as DRC 1339)
2. Alphachloralose (as an avicide), except when used as a bait immediately available for use, where the concentration of active ingredient does not exceed 25g/kg (2.5%) of bait.
3. 4-aminopyridine (also known as Avitrol).

Schedule 16: Statutory Acknowledgement Areas

In the Ngäi Tahu Claims Settlement Act 1998, the Crown acknowledged statements by Te Rünanga o Ngäi Tahu of the particular cultural, spiritual, historic, and traditional association of Ngäi Tahu with areas described in that Act. The statements, which are called "statutory acknowledgements", are set out in schedules in the Act. The areas to which the statutory acknowledgements relate are known as statutory areas and include the following sites relevant to this Plan:

- **Kotuku-Whakaoho (Lake Brunner/Moana)**
- **Taramakau River**
- **Lake Kaniere**
- **Makaawhio (Jacobs) River**
- **Lake Paringa**
- **Okari Lagoon**
- **Pouerua (Saltwater Lagoon)**
- **Karangarua Lagoon**
- **Okarito Lagoon**

Note: This section is attached for public information purposes only, in accordance with Section 220(2) of the Ngäi Tahu Claims Settlement Act 1998. This information is neither part of the Plan, nor subject to the provisions of the First Schedule of the Resource Management Act 1991.

The Regional Council must include in the Regional Plan information recording all statutory acknowledgements affecting statutory areas covered wholly or partly by that Regional Plan. Further information on the statutory acknowledgements for the nine statutory areas can be found in Schedules 24, 25, 31, 33, 38, 47, 48, 53, and 56 of the Ngäi Tahu Claims Settlement Act 1998. Maps showing the location of the Statutory Acknowledgement areas are held at the Council offices.

The significance of statutory acknowledgements is:

(1) The Council must forward to Te Rünanga o Ngäi Tahu a summary of every application for a resource consent for activities within, adjacent to, or impacting directly on a statutory area before the application is notified, and before the Council makes a decision to dispense with notification [refer Section 207 Ngäi Tahu Claims Settlement Act and to the Ngäi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999].

(2) The Council must have regard to the statutory acknowledgements in deciding whether Te Rünanga o Ngäi Tahu is a person who may be adversely affected by the granting of a resource consent for an activity within, adjacent to, or impacting directly on the statutory area, and whose written approval must be given before the application for a resource consent for that activity can be dealt with on a non-notified basis.

(3) Te Rünanga o Ngäi Tahu, and any member of the Ngäi Tahu Whänui, may cite the statutory acknowledgement as evidence of the association of Ngäi Tahu with the statutory area in submissions to, and at any hearing held by, the regional council on a resource consent application, a policy statement, or a plan.

Schedule 17: Management of Whitebait Stands

The following policy and regulatory procedures are in respect of Permits for whitebait stands.

1. All whitebait stands located downstream of the Coastal Marine Area boundary line shall be authorised as Coastal Permits pursuant to Section 87(c) of the Resource Management Act 1991 (RMA). All whitebait stands located upstream of the Coastal Marine Area boundary line shall be authorised as Land Use Permits pursuant to Section 87(a) of the RMA. Applications will not require notification.

2. Applications for resource consent shall be made on the appropriate resource consent application form available from the Council.

3. A whitebait stand (whitebait jetty) shall be defined as:
   A structure authorised to be used for the taking of whitebait pursuant to the Resource Management Act 1991 –
   (i) By regional plan or regional coastal plan; or
   (ii) By a resource consent.

   At the time the stand is built its starting point must be clearly marked and remains the start point of the stand for the season unless a relocation is granted. It is not permitted to shift the marker indicating the start point or to construct or use a stand in a manner that exceeds the stand length allowable for that river. The stand length will be measured from the start point and fishing must cease in accordance with the Whitebait Fishing (West Coast) Regulations 1994 when water is present on the inward side of the start point marker.

   The length of a stand may not be artificially extended through the deposition of any material to create a bank or raise the level of the riverbed where the predominant purpose is to improve the whitebait fishing site.

4. Permits authorising the construction of whitebait stands shall be restricted to the Rivers listed in Table 1. The maximum number of permits per river and the maximum length of stand out from the mean high water spring tide level are also included in Table 1.

5. With the exception of the Little Wanganui, Whataroa, Ohinetamatea, and Mahitahi Rivers where stands shall not be less than 20 metres apart, the spacing between stands shall be at least 40 metres.

6. On the Mokihinui
   - The existing positions of the registered stands may be less than 40 metres apart; except that
   - Any relocation of a registered stand must be at least 40 metres from another registered stand.

7. If a dispute arises between adjoining consent holders which requires resolution by the Council, the Council's Enforcement Officer shall fix the position of the stands. The Council's costs on settling disputes will be recovered from the permit holders involved.

8. Damage to river banks resulting from the permit holders actions, which in the Council's view may develop into an erosion problem, shall be repaired at the permit holders cost.

9. The erection of whitebait stands shall not be implemented prior to 14 days before the commencement of the season. Stands shall be dismantled and all materials removed from the riverbed, no later than 14 days after the conclusion of the season.

   If it is necessary for the Council to arrange removal of a stand all costs shall become a charge payable by the Consent Holder.

10. Relocation of whitebait stands
    Permit holders may apply to the Council for a change of site:
    (a) At any time outside of the dates 15 September to 14 November; or
    (b) At any time during the period 15 September to 14 November if natural river changes make a site unfishable in the opinion of the Council's Enforcement Officer.

(c) No application for relocation will be accepted as a valid application between 15 September and 14 November and no priority to a site will be given, unless Clause 10(b) applies.
(d) If an application to relocate is received between 15 September and 14 November it will be declined and a new application will need to be made after 14 November.
(e) For rivers with multiple channels on a river no relocation will be granted where it would be within 40 metres of an existing stand if that stand has to move out on its line into the riverbed to get to fishable water.

Priority to a site:
(a) Will be determined on a first in first served basis according to the receipt of a valid written application for relocation; and
(b) The Council must receive the payment of fees from the applicant within 5 working days of receipt of the application otherwise the priority will pass to the next application.

Authorisation of the relocation will be given following confirmation by a Council Enforcement Officer that the new site meets statutory requirements and in the case of applications made under 10(b) after inspection confirms the original site unfishable.

11. Minor adjustments to the alignment of stands, to take into account any natural changes in the river, may be authorised by the Council's Enforcement Officers.

12. The stands designated as front markers on each river are listed in Table 2. There shall be no relocation of any other stand authorised downstream of the front marker unless the front marker:
    (i) relocates so that they are not the first stand on the river or channel; or
    (ii) they move so that their stand is more than 40 metres upstream of the front line; or
    (iii) moves from their 2004 season position (where the front marker is already more than 40 metres from the front line);
    then this Clause and Table 2 cease to have effect for that stand.

13. If sub-clauses 12(i), (ii), or (iii) apply then:
    (a) Any stand on the river can then be relocated (in accordance with Clause 10) up to the front line (as identified in Table 2); and
    (b) No other stand will be designated as a front marker and the position of the front line will determine the downstream extent to which stands can be relocated.

14. If a permit becomes available because a new consent is not applied for by the stand holder or the consent is forfeited due to non payment of the inspection and administration fees then it shall be offered to the person at the top of the waiting list.

15. Permits for whitebait stands are transferable to new consent holders under the provisions of the RMA. Written notice of transfer of a coastal permit or land use consent must be made to the Council together with payment of the prescribed fee.

16. The term of Permits for whitebait stands shall be ten years from the date at which they are granted.

17. Invoices for administration charges will be sent to permit holders annually.

    Failure to pay the annual administration charge by the due date may result in cancellation of the Permit.

18. The schedule of charges shall be set by the Council in accordance with the provisions of Section 36 of the RMA.

Table 1

River	Number of Permits	Maximum length per stand (metres)
Little Wanganui	24	5
Mokihinui	69	5
Orowaiti	22	12
Taramakau	41	18
Hokitika	70	30
Waitaha	10	18
Wanganui	77	30
Poerua	10	9
Whataroa	12	9
Waitangitaona	14	9
Saltwater	2	18
Karangarua	13	18
Jacobs	22	18
Mahitahi	5	18
Ohinemaka	8	9
Paringa	25	30
Moeraki	21	9
Haast	36	18
Okuru	47	18
Turnbull	24	18
Waiatoto	50	30
Arawhata	25	30
Cascade	30	24

Table 2

		Mid river channels			
River	**True left Bank (Stand Number)**	**At their position on the 2006 season map**	**At their position on the 2006 season map**	**At their position on the 2006 season map**	**True Right Bank Stand Number**
Little Wanganui	708				1596
Mokihinui	694				653
Orowaiti	none				1366
Taramakau	960				945
Hokitika	1470	1459	980		1284
Waitaha	1151				1452
Wanganui	820	1500	836	825	813
Poerua	1393				1043
Whataroa	1045				1326
Waitangitaona	1547				853
Saltwater	1248				1247
Karangarua	1050				1546
Jacobs	1386				1520
Mahitahi	1092				1129
Ohinemaka	1146				1550
Paringa	887				1381
Moeraki	998				1003
Haast	1503	1634		1689	1690
Okuru	1237				1088
Turnbull	1012				1017
Waiatoto	1240				1124
Arawhata	1091				1623
Cascade	895				901

Schedule 18: Rule 7a Form for assessing area of Schedule 2 wetlands following the harvesting of Sphagnum Moss

General Information
Today's Date: _____
Harvesting organisation/company: _____
Name of harvester: _____
Name and ID of Schedule 2 wetland: _____
Site address/location of site: _____
Legal Description of area where site is located: _____
Map reference of site: _____
Area harvested (also include map showing the harvested area): _____
Dates that harvesting was undertaken at the site: _____

Checklist of conditions to meet

Natural hydrological processes were maintained by:
- The post-harvest moss surface being near but above the water level; ☐
- Drainage of the area has not been altered in any way; ☐
- Only existing formed access was used to get to the harvest area; ☐
  (Note this needs to be shown on a map and attached to this form)
- Drains and weirs were not used to manipulate the water levels; ☐

The machinery used spreads the weight over the wetland by either the widening of track-driven vehicles or using platforms for machinery to drive on; ☐
Crushing of the moss was undertaken; ☐
Only the upper living portion (acrotelm) of the moss was removed; ☐
All machinery and equipment was cleaned prior to entering the wetland; ☐
No removal of plants or moss has occurred within any riparian margins; ☐
No containers larger than 20 litres were used to refuel machinery or equipment within the wetland; ☐
No fertilisers were dispersed within the wetland; ☐
No breeding, roosting, or nesting sites were disturbed; ☐
The site was left tidy following the completion of harvesting; ☐
Disturbance of the area was limited to the extent necessary to undertake harvesting. ☐

More detailed information on particular conditions
Describe how harvesting was undertaken:

_____

_____

Describe how the machinery used for harvesting spreads the weight over the harvested area (include photos of described machinery):

_____

_____

Please provide any other information you feel is relevant:

_____

_____

Attach photos showing the site before harvesting has occurred, while harvesting is occurring and post-harvest. (Note photos need to show the date they were taken).

Once compliance staff have received this form, they will organise a site visit to the site to assess the information contained within the form.