

# 27.0 General Rules Having Application in All Zones, Rivers, Riverbeds and Lakes

## 27.1 Rules Relating to Fresh Water, Rivers and Riverbeds

### 27.1.1 Rules for Abstractions

#### 27.1.1.1 Minimum Flows (SFR flow) and Maximum Total Abstractions for Surface Water Resources

27.1.1.1.1 Minimum flows (SFRflow) have been set for the following surface water resources where demand for water is near to, or equals the available supply:

Surface Water System	SFR Flow (m <sup>3</sup> /s)
Wairau River at the Narrows	14.00
Wairau River at Tua Marina Recorder	8.00
Branch River downstream of Marlborough Electric weir	
1 May - 31 December	1.00
1 January - 30 April	1.50
Waihopai River above Gibsons Creek Diversion	1.35
Gibsons Creek Diversion	0.35
Awatere River at Outlet to Sea	2.00

#### 27.1.1.2 Resource Consent Permit Classes

27.1.1.2.1 The water allocation system incorporates three classes of resource take - Class A, B and C. Permits for Class A, B and C takes can be made available for all freshwater resources, except those where:

- a) Water use is classed as Non-Complying or Prohibited, as these resource systems are considered too vulnerable to support water abstractions; or
- b) Steady or static water bodies, such as spring flows, where the flows do not exhibit a seasonal variation.

- 27.1.1.2.2 Class A water permits enable the holder to take water with a high degree of certainty. Class A water permits will only be rationed when the flow drops to below the assessed one in five year weekly low flow. A Class A water permit is thus likely to be restricted on average for only one week every five years.
- 27.1.1.2.3 Class B water permits enable the holder to take water with a moderate degree of certainty. Class B water permits will allow for partial takes at flows above a one in five year weekly flow and full takes above the 80 percentile flow and above. A Class B water permit will thus be fully available 80% of the time, partially available 18% of the time and completely unavailable 2% of the time. Restrictions on water take will usually be late in summer/autumn and only occasionally pre-Christmas.
- 27.1.1.2.4 Class C water permits are only available at flows above the flow that is exceeded 80% of the time. There is no upper limit on Class C permits. Class C water permits may only be drawn to supply a storage reservoir, or recharge groundwater or generate electricity.
- 27.1.1.2.5 In the exercise of Class B and C water permits a further proportion of flow will be left in the river for instream users. This proportion will be half the size of the B and C permits.
- 27.1.1.2.6 If Class A and B water permits are not being fully exercised, this flow will be left for instream uses and is not available for Class C water permits.
- 27.1.1.2.7 The restrictions on water permits will be determined on a weekly basis. Once restrictions are imminent permit holders will be advised of the flow that they may abstract over the coming week. This will be based on the Council's prediction of the expected forthcoming weekly flow.
- 27.1.1.2.8 Individual water permits will be restricted in proportion to the total amount of permits issued.
- 27.1.1.2.9 Class B permits will not be issued until all Class A water is fully allocated. Class C permits will be issued at any time.
- 27.1.1.2.10 Allocation table for main rivers

<b>Allocation Table</b>			
<b>Water Permit Limit in m<sup>3</sup>/sec</b>			
<b>River</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>
Waihopai	0.25 when flow is above 1.90 at Craiglochart recorder, progressively reducing to 0 at a flow of 1.50.	1.13 when flow is above 3.6 at Craiglochart recorder, progressively reducing to 0 at a flow of 1.90.	67% of any flow in excess of 3.6 at Craiglochart recorder, no upper limit.
Gibsons Creek	0.15 when flow is above 1.90 at Craiglochart recorder, progressively reducing to 0 at a flow of 1.50.	0	0

Allocation Table Water Permit Limit in m <sup>3</sup> /sec			
River	Class A	Class B	Class C
Wairau River - Branch River confluence to Tuamarina	0	15 when flow is above 30 at Tuamarina recorder, progressively reducing to 0 at a flow of 8 at Tuamarina recorder.	67% of any flow in excess of 30 at Tuamarina recorder, no upper limit.
Wairau River - Branch River confluence to Waihopai River confluence	0	15 when flow is above 30 at Tuamarina recorder, progressively reducing to 0 at a flow of 9 at Wash Bridge recorder.	67% of any flow in excess of 30 at Tuamarina recorder, no upper limit.
Awatere River	1.0 when flow is above 2.3 at Awapiri recorder, progressively reducing to 0 at flow of 1.45.	2.6 when flow is above 5.6 at Awapiri recorder, progressively reducing to 0 at a flow of 2.3.	67% of any flow in excess of 5.6 at Awapiri recorder, no upper limit.

**Notes:**

1. The Gibsons Creek diversion from the Waihopai will be issued a Class C water permit of 0.7 m<sup>3</sup>/sec from the Waihopai for groundwater recharge.
2. Allowance has been made for groundwater losses and/or recharge between the recorder site and abstraction points on the river.
3. Where application is made to take water in the upper reaches of any river, where flows may be significantly lower than those at the recording site, additional minimum flow requirements may be required for environmental considerations. These will be determined as required in consultation with the appropriate environmental groups, and may require habitat and fauna surveys.
4. The total Class B allocation for the Wairau River is 15m<sup>3</sup>/sec.

### 27.1.1.3 Maximum Total Abstractions for Ground Water Resources

27.1.1.3.1 Maximum rates of abstraction from groundwater resources have been determined for those resources where demand for water is near to, or equals, the available supply. The maximum abstraction rates detailed below will be used to ensure that use of water is sustainable.

27.1.1.3.2 Class A permits will allow water to be taken from groundwater resources when the aquifer water level is above a set low level.

Class B and C permits will allow water to be taken from groundwater resources when the aquifer water level is above a specified low level, which is higher than the A and B levels respectively. These levels will be determined on the basis of an appropriate combination of the following factors:

- a) Prevent damage to the physical structure of the aquifer such as compaction in the Southern Valleys Water Management Zone.
- b) Prevent reductions in the quantity of spring flows, eg; Spring Creek from the Wairau Aquifer.

- c) Prevent a landward shift of the sea water/freshwater interface, eg; Rarangi Shallow Aquifer.
- d) Protect the aquatic (instream) habitat and ecology.
- e) Provide for maintenance or enhancement of water quality.

27.1.1.3.3 The table below represents the total Class A allocation limits which have been calculated for specified groundwater systems. (Significant abstraction is occurring from other aquifer systems such as the Benmorven Aquifers however there currently is insufficient data on which to base a limit.)

Aquifer System	Total 'A' Class Allocation (m <sup>3</sup> /day)
Wairau Aquifer	346,000
Combined Omaka River Valley Catchment	14,860
Brancott Aquifer	3,000
Omaka Aquifer	1,900
Fairhall River Gravels Aquifer	800
Combined Benmorven Aquifer	1,700

## 27.1.2 Fresh Water Abstractions

### 27.1.2.1 Permitted Activities

27.1.2.1.1 Unless expressly limited elsewhere, the following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions set out below:

- Any abstraction for domestic needs, from any source except the Wairau Aquifer, up to 10 m<sup>3</sup>/day/site, except where water rationing has been imposed within the water management zone, in which case domestic use is permitted up to 1 m<sup>3</sup>/day/certificate of title.
- Any abstraction for road, stopbank or other engineering construction works of up to 50 m<sup>3</sup>/day/site.
- Any abstraction for the reasonable needs of an individual's animals for drinking water, from any source except the Wairau Aquifer, up to 10 m<sup>3</sup>/day/site, for sites up to 20 hectares in area, plus an additional 100 litres/ha/day for the balance of area for any site over 20 hectares.
- Any abstraction from the Wairau Aquifer up to 15 m<sup>3</sup>/day/site.
- Any use of water for fire-fighting purposes.
- Any use of water from storage dams.
- Any abstraction for the purposes of completing bore tests required to determine the yield of a bore and interference effects on other users, provided that the following condition is met:
  - not more than 100 l/s is extracted.

Note: Results of any tests must be attached to an application for a water permit.

### 27.1.2.1.2 Conditions for Permitted Activities

- a) Where the abstraction is from surface water the instantaneous abstraction rate does not exceed 5% of streamflow at any time.
- b) With the exception of extractions from the Wairau Aquifer, water must be taken and used within the aquifer or catchment in which the site is located. Where a property lies over more than one aquifer either aquifer may be utilised. Refer Map 216.
- c) Domestic use must be reduced from 10 m<sup>3</sup>/day to 1 m<sup>3</sup>/day in the following aquifer and catchment areas when the Council announces that rationing restrictions have been imposed):
  - Omaka River Valley Catchment
  - Waihopai River
  - Fairhall River Gravels Aquifer

### 27.1.2.2 Controlled Activities

- An abstraction of Class C water for the purpose of retaining water in storage is a Controlled Activity provided that the activity conforms to the following Standards and Terms.

#### 27.1.2.2.1 Standards and Terms

- a) Water meters or other approved methods of determining volume abstracted are fitted at the abstraction point.
- b) Water is taken only during the period when the Council informs users that Class C water may be taken.

#### 27.1.2.2.2 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) Permit volumes and maximum rate of take.
- b) Permit terms and review periods - all water storage takes will be granted a Class C permit.
- c) Monitoring requirements.
- d) Rationing requirements.
- e) Circumstances where permits may be revoked.

### 27.1.2.3 Discretionary Activities

#### 27.1.2.3.1 Application must be made for a resource consent for a Discretionary Activity for the following:

- Abstractions between 10 and 500 m<sup>3</sup>/day/site from a water resource, other than the Wairau Aquifer.
- Any abstractions between 15 and 3000 m<sup>3</sup>/day/site from the Wairau Aquifer.

#### 27.1.2.3.2 Standards

- a) Where the abstraction is from a surface waterbody the instantaneous abstraction rate does not exceed 5% of stream flow at any time and that the cumulative take is no greater than 10% of the instantaneous flow, except for ephemeral streams.
- b) With the exception of extractions from the Wairau Aquifer, water must be taken and used within the aquifer or catchment in which the site is located. Where a property lies over more than one aquifer either aquifer may be utilised.
- c) Groundwater resources are to be used in preference (where available as an option) to surface water resources in the following areas:
  - Omaka River Valley Catchment
  - Fairhall River Gravels Aquifer
  - Gibsons Creek

#### 27.1.2.3.3 Resource Consent Conditions

Any resource consent may include conditions relating to one or more of the following in addition to those matters contained in Section 108 of the Act:

- a) Type of permit - A, B or C Class.
- b) Permit volumes and maximum rate of take.
- c) Permit terms and review periods.
- d) Monitoring requirements.
- e) Rationing requirements.
- f) Circumstances where permits may be revoked.

#### 27.1.2.4 Non-Complying Activities

Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any freshwater abstraction not provided for as a Permitted, Controlled, Discretionary or Prohibited Activity shall be deemed to be a Non-Complying Activity.
- Any Permitted, Controlled or Discretionary Activity which cannot comply with the specified Conditions and/or Standards.
- Abstractions greater than 500 m<sup>3</sup>/day/site for all freshwater resources except those listed below or those listed as Prohibited in Rule 27.1.2.5, and the Wairau Aquifer.
- Abstractions greater than 3000m<sup>3</sup>/day/site from the Wairau Aquifer.
- Any abstraction from the following freshwater systems:
  - Rainbow River
  - Wairau River upstream of the Branch confluence and tributaries excluding skifield development
  - Branch River, Leatham River and Enchanted Stream
  - Spring Creek

- Wairau Lagoons
- Roses Overflow
- Para Swamp
- Goulter River
- Lake Alexander
- Possum Stream Swamp
- Grovetown Lagoon and Bothams Bend Wetland
- Lake Jasper
- Acheron River, Severne River, Alma River and Saxton River
- Ribbon Lagoons/Coastal beach swamps and drains
- Awatere River tributaries

### **27.1.2.5 Prohibited Activities**

The following are Prohibited Activities for which no resource consent shall be granted:

- Any abstraction from the following freshwater systems:
  - Lake Chalice
  - Tarndale Lakes
  - Lake McRae
  - Lake Elterwater
- Any abstraction of water from the Southern Valleys Aquifer Management Zone for use out of the zone. Refer Map 216.

## **27.1.3 Transfer of a Water Permit**

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### **27.1.3.1 Discretionary Activities**

27.1.3.1.1 Application must be made for a resource consent for a Discretionary Activity for the following:

- The transfer of a water permit.

27.1.3.1.2 **Standard**

The water permit is transferred within the same aquifer or catchment area. Refer Map, 216 for aquifer boundary information.

27.1.3.1.3 **Resource Consent Conditions**

Any resource consent may include conditions relating to one or more of the following in addition to those matters contained in Section 108 of the Act:

- a) Permit terms and review periods.
- b) Monitoring requirements.
- c) Rationing requirements.
- e) Circumstances where permits may be revoked.

### 27.1.3.2 Non Complying Activities

Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any transfer of a water permit not provided for as a Discretionary Activity shall be deemed to be a Non-Complying Activity.

## 27.1.4 Rules for the Drilling, Construction or Alteration of a Bore

### 27.1.4.1 Permitted Activities

- Unless expressly limited elsewhere, the drilling, construction and alteration of a bore is a Permitted Activity where the hole is less than or equal to 5m deep, and complies with the following conditions:

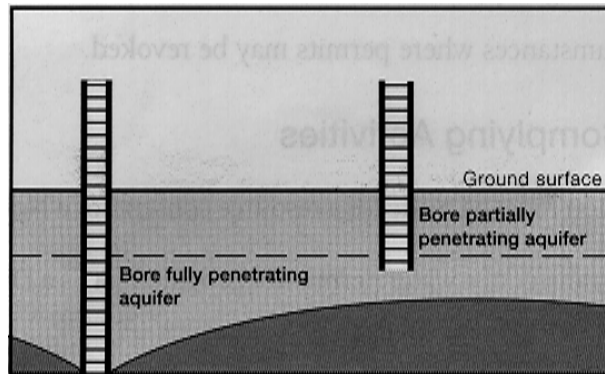
27.1.4.1.1 The following construction requirements must be met.

- a) Where the bore hole intersects groundwater it must be capped to prevent contamination of the aquifer.
- b) All artesian and free flowing bores must be capped to prevent wastage of water.
- c) All bores for the purpose of abstracting water must be constructed to New Zealand Drillers Federation Water Bore Construction Standards, to prevent contamination to and leakage of groundwater.
- d) The well casing must stand 0.3 metres above the ground surface to protect the aquifer from contamination unless completely sealed against the ingress of contaminants.

27.1.4.1.2 The following separation distances must be met.

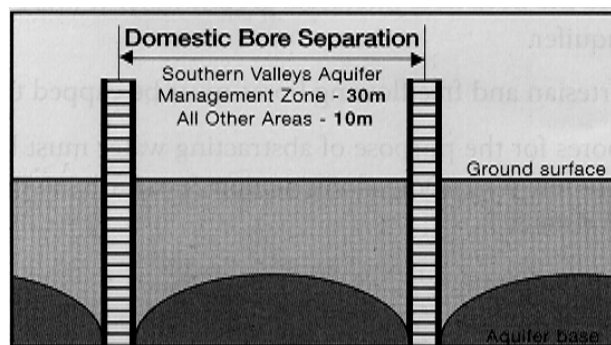
**Note:**

The separation distances aim to protect users, however the Council does not believe it can protect the supplies of users where the bores are too shallow, at the expense of potential water users installing bores which penetrate the full depth of the aquifer. As a result a bore which does not fully penetrate the aquifer and becomes affected by drawdown from a nearby bore, which is located further away than the minimum separation distance, shall be deemed not to be interfered with and the owner will have to extend the bore depth to obtain water.



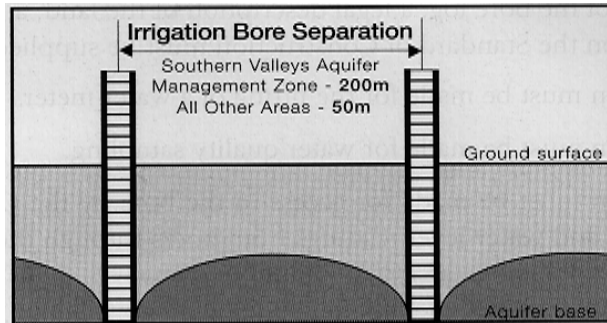
- a) In all areas, with the exception of the Southern Valleys Aquifer Management Zone, domestic bores must have a minimum separation distance of 10 metres from any other domestic bores to mitigate against the drawdown effects of other bores.

In the Southern Valleys Aquifer Management Zone, domestic bores must have a minimum separation distance of 30 metres from any other domestic bore to mitigate against the drawdown effects of other bores.

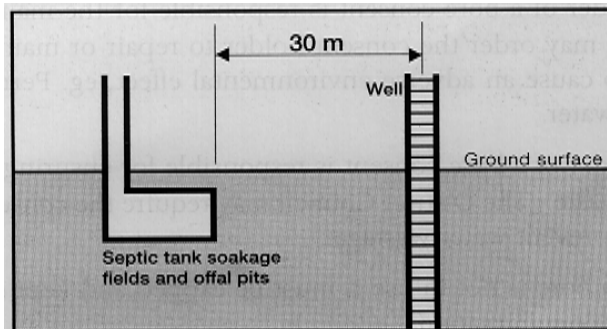


- b) In all areas, with exception of the Southern Valleys Aquifer Management Zone, irrigation bores must have a minimum separation distance of 50 metres from any other bore to mitigate against the drawdown effects from nearby bores.

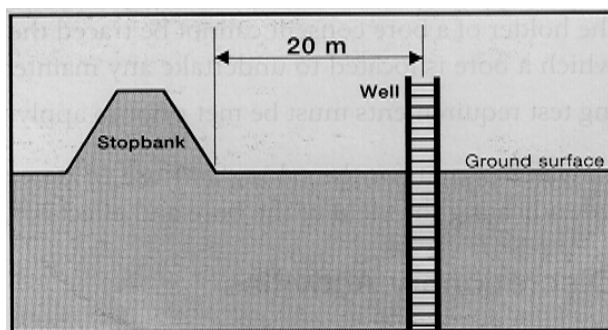
In the Southern Valleys Aquifer Management Zone, irrigation bores must have a minimum separation distance of 200 metres from any other bore to mitigate against the drawdown effects from nearby bores.



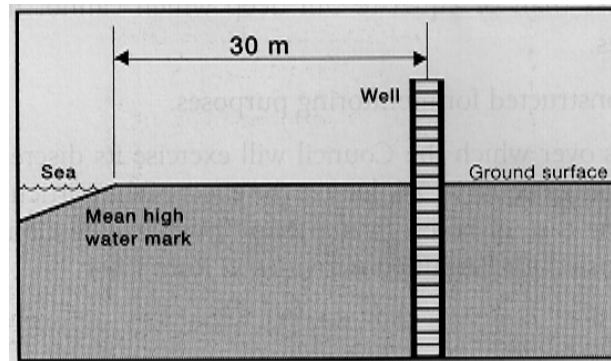
- c) All bores must have a minimum separation distance of 30 metres from the soakage field of a septic tank and from offal pits to mitigate against contamination.



- d) All bores must have a minimum separation distance of 20 metres from the toe of a stopbank to avoid destabilisation of the bank.



- e) All bores must have a minimum separation distance of 30 metres from the Mean High Water Mark to mitigate against salt water intrusion.



27.1.4.1.3 The following monitoring requirements must be met for each bore:

- a) A copy of the bore log, a legal description of the land, a location map, a grid reference, and details on the Standard of Construction must be supplied to the Council.
- b) Provision must be made for the fitting of a water meter.
- c) Provision must be made for water quality sampling.
- d) Provision must be made for access to the bore by the Council staff, to inspect and obtain samples and water level readings from bores through the use of a 20 mm diameter electric probe, except bores less than 75 mm in diameter.
- e) Any records collected from a bore, future or past, must be kept and made available to the Council upon request.

27.1.4.1.4 The following maintenance, alteration and sealing requirements must be met for each bore:

- a) The holder of a bore consent is responsible for the maintenance of the bore. The Council may order the consent holder to repair or maintain bores where their disrepair is liable to cause an adverse environmental effect (e.g. permit entry of contaminants into the groundwater).
- b) The holder of a bore consent is responsible for ensuring that water from the bore does not run to waste. The Council may require the consent holder to repair or maintain the bore to prevent water wastage.
- c) Where a bore is not in use it must be capped and kept sealed to prevent water wastage or possible contamination.
- d) The holder of a bore consent is responsible for the maintenance of the bore seal. The Council may order the consent holder to repair or maintain the seal where its disrepair is liable to cause an adverse environmental effect.
- e) Where the holder of a bore consent cannot be traced the Council will require the owner of a site on which a bore is located to undertake any maintenance works that may be required.

- 27.1.4.1.5 The following test requirements must be met prior to applying for a permit to take or use water.
- a) To gain a water permit for the taking and use of water, the Council require test results to be submitted indicating the yield of the bore and effects on other users.

### **27.1.4.2 Limited Discretionary Activities**

Application must be made for a resource consent for a Limited Discretionary Activity for the following:

- All bores over 5 metres deep.
- Bores less than or equal to 5 metres deep which cannot meet the conditions for Permitted Activities.
- Bores constructed for monitoring purposes.

27.1.4.2.1 The matters over which the Council will exercise its discretion shall be limited in the case of bores less than or equal to 5 metres deep to the effect of the particular non-compliance on the environment. In the case of bores greater than 5 metres deep, the Council will limit its discretion to the conditions listed for Permitted Activities in Rule 27.1.4.1.

27.1.4.2.2 In addition, for any Limited Discretionary Activity bore in the Southern Valleys Aquifer Management Zone, the following standards must be met:

- a) Interference test results where the minimum separation distance specified for Permitted Activities cannot be met, and consent from the potentially affected party has not been gained.
- b) Step drawdown test results identifying aquifer yield immediately following construction of the bore. This information will be used by the Council to assess subsequent water consent applications.

27.1.4.2.3 In addition, for any Limited Discretionary Activity bore constructed for monitoring purposes the following standard must be met:

- a) The bore must be a minimum diameter of 75 mm to allow access for sampling equipment.

27.1.4.2.4 The written approval of affected persons will not be necessary except where the minimum separation distance between neighbouring bores cannot be met. In this situation, the written approval of affected parties is required.

### **27.1.4.3 Non-Complying Activities**

Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any drilling, construction or alteration of a bore not provided for as a Permitted, Limited Discretionary, or Prohibited Activity shall be deemed to be a Non-Complying Activity.
- Drilling, construction or alteration of a bore on a water resource listed in Rule 27.1.2.4.

## 1.4.4 Prohibited Activities

The following are Prohibited Activities for which no resource consent shall be granted:

- The drilling, construction or alteration of a bore on the following water resources:
  - Lake Chalice
  - Tarndale Lakes
  - Lake McRae
- Free-flowing or uncontrolled artesian bores.
- Injection of any substance into a bore hole, eg. dumping of chemicals or waste.
- Cross connections unless approved backflow prevention is provided between the water supply and:
  - Any recreational bathing facility.
  - Any pipes, fixtures or equipment containing chemical, liquids, gases and other non-potable substances.
  - Any farm services (stock troughs, washdowns etc).

*(Backflow prevention provided in accordance with G12/AS1 of the Building Act shall be deemed to be appropriate for the purposes of the above rule.)*

## 27.1.5 Rules for the Installation or Alteration of a Surface Water Intake

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A consent for the construction of an intake to abstract water does not cover the taking, use, damming or diversion of water. A separate water permit will be required for the taking, use, or diversion of water associated with a surface water intake.

### 27.1.5.1 Controlled Activities

- The construction of an intake and works within the river bed to direct water to the intake is a Controlled Activity where it meets the following standards and terms:

#### 27.1.5.1.1 Standards and Terms

- a) The taking and use of water is authorised.
- b) Pump suction intakes shall be screened to prevent fish from passing into the intakes at all times.
- c) Provision shall be made to fit a water meter.
- d) A legal description of the land, a location map, a grid reference and details of the intake shall be supplied to the Council.
- e) Any records collected from the intake, must be kept and made available to the Council upon request.

#### 27.1.5.1.2 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) The extent of riverbed disturbance.
- b) The effects on river ecology.
- c) The effects on hydraulic efficiency.

### 27.1.5.2 Non-Complying Activities

Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any surface water intake listed as a Controlled Activity which cannot meet the standards for Controlled Activities.
- Any installation or alteration of a surface water intake not provided for as a Controlled or Prohibited Activity shall be deemed to be a Non-Complying Activity.

### 27.1.5.3 Prohibited Activities

The following are Prohibited Activities for which no resource consent shall be granted:

- The installation or alteration of a surface water intake on the following water resources:
  - Lake Chalice
  - Tarndale Lakes
  - Lake McRae
- Cross connections unless approved backflow prevention is provided between the water supply and:
  - Any recreational bathing facility.
  - Any pipes, fixtures or equipment containing chemical, liquids, gases and other non-potable substances.
  - Any farm services (stock troughs, washdowns etc).

*(Backflow prevention provided in accordance with G12/AS1 of the Building Act shall be deemed to be appropriate for the purposes of the above rule.)*

## 27.1.6 Rules for the Construction of a Dam

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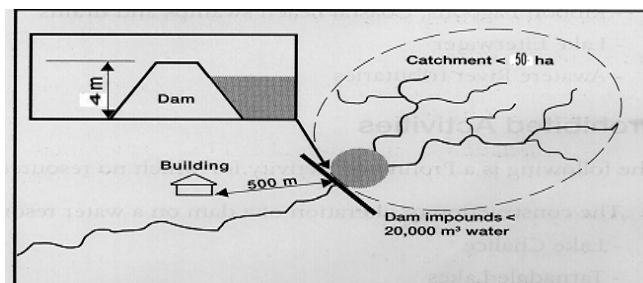
A consent for the construction of any dam, on-stream or off-stream, does not cover the taking, use, damming or diversion of water controlled under Section 14 of the Act. A separate water permit will be required for the taking, use, diversion or damming of water associated with a dam.

### 27.1.6.1 Permitted Activities

- Unless expressly limited elsewhere, the construction or alteration of a small dam is a Permitted Activity where it meets the following conditions.

27.1.6.1.1 The dam is on a catchment less than 50 ha in area.

- 27.1.6.1.2 The dam cannot impound more than 20,000 m<sup>3</sup> of water.
- 27.1.6.1.3 The dam is less than 4 metres high, measured from base to crest.
- 27.1.6.1.4 The dam does not intersect the groundwater.
- 27.1.6.1.5 The dam will not be built within 500 metres immediately upstream of a dwelling, public roadway or building.
- 27.1.6.1.6 Where the dam is constructed in a permanently flowing watercourse, the dam does not reduce the flow below the structure to less than the mean annual low flow existing before the dam was constructed.
- 27.1.6.1.7 Where the dam is constructed in a permanently flowing watercourse, the dam must provide adequate fish passage in line with the Freshwater Fisheries Regulations (1983).
- 27.1.6.1.8 The holder of consent/s for the dam shall be responsible for the maintenance of the dam. If the consent holder is not known the owner of the site on which the dam is located shall be responsible.
- 27.1.6.1.9 A legal description of the land, a location map, a grid reference and details of the dam and its construction must be supplied to the Council at least 10 working days prior to construction.
- 27.1.6.1.10 Any records collected on the operation of a dam must be kept and made available to the Council upon request.



## 27.1.6.2 Discretionary Activities

Application must be made for a resource consent for a Discretionary Activity for the following:

- The construction or alteration of any dam which cannot comply with the conditions for a Permitted Activity.

### 27.1.6.2.1 Assessment Criteria (pursuant to Sections 67(1) k and 75 (1) k of the RMA 1991)

Any application for a Discretionary Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria:

- a) The effects of the proposal on aquatic or riparian habitat.
- b) The effects on bird habitat.
- c) The effects of the proposal on fish passage.

- d) The effects of the proposal on cultural, amenity or recreational values.
- e) Measures taken to control and monitor the flow of water.
- f) Whether the dam is on-stream or off-stream.
- g) The effects on bird nesting habitat.

### **27.1.6.3 Non-Complying Activities**

Application must be made for a resource consent for a Non-Complying Activity for the following:

- The construction or alteration of a dam on a water resource listed below:
  - Roses Overflow
  - Wairau River
  - Para Swamp
  - Rainbow River
  - Goulter River
  - Upper Wairau River Tributaries excluding skifield development
  - Lake Alexander
  - Branch River, Leatham River and Enchanted Stream
  - Spring Creek
  - Possum Stream Swamp
  - Wairau Lagoons
  - Grovetown Lagoon and Bothams Bend Wetland
  - Lake Jasper
  - Acheron River, Severne River, Alma River and Saxton River
  - Ribbon Lagoons, Coastal beach swamps
  - Lake Elterwater
  - Awatere River tributaries

### **27.1.6.4 Prohibited Activities**

The following is a Prohibited Activity for which no resource consent shall be granted.

- The construction or alteration of a dam on a water resource listed below:
  - Lake Chalice
  - Tarndale Lakes, excluding Island Lake
  - Lake McRae

## **27.1.7 Rules for the Diversion of Water - Other Than River Control and Drainage Channel Works**

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Diversion of water involves altering the course or flow of water from any surface water body including any associated riverbed disturbance, to enable the taking and use of water for any purpose. It does not, however, include the transportation of water by pipe, tank or other structural means off the site from which the water is abstracted.

Transportation of water is controlled through the abstraction rules contained in Rule 27.1.2.1 relating to the abstraction and use of water.

### **27.1.7.1 Permitted Activities**

- Unless expressly limited elsewhere, the diversion of water for irrigation purposes is a Permitted Activity where the following conditions can be met:

27.1.7.1.1 The quantity of water to be diverted is not greater than that permitted in Rule 27.1.2.1.

27.1.7.1.2 The diversion will not deprive others downstream of existing water uses.

27.1.7.1.3 Operations shall be timed to recognise the needs of fish spawning and migration for both native and introduced fish and riverbed nesting birds.

27.1.7.1.4 The diversion is not within the Southern Valleys Aquifer Management Zone. Refer Map 216.

### **27.1.7.2 Discretionary Activities**

Application must be made for a resource consent for a Discretionary Activity for the following:

- Any Permitted Activity involving the diversion of water which cannot meet the conditions specified for a Permitted Activity.
- Any other diversion.

27.1.7.2.1 **Assessment Criteria**  
(pursuant to Sections 67(1) k and 75 (1) k of the RMA 1991)

Any application for a Discretionary Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria.

- a) The effects of the proposal on in-stream and riparian habitat especially fish spawning.
- b) The effects of the proposal on cultural, amenity or recreational values.
- c) Measures taken to control the flow of water.
- d) Whether the diversion is for a consumptive or non-consumptive use.
- e) The effect on bird nesting sites and general habitat.

### **27.1.7.3 Non-Complying Activities**

Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any activity involving the diversion of water within or from:
  - Wairau River
  - Rainbow River
  - Upper Wairau River tributaries excluding skifield development

- Branch River, Leatham River and Enchanted Stream
- Spring Creek
- Wairau Lagoons
- Roses Overflow
- Para Swamp
- Goulter River
- Lake Alexander
- Possum Stream Swamp
- Grovetown Lagoon and Bothams Bend Wetland
- Lake Jasper
- Acheron River, Severne River, Alma River and Saxton River
- Ribbon Lagoons, Coastal beach swamps and drains
- Lake Elterwater
- Awatere River tributaries

#### **27.1.7.4 Prohibited Activities**

The following are Prohibited Activities for which no resource consent shall be granted:

- Any activity involving the diversion of water within or from:
  - Lake Chalice
  - Tarndale Lakes, excluding Island Lake
  - Lake McRae
- The diversion of water out of, or between aquifers or catchments within the Southern Valley Aquifer Management Zone, except where a site is located over two catchments and where water is taken from one of the two catchments and is diverted elsewhere on the site.

### **27.1.8 Activities in Rivers, Riverbeds, Drainage Channels and Floodways**

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#### **27.1.8.1 Permitted Activities - River Control Works**

- River control and drainage works are a Permitted Activity when carried out by a local authority exercising its powers under the Soil Conservation and River Control Act 1941 or the Land Drainage Act 1908, whilst exercising the River Control Programme set out in Appendix F, provided the following conditions are met.

##### **27.1.8.1.1 Gravel or Sediment Removal Under Water by Dredging**

- a) The removal of gravel or sediment by under water dredging is not permitted in braided rivers.
- b) Dredging shall not be carried out more than once in any 12 month period, per river reach.
- c) All reasonable steps shall be taken to avoid discolouration of the water.

- d) Excavators shall operate from the riverbank.
- e) Dredging shall not be carried out in water greater than 2 metres average depth.
- f) Dredged material shall be retained on adjacent banks to provide opportunity for animals to re-enter the river, for a period not less than 12 hours.
- g) Dredging shall not be carried out in the Wairau River below the Ferry Bridge, or in estuarine areas between 1 August and 30 November in any year.
- h) The size and shape of drainage channels shall not be substantially altered.
- i) For riverbeds greater than 10 metres in width, not more than half the width of the riverbed shall be dredged.
- j) Any condition contained in Rules 27.1.8.1.2 and 27.1.8.1.10 applicable to this activity.

**27.1.8.1.2 Channel Shaping, "Beaching" or Recontouring**

- a) Channel shaping, beaching and recontouring is limited to gravel river beds only.
- b) Work shall not be below the water level.
- c) No machinery shall be operated in the water.
- d) Beaching work shall not be to a level higher than that of the natural river bank.
- e) The channel shape and form both in cross section and longitudinal slope shall be kept similar to the typical natural river.
- f) Operations shall be timed to recognise the needs of fish spawning and migration for both native and introduced fish and riverbed nesting birds.
- g) Any condition contained in Rules 27.1.8.1.3 and 27.1.8.1.10 applicable to this activity.

**27.1.8.1.3 Diversions**

- a) To minimise the effects of water discolouration, diversion works shall only be carried out working in an upstream direction.
- b) Redundant channels shall be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.
- c) The Nelson Marlborough Fish and Game Council and the Department of Conservation shall be informed of the proposed works, at least 7 days prior to work commencing.
- d) To recognise the needs of fish spawning and migration for both native and introduced fish, as well as the needs of riverbed nesting birds.

**27.1.8.1.4 Tree and Scrub Removal and Control**

- a) Tree and scrub removal and control shall be carried by mechanical and/or other physical means.
- b) All cut or felled vegetation shall be removed from the rivers and drainage channels less than 3 metres in width.
- c) All vegetation greater than 100 millimetres in diameter shall be removed from rivers wider than 3 metres.

- d) Machinery shall not be operated in flowing water.
- e) Removal of trees overhanging or partially in water shall be by machinery operated on the river bank or mounted on boats or barges.
- f) An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values should be made before making a decision on vegetation removal.
- g) All reasonable steps shall be taken to avoid discolouration of the water.

**27.1.8.1.5 Rock, Rubble or Gabion Structural Bank Protection**

- a) Rock may be used for protecting river bank edges, training banks or stopbanks.
- b) Rock from damaged or redundant structures may be recovered from the river bed.
- c) All reasonable steps shall be taken to minimise discolouration of water.
- d) Where concrete or masonry rubble is used, any exterior reinforcing steel shall be cut flush with the surface of the concrete and removed from the site.
- e) For slow-flowing and/or urban rivers continuous lengths exceeding 50 metres of vertical gabion bank walls shall be avoided, by interposing some gently sloping sections which allow bird access to the river and habitat diversity.
- f) Motor vehicle bodies, old machinery and scrap iron shall not be used for bank protection works.
- g) Except in an emergency, placement of rock rip-rap in estuarine areas shall not take place between 1 August and 30 November in any year.

**27.1.8.1.6 Tree Planting**

For the purposes of edge and aquatic habitat protection and prevention of bank erosion, trees may be planted and maintained on river banks provided that:

- a) Crack willow shall not be planted on any river, except for the Wairau River.
- b) When layering is used as the principle means of propagation, trees layered along the bank edge shall be tied back with anchors.

**27.1.8.1.7 Driving and Construction of Piled Retards**

- a) Piled retards may be used in conjunction with tree planting as bank edge protection on the Wairau, Waihopai, Awatere, Omaka Rivers and other braided river beds.
- b) Piled retards shall only be used where there is adequate channel width and the retards are likely to aggrade with sediment to form a new river bank.
- c) Piled retards may be used as debris arrestors in front of culverts provided that fish passage is not obstructed.

**27.1.8.1.8 Repair of Culverts and Floodgates**

- a) Culverts and floodgate structures may be repaired or reconstructed in their original location.
- b) Provision for passage of fish at all tidal sites nominated by the Department of Conservation shall be made.

- c) Any temporary coffer dams constructed must be removed at the completion of culvert maintenance.

**27.1.8.1.9 Aquatic Weed Removal**

- a) Aquatic weeds shall be controlled by hand methods, or with the use of a floating mechanical weed cutter with a reciprocating cutter bar, or by excavator.
- b) Cutting by mechanical means shall not be carried out more than once in any 12 month period on any river reach, except for the Lower Opawa River which may be cut up to four times per year.
- c) Mechanical cutting shall not be carried out over more than 90% of the channel width by leaving an uncut strip on each side.

**27.1.8.1.10 Gravel or Sediment Removal from above River Water Level**

- a) Gravel and other sediment extraction will take place only within the riverbed.
- b) Banks or adjacent land shall not be disturbed for gravel extraction.
- c) No refuelling or fuel storage or the storage or placement of substances including but not limited to oil, hydraulic fluid or other fluid lubricants, poly-aromatic-hydrocarbons (PAH's), paint and solvents shall take place in or within 20 metres of the riverbed.
- d) No gravel extraction plant shall be operated in flowing water.
- e) Gravel shall be extracted in strips and layers from the inside of bends, working from the waters edge towards the land and with a perceptible slope rising away from the water edge.
- f) Alternatively, a buffer strip of 1 metre width shall be left between the waters edge and the start of excavation. The excavation shall not disturb flowing water.
- g) Any excavation shall take place from the downstream end of the gravel beach, working upstream.
- h) No secondary braids and flow patterns may be opened up, either by extraction, tracking, or other redirection to river flow.
- i) Holes in the riverbed must not be created.
- j) Vertical faces must not exceed one metre in height.
- k) Gravel shall not be stockpiled within the active riverbed for any period exceeding 24 hours.
- l) No gravel screening or processing shall take place in the riverbed.
- m) Oversize boulders or other sediment initially removed from the riverbed, but later considered unsuitable for use, must also be removed from the riverbed and may not be disposed of back into the riverbed.
- n) Reject material shall not be disposed of in wetlands or backwaters.
- o) Access across the Wairau floodway berms for gravel extraction is not a permitted use from Boyces Road, Pauls Road, Giffords Road, Cravens Road, Hilllocks Road or State Highway 1 (North Bank).

- p) Access routes to extraction points shall be planned so as not to cut off flow into minor channels or backwaters, nor adversely affect riparian vegetation, nor to disturb birds using riparian vegetation.
- q) The extraction of gravel shall be limited to the hours of 7.30 am - 5.00 pm from Monday to Saturday. No gravel shall be extracted on public holidays or between the periods 24 December to 3 January inclusive.
- r) Records are to be kept on a monthly basis of gravel and other sediment removal from riverbeds.
- s) Gravel and other riverbed sediment may be stockpiled and processed within the floodway berms, excluding the active riverbed, using entirely mobile plant, provided its location within the floodway does not detrimentally affect the hydraulic capability of the floodway.

#### **27.1.8.1.11 Stopbank Maintenance and Reconstruction**

- a) Stopbanks that are structurally weak, damaged or that have developed isolated low points may be reconstructed to the 1 in 100 year design height.

#### **27.1.8.1.12 Lining of Drainage Channels with Timber or Concrete**

- a) Drainage channels may be lined with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

#### **27.1.8.1.13 Drainage Channel Discharges and Flood Control**

- a) The diversion and discharge by pumping or floodgated gravity outfalls associated with the operation of the existing network drainage channels and small rivers, including the partial control of water levels and flow rates is a Permitted Activity.

### **27.1.8.2 Permitted Activities - Other Than River Control Works**

Unless expressly limited elsewhere, the following activities are permitted within rivers, riverbeds and floodways where together with any relevant definition they conform to the conditions set out below:

- Alteration or repair of an existing structure for maintenance purposes.
- Protection works for existing structures.
- Erection or placement of a temporary maimai or whitebait stand.
- Recreational activity.
- Installation of culverts.
- New structures in, under, or over the riverbeds of less than 3 metres in width.
- Minor upgrading of the following utilities
  - Existing lines above ground conveying electricity at all voltages and capacities and existing line as defined by Section 2(1a) of the Telecommunications Act 2001;
  - Existing telecommunication and radio communication facilities.



Provided further that on four occasions in any 12 month period, the noise limit may be unrestricted for any portion of waterway for the purposes of a special event approved by the Council

**27.1.8.2.2 Conditions for Structures**

- a) Any maintenance including repainting, repair, or alteration to any existing lawful structure or any part of any existing lawful structure that is fixed in, on, under, or over any riverbed, is permitted provided:
- The maintenance is contained within the form of the existing structure or adds no more than 5% to the plan or cross-sectional area of the structure within any 24 month period. This does not apply to alterations or maintenance to the superstructure of bridges and culverts that do not affect the hydraulic efficiency under the structure.
  - There is no significant change to the external appearance of the structure. Painting a structure is not a significant change to the external appearance of the structure.
  - Less than 10% of the cross-sectional area of the riverbed is disturbed.
- b) Lawfully erected structures in the riverbed may be protected against river attack by placement of rock, rubble or gabions, subject to compliance with Rule 27.1.8.1.5, and, provided there is no reduction in waterway capacity at the structure.
- c) Detritus may be released from around culverts, bridge piers and abutments provided that:
- Release may be carried out by mechanical and/or other physical means.
  - All reasonable steps shall be taken to avoid discoloration of the water.
- d) Any erection or placement of any temporary maimai or whitebait stand that is fixed in, on, under, or over any riverbed is a Permitted Activity which is allowed without a resource consent provided that:
- Less than 1 cubic metre of riverbed is disturbed.
  - The structure is open piled.
  - The structure is located at least 50 metres from any neighbouring structure of any sort.
  - In the case of a maimai, the structure is a maximum size of nine square metres.
  - In the case of a whitebait stand, the dimension of the structure perpendicular to the flow of the water is either less than ten percent of the width of the water body or three metres, which ever is the lesser.
  - The structure is erected or placed and subsequently removed within the following period:
    - In the case of a maimai, one month before and one week after the official duck shooting season.
    - In the case of a whitebait stand, between 15 July and 30 December of any year.

**27.1.8.2.3** All vegetation shall be removed in accordance with Rule 27.1.8.1.4.

**27.1.8.2.4** The erection or placement of any culvert is permitted provided that:

- a) There is a secondary flow path which enables overtopping floodwaters to return to the downstream channel without increasing the flood hazard to another person's property.
- b) The culvert pipe is placed below the level of the stream bed by a distance equating to the diameter of the pipe divided by 5 (i.e., twenty percent of the culvert pipe) and at the same slope as the existing bed.
- c) There is no increase in the velocity of flow through or downstream of the culvert at the river's normal summer low flow.
- d) The total length of the culvert does not exceed 8 metres, except for culverts passing beneath a State Highway where the total length of the culvert shall not exceed 20 metres.
- e) There is no erosion or scour downstream of the culvert.

### **27.1.8.3 Controlled Activities**

Application must be made for a resource consent for a Controlled Activity for the following:

- Tree planting or tree removal.

An application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with Section 94(1)(b) of the Act 1991.

All Controlled Activities shall be subject to the general conditions applicable to Permitted Activities. In addition the following shall apply to specified activities.

#### **27.1.8.3.1 Tree Planting and Removal**

**Matters Over Which the Council Will Exercise Control**

- a) The effect of the proposed tree planting on river control, or access for maintenance of drainage channels.
- b) The hydraulic efficiency of the river.
- c) The stability of the banks.

### **27.1.8.4 Discretionary Activities**

Application must be made for a resource consent for a Discretionary Activity for the following:

- Control of aquatic weeds by chemical means.
- New structures in, under, or over the riverbeds of more than 3 metres in width.
- Culverts and pipes not meeting the conditions set out in 27.1.8.2.4.
- Gravel extraction.
- River control works which do not meet the conditions set out under Rule 27.1.8.1.

**27.1.8.4.1 Assessment Criteria**  
(pursuant to Sections 67(1) k and 75 (1) k of the RMA 1991)

Any application for a Discretionary or Non-Complying Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria:

- a) Any relevant objectives, policies and rules of this Plan.
- b) Any relevant objectives, policies and methods of the Marlborough Regional Policy Statement.
- c) The effect of the activity on river hydraulics.
- d) The effect of the activity on flood hazard.
- e) The effect of the activity on river ecology.
- f) The impact on the natural character of the water body and its margins.
- g) Any effects of the activity on recreation values.
- h) Provision of engineering design and certification for culverts which are installed in watercourses draining more than 120 hectares.

**27.1.8.4.2 Resource Consent Conditions**

Any resource consent may include conditions relating to one or more of the following in addition to those matters contained in Section 108 of the Act:

- a) The siting and design of structure including provision for fish passage.
- b) The protection or enhancement of amenity values.
- c) The protection or enhancement of the quality and quantity of natural waters or water systems.
- d) The protection of any significant environmental feature or value.
- e) Financial contributions in accordance with the requirements of the Plan.
- f) Bonds or covenants to secure the performance of consent conditions.
- g) Where applicable the permit holder shall pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulations under Section 360(1)(c) of the Act.

## **27.1.8.5 Non-Complying Activities**

Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any activity in a river or riverbed not provided for as a Permitted, Controlled, Discretionary, or Prohibited Activity shall be deemed to be a Non-Complying Activity.

## 27.1.9 Discharge to Water (other than river control works)

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### 27.1.9.1 General

Rules 27.1.9.2 - 27.1.12 apply to the discharge of water, or contaminants, directly to all classes of surface water. The classes of surface water are set out in Appendix J to this Plan.

Where either AE or A Classes apply to a water body, only the rules in Section 27.1.11 apply. Where Class NS applies to a water body, only those rules in Section 27.1.12 apply.

Direct discharges to groundwater are covered by Rule 27.1.13.

### 27.1.9.2 Standard Conditions Applying to All Discharges to Water

The following standard conditions apply to all Permitted and Controlled activities. For completeness they are cross referenced at the end of all rules for Permitted and Controlled activities, and are referred to as "the standard conditions".

- a) No discharge shall cause erosion at, or downstream of, the discharge point.
- b) No discharge shall alter the natural course of its receiving river or stream.
- c) Any discharge point and its associated structures shall be maintained in a condition such that it is clear of debris and structurally sound.
- d) Meets water clarity standards defined in Appendix J, after reasonable mixing.
- e) That the discharge does not cause flooding on private land.

## 27.1.10 Discharges to Waters Classified as Class F (underlying class), Class FS, Class CR and Class WS (other than river control works)

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### 27.1.10.1 Permitted Activities

#### 27.1.10.1.1 Water Supply

The discharge of water, or contaminants, into water from any reservoir or pipeline which forms part of a water supply system, is a Permitted Activity subject to the following conditions:

- a) That the discharge contains less than 0.3 g/m<sup>3</sup> free available chlorine;
- b) That the discharge contains less than 50 g/m<sup>3</sup> suspended solids; and
- c) The standard conditions (refer to Rule 27.1.9.2).

#### 27.1.10.1.2 Stormwater

The discharge of stormwater from any drainage channel(s) or piped stormwater drainage system except that which drains:

- a) An uncovered area greater than 0.2 ha where an activity is undertaken associated with industrial or trade premises (excluding any area used solely for car parking),
- b) Hazardous substances storage facilities,
- c) Vehicle oriented activities,
- d) Petroleum or oil storage facilities,
- e) Saleyards or any other animal holding area greater than 100 m<sup>2</sup>;
- f) Stormwater (other than sealed downpipe roof water) from Lots 1 & 2 DP 323372, Lots 1, 3 & 4 DP 8762, portions of Lot 1 DP 4447, Lot 9 DP 306716 and Lot 2 DP 379514, or their successors.

into a water body classified as F (underlying class), Class FS, Class CR or Class WS is a Permitted Activity subject to the following conditions:

- The standard conditions (refer to Rule 27.1.9.2).

**Note:**

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

#### 27.1.10.1.3 Stormwater from Earthworks

The discharge of stormwater from any earthworks into surface water or onto land where sediment from earthworks may enter water, is a Permitted Activity subject to the following conditions:

- a) The standard conditions (refer to Rule 27.1.9.2)
- b) Measures to restrict the transport of sediment shall be implemented prior to the commencement of the earthworks, and be capable of mitigating sediment laden stormwater runoff from that site in a 1 in 10 year storm event.
- c) The natural clarity of the classified waters referred to in this Rule shall not be conspicuously changed due to sediment or sediment laden discharge originating from the site of a earthworks operation. Conspicuously changed shall have the following meaning:
  - There shall be no greater than 33% reduction in the visual clarity of the receiving water as measured by the horizontal sighting of a black disk; and/or
  - There shall be no greater than 15% increase in the turbidity of the receiving water as measured in NTU.
  - Measurements are to be made immediately above or upstream of the discharge and below the discharge after reasonable mixing.

**Note:**

For a description of the two methods refer to the Ministry for the Environment Water Quality Guidelines No. 2, Guidelines for the Management of Water Colour and Clarity, June 1994.

See the Definition Chapter for the definition of Reasonable Mixing.

- d) Soil stabilisation is undertaken as soon as practical on completion of the earthworks.
- e) No woody material of greater than 100 mm diameter shall be left in any permanently flowing river, lake, wetland or the sea as a result of any earthworks.

**Note:**

Measures to restrict the transport of sediment and stabilisation of soil may include:

- Runoff control measures, eg diversion channels, contour drains, earth bunds or similar;
- Sediment retention ponds;
- Silt fences and hay bales;
- Vegetated buffer strips;
- Sowing down earthworks with suitable grasses, legumes or other ground cover plants;
- Covering with geotextile fabric or similar;
- Sealing with asphalt, concrete or similar.

Sediment control measures should remain in place permanently and be maintained regularly where the area of bare ground on completion of the development is greater than 20% of the area prior to undergoing earthworks.

#### **27.1.10.1.4 Stormwater from Vegetation Clearance Sites**

The discharge of stormwater from any vegetation clearance site is a Permitted Activity subject to the following conditions:

- a) The natural clarity of the classified waters referred to in this Rule shall not be conspicuously changed due to sediment or sediment laden discharge originating from the site of a vegetation clearance operation. Conspicuously changed shall have the following meaning:
  - There shall be no greater than 33% reduction in the visual clarity of the receiving water as measured by the horizontal sighting of a black disk; and/or
  - There shall be no greater than 15% increase in the turbidity of the receiving water as measured in NTU;
  - Measurements are to be made immediately above or upstream of the discharge and below the discharge after reasonable mixing.

**Note:**

For a description of the two methods refer to the Ministry for the Environment Water Quality Guidelines No. 2, Guidelines for the Management of Water Colour and Clarity, June 1994.

See the Definition Chapter for the definition of Reasonable Mixing.

- b) The vegetation cover of a vegetation clearance site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place.

#### **27.1.10.1.5 Aquatic Agrichemicals**

Unless specified to the contrary elsewhere in the Plan the application of any agrichemical for aquatic use into or onto water is a Permitted Activity subject to the following conditions:

- a) The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions and any instructions attached to or enclosed with the product;
- b) The application shall be only for the purpose of eradicating, modifying, or controlling aquatic plants; and shall not include the disposal to water of any agrichemical;
- c) The applicator shall notify in writing details of the location, timing and agrichemical to be used in the application to:
  - Every person taking water for domestic supply within 1km downstream of the proposed discharge; and
  - Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge, at least one week before commencing the application.

### **27.1.10.2 Discretionary Activities**

- The discharge of water, or contaminants, into water which is not a Permitted, Controlled, or Prohibited Activity, is a Discretionary Activity for which a resource consent application must be made.

#### **27.1.10.2.1 Assessment Criteria (pursuant to Sections 67(1) k and 75 (1) k of the Act 1991)**

An application for a Discretionary or Non-Complying activity shall be considered in terms of the following assessment criteria:

- a) An assessment of effects on the environment in accordance with the appropriate water classification standard/s listed in Appendix J and the Fourth Schedule of the Act 1991;
- b) The location of the point of discharge;
- c) The peak flow rate and volume of discharge;
- d) A monitoring programme which demonstrates compliance with the appropriate water classification standard/s.

### **27.1.10.3 Prohibited Activities**

- The discharge of untreated human sewage, or untreated animal waste, into water is a prohibited activity for which no consent will be granted.

## 27.1.11 Discharge to Waters Classified as Class AE and Class A (other than river control works)

### 27.1.11.1 Permitted Activities

#### 27.1.11.1.1 Water Supply

The discharge of water, or contaminants, into water from any reservoir or pipeline which forms part of a water supply system, is a Permitted Activity subject to the following conditions:

- a) That the discharge contains less than 0.3 g/m<sup>3</sup> free available chlorine;
- b) That the discharge contains less than 50 g/m<sup>3</sup> suspended solids; and
- c) The standard conditions (refer to Rule 27.1.9.2).

#### 27.1.11.1.2 Stormwater

The discharge of stormwater from any drainage channel(s) or piped stormwater drainage system except that which drains:

- a) An uncovered area greater than 0.1 ha where an activity is undertaken associated with industrial or trade premises (excluding any area used solely for car parking);
- b) Hazardous substances storage facilities;
- c) Vehicle oriented activities;
- d) Petroleum or oil storage facilities;
- e) Saleyards or any other animal holding area greater than 50 m<sup>2</sup>,

into a water body classified as Class AE and Class A is a Permitted Activity subject to:

- the standard conditions (refer to Rule 27.1.9.2).

**Note:**

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

#### 27.1.11.1.3 Stormwater from Earthworks

The discharge of stormwater from any earthworks into surface water or onto land where sediment from earthworks may enter water, is a Permitted Activity subject to the following conditions:

- a) The standard conditions (refer to Rule 27.1.9.2)
- b) Measures to restrict the transport of sediment shall be implemented prior to the commencement of the earthworks, and be capable of mitigating sediment laden stormwater runoff from that site in a 1 in 5 year storm event.

- c) The natural clarity of any permanently flowing river, lake, wetland, or the sea shall not be conspicuously changed due to sediment or sediment laden discharge originating from the site of a land disturbance operation. Conspicuously changed shall have the following meaning:
- There shall be no greater than 20% reduction in the visual clarity of the receiving water as measured by the horizontal sighting of a black disk; and/or
  - There shall be no greater than 10% increase in the turbidity of the receiving water as measured in NTU;
  - Measurements are to be made immediately above or upstream of the discharge and below the discharge after reasonable mixing.

**Note:**

For a description of the two methods refer to the Ministry for the Environment Water Quality Guidelines No. 2, Guidelines for the Management of Water Colour and Clarity, June 1994.

See the Definition Chapter for the definition of Reasonable Mixing.

- d) Soil stabilisation is undertaken as soon as practical on completion of the earthworks.
- e) No woody material of greater than 100 mm diameter shall be left in any permanently flowing river, lake, wetland or the sea as a result of any earthworks.

**Note:**

Measures to restrict the transport of sediment and stabilisation of soil may include:

- Runoff control measures, e.g. diversion channels, contour drains, earth bunds or similar;
- Sedimentation retention ponds;
- Silt fences and hay bales;
- Vegetated buffer strip;
- Sowing down earthworks with suitable grasses, legumes or other ground cover plant;
- Covering with geotextile fabric or similar;
- Sealing with asphalt, concrete or similar.

Sediment control measures should remain in place permanently and be maintained regularly where the area of bare ground on completion of the development is greater than 20% of the area prior to undergoing earthworks.

#### **27.1.11.1.4 Stormwater from Vegetation Clearance Sites**

The discharge of stormwater from any vegetation clearance site is a Permitted Activity subject to the following conditions:

- a) The natural clarity of the classified waters referred to in this Rule shall not be conspicuously changed due to sediment or sediment laden discharge originating from the site of a vegetation clearance operation. Conspicuously changed shall have the following meaning:
- There shall be no greater than 20% reduction in the visual clarity of the receiving water as measured by the horizontal sighting of a black disk; and/or
  - There shall be no greater than 10% increase in the turbidity of the receiving water as measured in NTU.

- Measurements are to be made immediately above or upstream of the discharge and below the discharge after reasonable mixing.

**Note:**

For a description of the two methods refer to the Ministry for the Environment Water Quality Guidelines No. 2, Guidelines for the Management of Water Colour and Clarity, June 1994.

See the Definition Chapter for the definition of Reasonable Mixing.

- b) The vegetation cover of a vegetation clearance site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place.

## **27.1.11.2 Controlled Activities**

### **27.1.11.2.1 Aquatic Agrichemicals**

Unless specified to the contrary elsewhere in the Plan the application of any agrichemical for aquatic use into or onto water is a Controlled Activity subject to the following standards and terms:

- a) The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions and any instructions attached to or enclosed with the product;
- b) The application shall be only for the purpose of eradicating, modifying, or controlling aquatic plants; and shall not include the disposal to water of any agrichemical;
- c) The applicator shall notify in writing details of the location, timing and agrichemical to be used in the application to:
  - Every person taking water for domestic supply within 1km downstream of the proposed discharge; and
  - Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge,

at least one week before commencing the application.

The matters over which the Council reserves its controls are:

- a) The nature of the aquatic agrichemical being applied.
- b) The application rate and method.
- c) The area over which the aquatic agrichemical is applied.
- d) The timing of the application (in relation to spawning and other instream needs of flora and fauna).
- e) Monitoring requirements.

### 27.1.11.3 Discretionary Activities

- The discharge of water, or contaminants, into water which is not a Permitted, Controlled, or Prohibited Activity, is a Discretionary Activity for which a resource consent application must be made.

#### 27.1.11.3.1 Assessment Criteria

(pursuant to Sections 67(1) k and 75 (1) k of the Act 1991)

An application for a Discretionary or Non-Complying activity shall be considered in terms of the following assessment criteria:

- a) An assessment of effects on the environment in accordance with the appropriate water classification standard/s listed in Appendix J to this plan and the Fourth Schedule of the Act 1991;
- b) The location of the point of discharge;
- c) The peak flow rate and volume of discharge;
- d) A monitoring programme which demonstrates compliance with the appropriate water classification standard/s.

### 1.11.4 Prohibited Activities

- The discharge of untreated human sewage, or untreated animal waste, into water is a prohibited activity for which no consent will be granted.

## 27.1.12 Discharges to Water Classified as Class NS (other than river control works)

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### 27.1.12.1 Controlled Activities

#### 27.1.12.1.1 Aquatic Agrichemicals

Unless specified to the contrary elsewhere in the Plan the application of any agrichemical for aquatic use into or onto water is a Controlled Activity subject to the following standards and terms:

- a) The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions and any instructions attached to or enclosed with the product;
- b) The application shall be only for the purpose of eradicating, modifying, or controlling aquatic plants; and shall not include the disposal to water of any agrichemical;
- c) The applicator shall notify in writing details of the location, timing and agrichemical to be used in the application to:
  - Every person taking water for domestic supply within 1km downstream of the proposed discharge; and
  - Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge,

at least one week before commencing the application.

The matters over which the Marlborough District Council reserves its controls are:

- a) The nature of the aquatic agrichemical being applied.
- b) The application rate and method.
- c) The area over which the aquatic agrichemical is applied.
- d) The timing of the application (in relation to spawning and other instream needs of flora and fauna).
- e) Monitoring requirements.

### **27.1.12.2 Non-Complying Activities**

- The discharge of water, or contaminants, into Class NS water is a Non-Complying activity.

### **27.1.12.3 Prohibited Activities**

- The discharge of untreated human sewage or untreated animal waste into water is a Prohibited Activity for which no resource consent shall be granted.

## **27.1.13 Discharges to Groundwater**

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The discharge of water, or contaminants, directly into groundwater is a Non-complying Activity.

## **27.1.14 Stormwater Discharge to Land from Road and Rail Network**

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Discharge of stormwater from the Council and New Zealand Transport Agency's road network and from the New Zealand Railways Corporation network to land, is a Permitted Activity subject to the following standards:

- a) The discharge shall not worsen or cause any significant erosion or inundation of land;
- b) The discharge shall not have any significant adverse effect on soil or vegetation;
- c) The discharge shall not have any adverse effect on wildlife habitats or recreational values of any land;
- d) No discharge shall alter natural drainage patterns;
- e) Any discharge point and its associated structure shall be maintained in a condition such that it is clear of debris and structurally sound;
- f) The stormwater discharge system does not drain:
  - A total area greater than 500 m<sup>2</sup> undergoing earthworks;
  - An uncovered area greater than 0.2 ha where an activity is undertaken associated with industrial or trade premises (excluding any area used solely for car parking);

- An area of land greater than 4 hectares;
  - Hazardous substances storage facilities;
  - Service stations;
  - Petroleum or soil storage facilities;
  - Saleyards or any other animal holding area greater than 100 m<sup>2</sup>.
- g) That the discharge does not cause flooding on private land;
- h) Except for existing stormwater discharges from road and rail infrastructure at the time those plans become operational, the stormwater being discharged shall originate from the same catchment as the natural stormwater flow pattern.

## 27.2 Rules Relating to Transportation

### 27.2.1 Transportation Hierarchy

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#### 27.2.1.1 National Routes

- SH 1 Marlborough Sounds Plan area/Wairau Awatere Plan area boundary - Tirohanga
- SH 6 Blenheim - Okaramio
- SH 63 Renwick - Tophouse

#### 27.2.1.2 Primary Arterial Routes

- Rapaura Road

#### 27.2.1.3 Secondary Arterial Routes

- Jacksons Road
- Northbank Road (SH 6 - Onamalutu Turnoff)
- Old Renwick Road
- Fell Street
- Dodson Street
- Alabama Road (Redwood Street to Maxwell Road)
- New Renwick Road (Maxwell Road - Battys Road)
- Battys Road
- Main Street (Symons St [SH1] - Maxwell Road)
- Maxwell Road (Main Street - Seymour Street)
- Seymour Street (Maxwell Road - Alfred Street)
- Alfred Street (Seymour Street - Sinclair Street [SH1])
- Hutcheson Street (Alfred St - Nelson Street [SH6])
- Redwood Street (Main Street [SH1] - Alabama Road)

#### 27.2.1.4 Collector Routes

- Hunters Road
- Pembers Road
- Rarangi Road
- Vickerman Street
- O'Dwyers Road
- Thompsons Ford Road
- Murphys Road
- New Renwick Road (Battys Road - Godfreys Road)
- Godfreys Road
- Bells Road
- Northbank Road (Onamalutu Turnoff - Top Valley)
- Awatere Valley Road (SH 1 - Medbury)
- Colemans Road
- Hutcheson Street (Nelson St [SH6] - Old Renwick Road)
- Dillons Point Road
- High Street
- Budge Street
- Boyce Street
- Eltham Road
- Dillon Street (Eltham Road - Lee Street)
- Lee Street
- Maxwell Road (Seymour Street - Wither Road)
- Scott Street (Main Street - Seymour Street)
- Redwood Street (Alabama Road - Wither Road)

#### 27.2.1.5 Local Roads

##### 27.2.1.5.1 Awatere Area Local B Roads

- Ballochdale
- Barewood
- Brookburn
- Castles (pt)
- Cliffords
- Dumgree
- Flemings (south)
- Gladstone
- Glenake
- Haldons
- Higgins (pt)
- Kaparu (pt)
- Marfells
- Maxwell Pass

- Medway (pt)
- Middlehurst
- Muller
- Reserve
- Rudds Road
- Tallots
- Ugbrooke
- Upton Downs (pt)
- Ure Road (pt)
- Waireka
- Weld
- Wests
- Wharanui Beach

**27.2.1.5.2 Wairau Area Local B Roads**

- Avon Valley
- Cat Creek
- Cemetery
- Jacks
- Leatham (pt)
- Meadowbank
- McCallums
- Mill
- Ngaruru
- Omaka Downs
- Parsons (pt)
- Pukaka
- Quaildale
- Schollums
- Spray
- Te Rou
- Tyntesfield (pt)

**27.2.1.5.3 All other roads Classed as Local Roads**

## **27.2.2 Vehicle Loading**

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### **27.2.2.1 Obligation to Provide Vehicle Loading Facilities**

All activities which involve the delivery and/or collection of goods using heavy vehicles shall be provided with loading facilities able to accommodate expected demand for loading deliveries.

## 27.2.2.2 Design and Formation Standards for Loading Facilities

27.2.2.2.1 Unless specified to the contrary elsewhere in the Plan every loading space shall be of the following dimensions:

Activity	Minimum Size
Transport depots or similar	9 m length 3.5 m wide 3.8 m high
Retail premises, offices, warehouse, bulk stores, industries, service industries and similar	8 m length 3.5 m wide 3.8 m high
Offices and activities of less than 1500 m <sup>2</sup> not frequently handling goods and where on street parking for occasional delivery is available	3 m wide 6 m length 2.6 m wide

Notwithstanding the above:

- a) Where articulated trucks are used in connection with any site sufficient space not less than 20 metres in depth shall be provided.
- b) Each loading space required by the Plan shall have unobstructed vehicular access to a road or service lane.
- c) Parking areas and loading areas may be served in whole or in part by a common manoeuvre area which shall remain unobstructed.
- d) Loading and manoeuvring shall as dictated by the circumstances accommodate the minimum appropriate swept paths shown in Figures 6, 7, 8, 9.
- e) All loading facilities shall be designed to ensure that vehicles are not required to reverse either into or out of the site except where loading vehicle entrances intersect with local roads.
- f) Commercial space designated for loading purposes shall be formed and finished to an all-weather dust-free surface and shall be maintained in a condition available for loading purposes at all times.
- g) All carparking and loading spaces shall be located on the site of the activity they are intended to serve.
- h) All new provisions for vehicle loading shall be designed and located to avoid vehicle parking or standing on the carriageway of a state highway.
- i) All loading and access areas accessing directly onto a State Highway or a Primary Arterial Road shall be sealed for a minimum of 20 metres from the road.

## 27.2.3 Vehicle Parking

### 27.2.3.1 Obligation to Provide Vehicle Parking

Unless specified to the contrary elsewhere in the Plan:

27.2.3.1.1 All sites shall be provided with sufficient on-site vehicle parking to accommodate the number of vehicles expected to be parked on the site in the usual course of operation of the activity and in accordance with the requirements as set out in Rule 27. 2.3.1.7.

27.2.3.1.2 The required number of car parking spaces shall be calculated in respect of each individual activity intended to be undertaken on the site.

27.2.3.1.3 Where individual activities occur at mutually exclusive times of the day or night, individual car parking spaces may be considered as qualifying as part of the required car parking provision provided there is no overlapping demand for car parking spaces by each activity.

27.2.3.1.4 Where the use or occupation of a site or premises changes, or a building(s) is constructed, substantially reconstructed, altered or added to, the number of required carparking spaces shall be calculated for each new or changed activity. For the purposes of this rule, altered or added to shall mean an addition or alteration of more than 15% of the gross floor area.

27.2.3.1.5 The calculation of required car parking spaces shall be in terms of the gross floor area of the building, or premises of the activity but excluding the gross floor area of any vehicle access, loading, turning, or parking area provided therein.

When the calculation of required car parking spaces results in a fraction of a number, the fraction shall be rounded to the nearest whole number and in the case of 0.5 shall be rounded upwards to the nearest whole number.

27.2.3.1.6 All required vehicle parking spaces shall be kept clear and available for use by occupants and visitors to the site during the hours that the site's activity is in operation.

27.2.3.1.7 If any activity is not represented in the list following, the activity closest in nature to the new activity should be used, or where there are two or more similar activities the activity with the higher parking rate shall apply. Alternatively, application may be made for a Limited Discretionary Activity to assess the number of spaces required.

Activity	Parking Spaces Required
Bulk Store	One for every 100 m <sup>2</sup> gross floor area plus one for every 100 m <sup>2</sup> of outdoor storage.
Buildings used for recreation	One for every four people the facility (including grandstands) is designed to accommodate.
Care Centre	One for every member of staff plus one for every 10 children or people the facility is designed to accommodate.
Community Welfare facility	One space per employee or caregiver and one space per 10 persons attending the facility short or long term.

Activity	Parking Spaces Required
Drive-through facility	Five queuing spaces per booth or facility.
Education facilities	One space for every staff member plus one space for every 20 full time students over 15 years of age.
Entertainment facility	One for every four people the facility is designed to accommodate.
Health Care Services	One for every employee plus one for every 26 m <sup>2</sup> of gross floor area.
Home for the Aged	One for every two employees plus one for every five people the facility is licensed to accommodate.
Home Occupation	One space in addition to any others required.
Hospital	One for each patient the facility is designed to accommodate.
Motor Vehicles sales and services	One for every employee plus one per 10 display vehicles, plus four spaces for every repair and lubrication bay.
Motels	One for every two employees plus one for every motel unit, or, one for every three residents the boarding house is designed to accommodate.
Offices	One for every 35 m <sup>2</sup> of gross floor area.
Periodic Detention Centres	One space for every two full time equivalent employees and one space for every 10 detainees.
Places of Assembly	One space for every four people a community or recreation facility is designed to accommodate, or for churches, one for every 4.5 m <sup>2</sup> of floor area of the auditorium of the church or one for every 4.5 m <sup>2</sup> of the total floor area of all meeting rooms (whichever is greater). Provided that the term auditorium shall mean the primary place of assembly (including any nave/congregational seating area) and any adjoining gallery or room which is separated by non-permanent partitions, but shall not include any chancel, sanctuary or stage.
Premises for cultural activity or natural display	One space for every five people the facility is designed to accommodate.
Residential unit	Two spaces for each residential unit.
Licensed premises, restaurants, cafes, wine bars	One for every 10 m <sup>2</sup> of gross floor area, one for every 15 m <sup>2</sup> of outdoor eating area.

Activity	Parking Spaces Required
Retail Premises	For retail premises with a gross floor area of up to 1000 m <sup>2</sup> , one space per 25 m <sup>2</sup> of gross floor area. For retail premises with a gross floor area of greater than 1000 m <sup>2</sup> , one space per 25 m <sup>2</sup> of gross floor area for the first 1000 m <sup>2</sup> and one space per 30 m <sup>2</sup> of gross floor area for the remaining area.
Service Stations	Two spaces per three employees, one space per repair bay, one space per air hose and three queuing spaces per car wash.
Tourist Complex	One space for every room plus one for every two employees plus one for every 10 m <sup>2</sup> of gross floor area of restaurant and one for every 8 m <sup>2</sup> of conference facility.
Wineries	One space for every 20 m <sup>2</sup> of gross floor area plus one for every 30 m <sup>2</sup> of outdoor eating area.

### 27.2.3.2 Design and Formation Standards for Vehicle Parking

- 27.2.3.2.1 All required car parking spaces shall be formed to an all-weather standard and shall be clearly identified by marking on the ground or other signal to avoid inefficient parking of vehicles within the allocated space.
- 27.2.3.2.2 All required car parking spaces shall be of useable shape and gradient and, together with their entrance and manoeuvring aisles, shall be designed and formed to comply with the dimensions shown in Figure 5.
- 27.2.3.2.3 On any site fronting a National Route or Arterial Route where car parking spaces are required to be provided they shall be configured such that vehicles are able to enter and leave the site in a forward direction and without reversing onto the road.
- 27.2.3.2.4 Where required car parking spaces are to be provided at a distance of greater than 30 metres from the road boundary, the spaces shall be located such that vehicles are able to enter and leave the site in a forward direction without reversing onto the road.
- 27.2.3.2.5 Where vehicle parking areas are expected to be used at night they shall be provided with overhead lighting sufficient to illuminate the parking area without causing nuisance light spill to adjoining properties.
- 27.2.3.2.6 Queuing space shall be provided on site for all vehicles entering or exiting a parking or loading area. The length of such queuing space shall be in accordance with the table below, except that where the parking area has more than one access the required queuing space may be divided between the accesses.

Queuing Space Lengths	
Number of parking spaces	Minimum queuing space length (m)
1 - 20	5.5
21 - 50	10.5
51 - 100	15.5

Queuing Space Lengths	
Number of parking spaces	Minimum queuing space length (m)
101 - 150	20.5
151 or over	25.5
Queuing space length shall be measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.	

27.2.3.2.7 Car parking areas shall have a gradient of not more than 1 in 20 in any direction.

### 27.2.3.3 Screening of Multiple Vehicle Parking Spaces

Any group of five or more vehicle parking spaces on any site within or adjoining a Residential Zone shall be screened from view from any adjoining residential property by a fence or vegetation or other means of screening. Such fence or screening to be not more than 1.2 metres in height.

### 27.2.3.4 Turning Space on Rear Sites

All required car parking and loading spaces on rear sites shall be configured such that vehicles using the spaces are able to enter and leave the site in a forward direction without reversing onto the road.

## 27.2.4 Site Access - Development Standard

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### 27.2.4.1 Vehicle Crossing Design

Vehicle access to any site from any road or service lane shall be by way of a vehicle crossing constructed, from the roadway to the road or service lane boundary of the site at the owner's or developer's expense.

### 27.2.4.2 Standards of Vehicle Crossings

Vehicle crossings shall be constructed to the following minimum standards:

27.2.4.2.1 Standard vehicle crossings shall be provided to sites capable of containing no more than ten residential units or which generate no more than 100 vehicle movements per day.

27.2.4.2.2 Heavy duty vehicle crossings shall be provided for all other sites.

### 27.2.4.3 Length of Vehicle Crossings

The maximum and minimum vehicle crossing lengths shall be as follows:

Activity	Length of Crossing	
	Minimum	Maximum
Residential	3.5 m	6 m or no more than 25% of the property boundary
Other	4 m	9 m

The length of a vehicle crossing shall be measured as the actual length of channel covered or the length of the fully dropped kerb.

#### 27.2.4.4 Minimum Distance Between Vehicle Crossings

27.2.4.4.1 For sites with frontage to a road where the speed limit is 100 km/h, the minimum spacing between successive accesses shall be 200 metres. Provided that two accesses may adjoin one another with a maximum separation of 4 metres.

27.2.4.4.2 For all other sites the minimum distance between accesses on the site shall be:

- a) 7.5 metres for residential activities; and
- b) 15 metres for all other activities.

#### 27.2.4.5 Maximum Number of Vehicle Crossings

The maximum number of vehicle crossings permitted on each road frontage of any site or comprehensive development shall be in accordance with the table below.

Frontage Length (m)	Type of Road Frontage		
	Local & Collector	Secondary Arterial	Primary Arterial & National Routes
0 - 30	1	1	1
30 - 60	2	1	1
60 - 100	2	2	1
> 100	3	2	2

#### 27.2.4.6 Distances of Vehicle Crossings From Intersections

Any part of any vehicle crossing shall not be located closer to the intersection of any roads than the distances specified below:

Frontage Road	Intersecting Road Type (Distance in metres)							
	Urban				Rural			
	Primary Arterial	Secondary Arterial	Collector	Local & Service	Primary Arterial	Secondary Arterial	Collector	Local & Service
Primary Arterial & National	70	55	40	35	275	275	180	180
Secondary Arterial	55	55	40	35	180	180	90	90
Collector	40	40	40	20	90	90	60	60
Local & Service Roads	25	25	25	20	90	90	60	60

1. Distances shall be measured along the boundary parallel to the centre line of the roadway of the frontage road from the kerb line, or formed edge, of the intersecting road. Where the roadway is median divided the edge of the median nearest to the vehicle crossing shall, for the purposes of this clause, be deemed the centre line.
2. Where the boundaries of a site do not allow the provision of any vehicle crossing whatsoever in conformity with the above distances, a single vehicle crossing may be constructed in the position which most closely complies with the provisions of the table above.
3. Rural roads refer to those roads where the speed limit is 100 km/hr. Urban roads refer to all other roads.

#### 27.2.4.7 Design of Vehicle Access

Where the access is proposed to a State Highway, arterial or collector road where the legal speed limit is 50 km/hr or less, the design of the access shall be such that:

- a) The access crosses the property boundary at an angle of 90 degrees plus or minus 15 degrees; and
- b) The vehicle crossing intersects with the carriageway at an angle of between 45 degrees and 90 degrees.

Where the access is proposed to a State Highway, arterial or collector road where the speed limit is over 50 km/hr the design shall comply with the standards in Figure 11, 12 or 13 depending on the activity served by the access.

The minimum sight distance from the access, as set out in the table below shall be complied with.

Minimum Sight Distance from Access		
85 <sup>th</sup> Percentile* Speed (km/h)	Sight Distance (m)	
	Residential Activity	Other Activities
40	35	60
50	45	80
60	65	105
70	85	140
80	115	175
90	140	210
100	170	250
110	210	290
120	250	330
* The 85 <sup>th</sup> percentile speed shall be determined in accordance with the method set out in the AUSTRROADS Guide to Traffic Engineering Practice Part 3 Traffic Studies, Chapter 4 (1988)		

For the purposes of Rule 27.2.4.7, where the frontage to a site is to an unformed legal road, the access to the site is where the unformed legal road intersects with a formed legal road. The design requirements, including minimum sight distance from the access is to be met at the intersection of the unformed legal road and the formed legal road.

Refer to Figure 14 for the sight distance measurement method.

Where an access crosses a railway, it shall be a requirement that 20 metres each side of the railway is constructed generally at the same level as the railway.

Intersections formed by a State Highway and an access on which a railway crossing is located shall meet the minimum distance from access in the table above and Figure 14.

Where there is less than 25 metres separation between the State Highway and railway (insufficient length for large vehicles to wait), the sight distance shall be measured from a point:

- On the access, and
- 5 metres back from the side of the railway furthest from the State Highway).

## 27.2.5 Protection of Sight Lines at Intersections

The sight lines described in the following table shall be provided and maintained clear of all obstructions at all new road intersections.

Sight Distance from Intersection		
85 percentile* speed (km/h)	Sight Distance (m)	
	Optimum (Entering Sight Distance)	Minimum (Safe Intersection Sight Distance)
50	125	80
60	160	105
70	220	130
80	305	175
90	400	210
100	500	250
110	500	290
120	500	330
* The 85 <sup>th</sup> percentile speed shall be determined in accordance with the method set out in the AUSTRROADS Guide to Traffic Engineering Practice Part 3 Traffic Studies, Chapter 4 (1988). The visibilities shall be measured in accordance with Figure 14.		

The reason for requiring compliance with these minima is to avoid, remedy or mitigate the adverse effects to the road network that may arise from designs to a lesser standard.

## 27.2.6 Protection of Sight Lines at Rail Crossings

The sight lines shown in Figure 10 in relation to railway level crossing should be kept clear of all obstructions including buildings, fences and vegetation.

## 27.2.7 Specific Requirements for Vehicle Oriented Commercial Activities

**27.2.7.1** Any canopy must be set back 2 metres from the road boundary.

**27.2.7.2** Vehicle crossings into vehicle oriented commercial activities must comply with the minimum distance of vehicle crossing from intersections contained in Rule 27.2.4.6.

**27.2.7.3** Vehicle crossings into vehicle oriented commercial activities must comply with the following minimum separation distances from other accessways:

- a) Between vehicle crossings for residential activities - 7 metres.
- b) Between vehicle crossings for other activities - 15 metres.

**27.2.7.4** The width of any driveway into a vehicle oriented commercial activity shall comply with the following:

- a) One way 4.5 metres min and 6 metres max.

- b) Two way 6.0 metres min and 9 metres max.
- c) Any driveway with a width greater than 9 metres will be Discretionary.
- d) Any one way entrance or exit must be signposted as such and may also have road marking on site.

**27.2.7.5** The site layout shall be such that all vehicles can enter and leave the site in a forward direction without any need for additional on-site manoeuvring or manoeuvring on the frontage road.

**27.2.7.6** For all driveways from State Highways, Primary Arterial or Secondary Arterial Routes to be used by heavy vehicles, the first 20 metres of the driveway shall be generally at the same level as the frontage road itself.

**27.2.7.7** All accesses on to Limited Access Roads are to comply with New Zealand Transport Agency's standards.

**27.2.7.8** An adequate area is to be provided for on-site queuing between the property boundary and:

- a) Fuel dispensers;
- b) Ticket vending machines;
- c) Remote ordering facilities and devices;
- d) entrance control mechanisms; and
- e) Point where conflict with vehicles already on the site may occur.

This distance shall not be less than 9 metres to the road boundary.

**27.2.7.9** Site size shall be sufficient to ensure that no vehicles being serviced; entering a carpark; awaiting service; or servicing the establishment require to be parked on the road or in such a location that impedes entry, exit, and visibility to or from the entranceway.

**27.2.7.10** On-site car parking and vehicle manoeuvring shall be designed and constructed in accordance with the requirements of the activity but should not impact on the adjacent road network.

**27.2.7.11** The road boundary of the site shall be bordered by a nib wall (or other device) to control traffic flows and to clearly define entrance and exit points.

**27.2.7.12** The design of the vehicle access and the minimum site distances from accesses shall be provided in compliance with Rule 27.2.4 Site Access - Development Standard.

**27.2.7.13** Adequate on-site provision shall be made for service vehicles and for goods loading and unloading. The areas set aside for these activities are not to encroach onto any area set aside for vehicle access, manoeuvring or any storage facility or pedestrian movement. The areas set aside shall be sufficiently dimensioned for the largest expected vehicles, plus manoeuvring space about those vehicles and the number of those vehicles expected to be at the site at any one time.

**27.2.7.14** The design and site layout of vehicle oriented commercial activities shall make provision for the safe movement of pedestrians about the site, at the vehicle crossings associated with the site and for their safe movement across roads in the vicinity of the site without an adverse effect on the operation of the frontage road.

## 27.2.8 Discretionary Activities

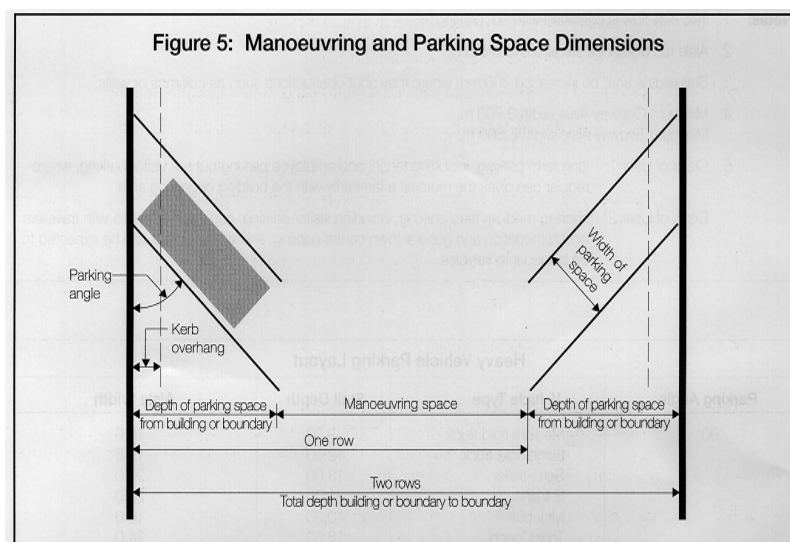
27.2.8.1 The following activities shall be Discretionary Activities in every zone:

- Any activity which does not comply with the standards and/or conditions for transportation shall be a Limited Discretionary Activity.
- Any activity having access to more than one road frontage.
- Any activity, other than residential activity, having access onto or within 15 metres of a controlled intersection comprising one or more of the following roads of the transportation hierarchy: National Routes, Primary Arterial Routes and Secondary Arterial Routes.
- Any activity providing or required to provide parking for more than 75 vehicles on a site.

### 27.2.8.2 Assessment Criteria (pursuant to Sections 67(1) k and 75 (1) k of the Act 1991)

Any application for a Discretionary Activity shall be considered in terms of the following assessment criteria:

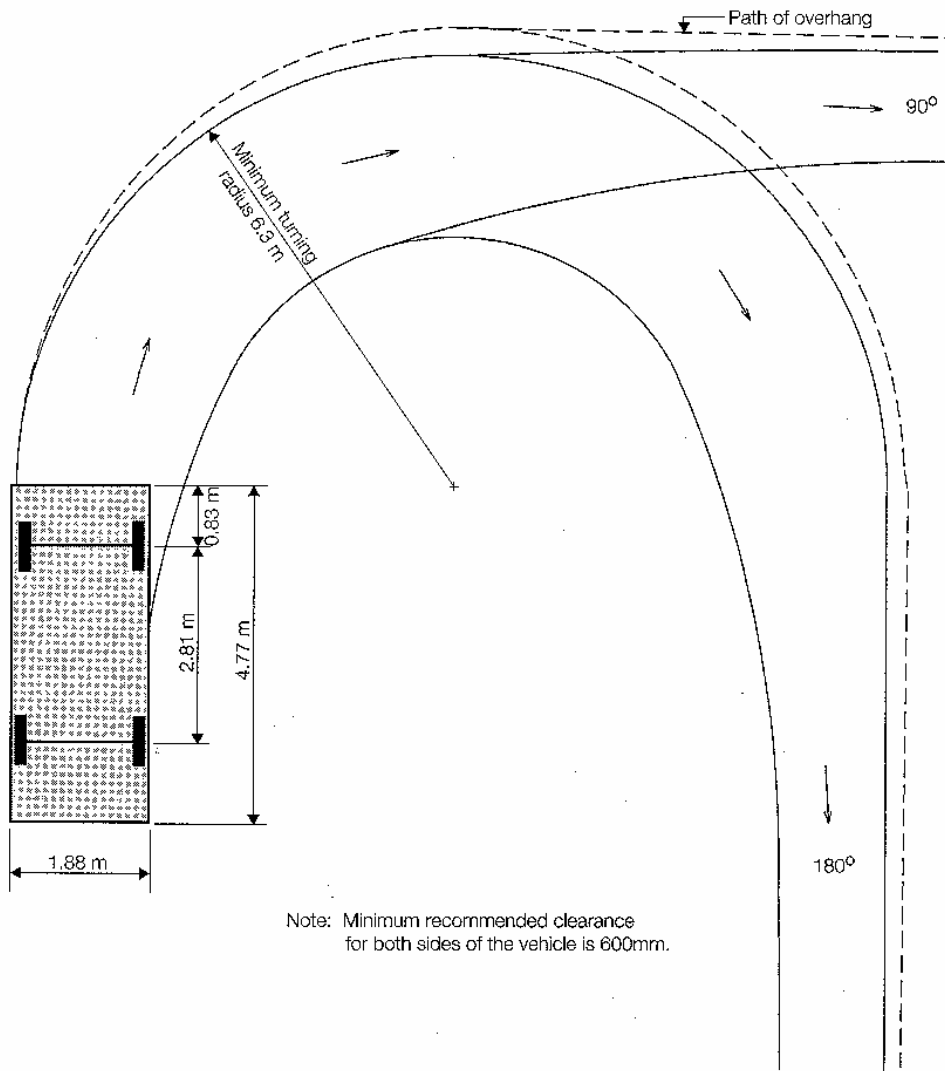
- 27.2.8.2.1 Any relevant objectives, policies or rules of this Plan.
- 27.2.8.2.2 The extent to which the activity will impact on the proper functioning of the transportation hierarchy.
- 27.2.8.2.3 The extent to which the activity will exacerbate any existing traffic problems in the area.
- 27.2.8.2.4 The extent to which the activity will have any adverse effect on any existing and probable future traffic volumes on adjoining roads.
- 27.2.8.2.5 The ability of the existing roading system to accommodate the activity without adverse effects on cycle and pedestrian safety.
- 27.2.8.2.6 The impact of the activity on local amenity.
- 27.2.8.2.7 The actual or potential effect on traffic safety.
- 27.2.8.2.8 The actual or potential effect on the road network.



Car Parking Layout									
Parking Angle		Stall Width (m)	Aisle Width (m)	Aisle Run (m)	Stall Depth (m)	Overhang (m)	Wheelstop Depth (m)	Interlock Depth (m)	Stall Depth (m)
90°	Class of User 1	2.4	7.0		5.0	0.8	4.2	-	-
		2.5	6.6	-	5.0	0.8	4.2	-	-
		2.6	6.2						
	Class of User 2	2.5	8.0	-	5.0	0.8	4.2	-	-
		2.6	7.0	-	5.0	0.8	4.2	-	-
		2.7	6.6		5.0	0.8	4.2	-	-
People with disabilities		3.6	8.0	-	5.0	0.8	4.2	-	-
60°		2.5 2.7 2.9 3.0	4.5 4.0 3.5 3.5	2.9 3.1 3.4 3.5	5.4	0.8	4.6	1.25 1.35 1.45 1.50	5.55 5.65 5.75 5.80
45°		2.5 2.7 2.9 3.0	3.8 3.5 3.5 3.5	3.5 3.8 4.2 4.2	5	0.7	4.3	1.80 1.90 2.05 2.10	5.30 5.40 5.55 5.60
30°		2.5 2.7 2.9 3.0	3.5 3.5 3.5 3.5	5.0 5.4 5.8 6.0	4.4	0.6	3.8	2.15 2.30 2.50 2.60	4.65 4.80 5.00 5.10
Parallel Parking			Stall length = 6.100		Stall width = 2.500		Aisle Width = 3.700		
<p><b>Notes:</b></p> <p>Two way flow is permitted with 90° parking.</p> <p>Aisle run distances are approximate only.</p> <p>Stall widths shall be increased 300 mm where they abut obstructions such as columns or walls.</p> <p>Minimum Oneway Aisle width 3.700 metres.</p> <p>Minimum Twoway Aisle width 5.500 metres.</p> <p>Class of User 1: long term parking, including tenant and employee parking but not visitor parking, where regular use gives the motorist a familiarity with the building or parking area.</p> <p>Class of User 2: short to medium term parking, including visitor parking, parking associated with travellers accommodation and general town centre parking, and where goods can be expected to be loaded into vehicles.</p>									

Heavy Vehicle Parking Layout															
Parking Angle	Vehicle Type	Stall Depth	Aisle Width												
90°	Medium rigid truck	9.00	16.00												
	Large rigid truck	12.00	19.50												
	Semi-trailer	18.00	26.00												
	B-train	21.00	26.00												
	Midi-bus	10.30	16.00												
	Tour Coach	13.60	24.00												
	60°	Medium rigid truck	9.43	10.50											
Large rigid truck		12.03	14.00												
Semi-trailer		17.22	19.00												
B-train		19.82	19.00												
Midi-bus		10.59	10.50												
Tour Coach		13.41	18.00												
45°		Medium rigid truck	8.64	-											
	Large rigid truck	10.76	-												
	Semi-trailer	15.00	-												
	B-train	17.12	-												
	Midi-bus	9.58	-												
	Tour Coach	11.89	-												
	30°	Medium rigid truck	7.30	6.00											
Large rigid truck		8.80	8.00												
Semi-trailer		11.80	11.00												
B-train		13.30	11.00												
Midi-bus		7.97	6.00												
Tour Coach		9.60	10.00												
<p><b>Note:</b> Stall width is to be not less than 3.5 metres.</p> <p>The following maximum vehicle lengths apply for each vehicle type: (Maximum overall length - metres):</p> <table> <tbody> <tr> <td>Medium Rigid Truck</td> <td>8.0</td> </tr> <tr> <td>Large Rigid Truck</td> <td>11.0</td> </tr> <tr> <td>Semi-Trailer</td> <td>17.0</td> </tr> <tr> <td>B-train</td> <td>20.0</td> </tr> <tr> <td>Midi-bus</td> <td>9.3</td> </tr> <tr> <td>Tour Coach</td> <td>12.6</td> </tr> </tbody> </table>				Medium Rigid Truck	8.0	Large Rigid Truck	11.0	Semi-Trailer	17.0	B-train	20.0	Midi-bus	9.3	Tour Coach	12.6
Medium Rigid Truck	8.0														
Large Rigid Truck	11.0														
Semi-Trailer	17.0														
B-train	20.0														
Midi-bus	9.3														
Tour Coach	12.6														

Figure 6: Vehicle Tracking Curve  
90 Percentile Car



Scale 1 : 100

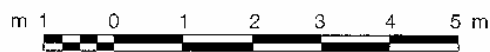
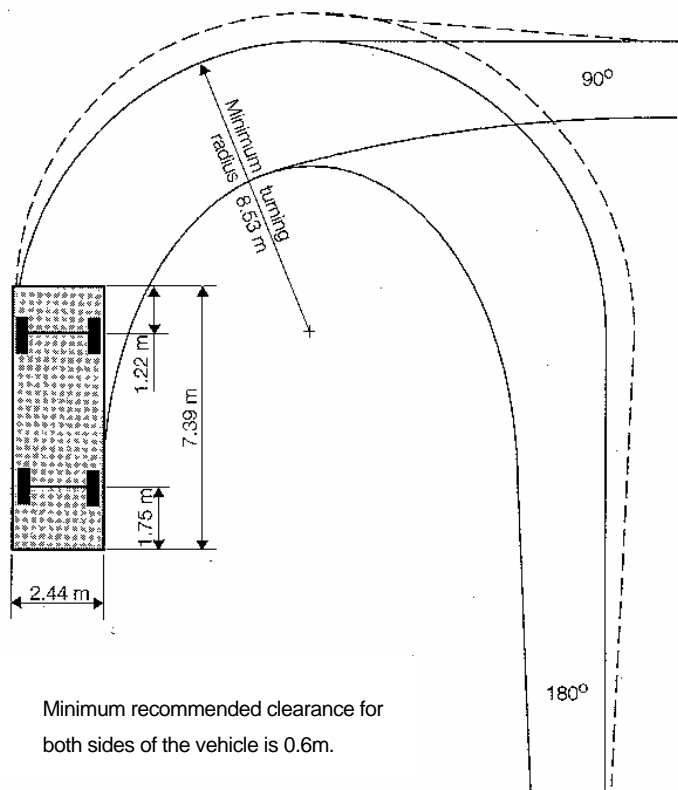


Figure 7: Vehicle Tracking Curve  
90 Percentile Truck



Note: Minimum recommended clearance for both sides of the vehicle is 0.6m.

Scale 1 : 200

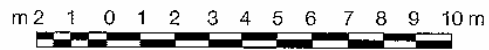
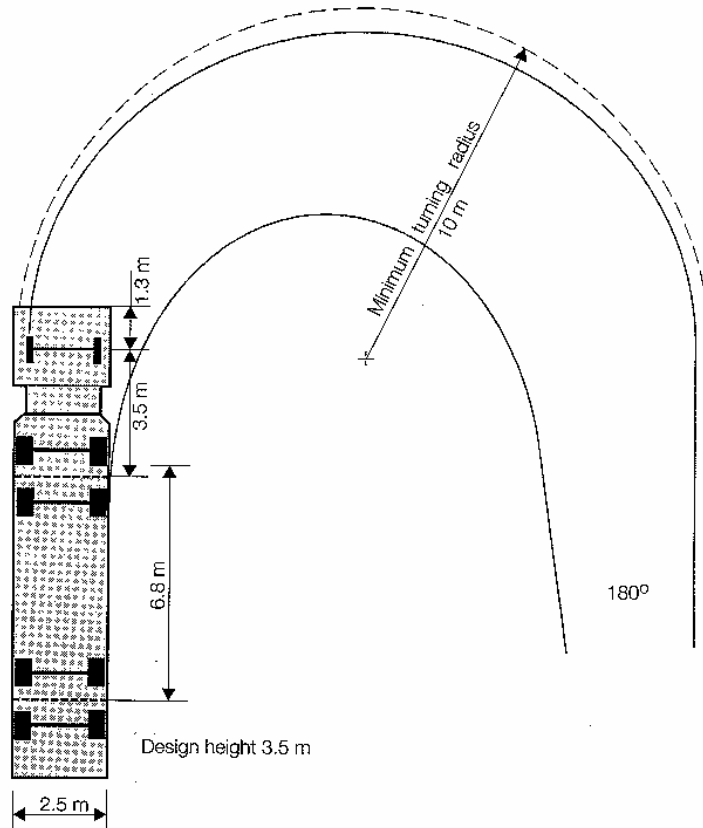


Figure 8: Vehicle Tracking Curve  
Articulated Truck



Note: Minimum recommended clearance  
for both sides of the vehicle 0.6m.

Scale 1 : 200

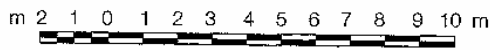
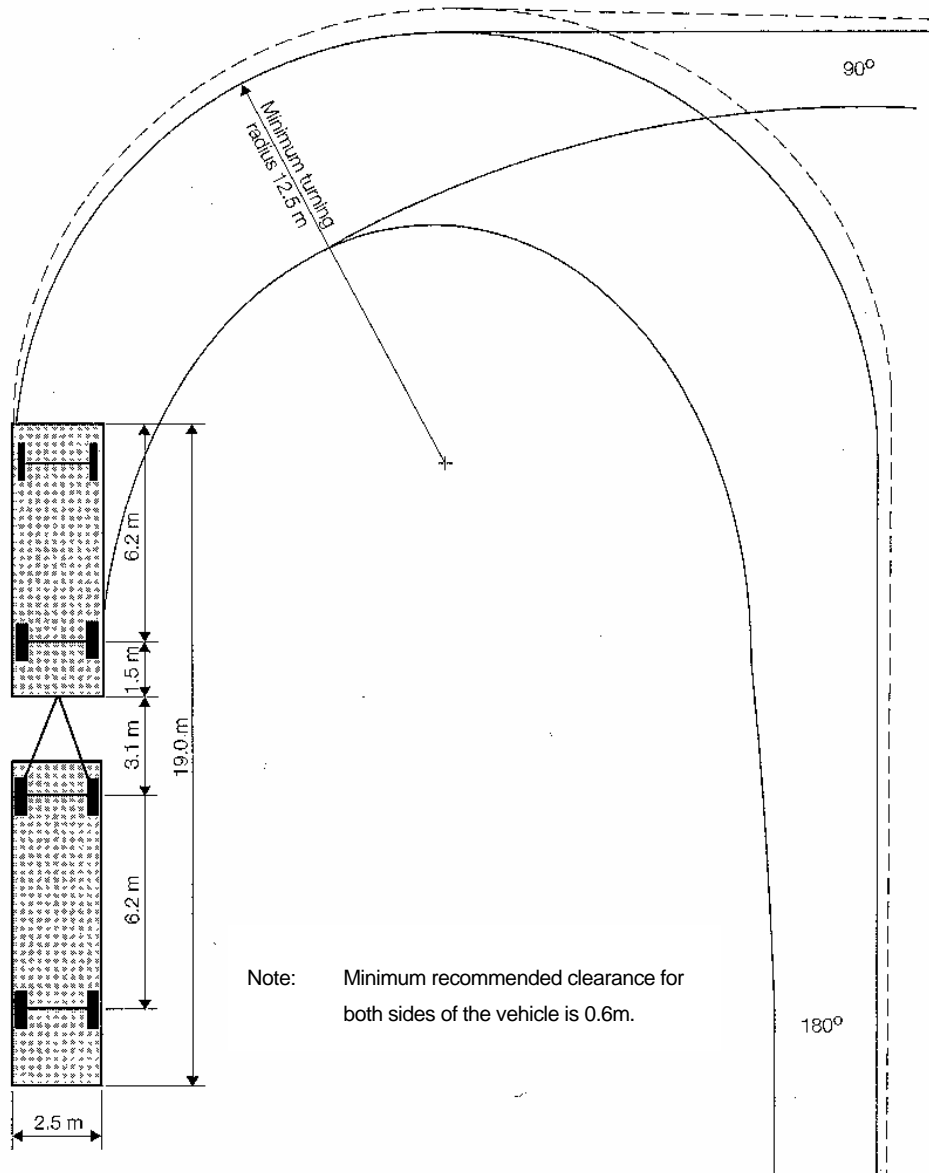


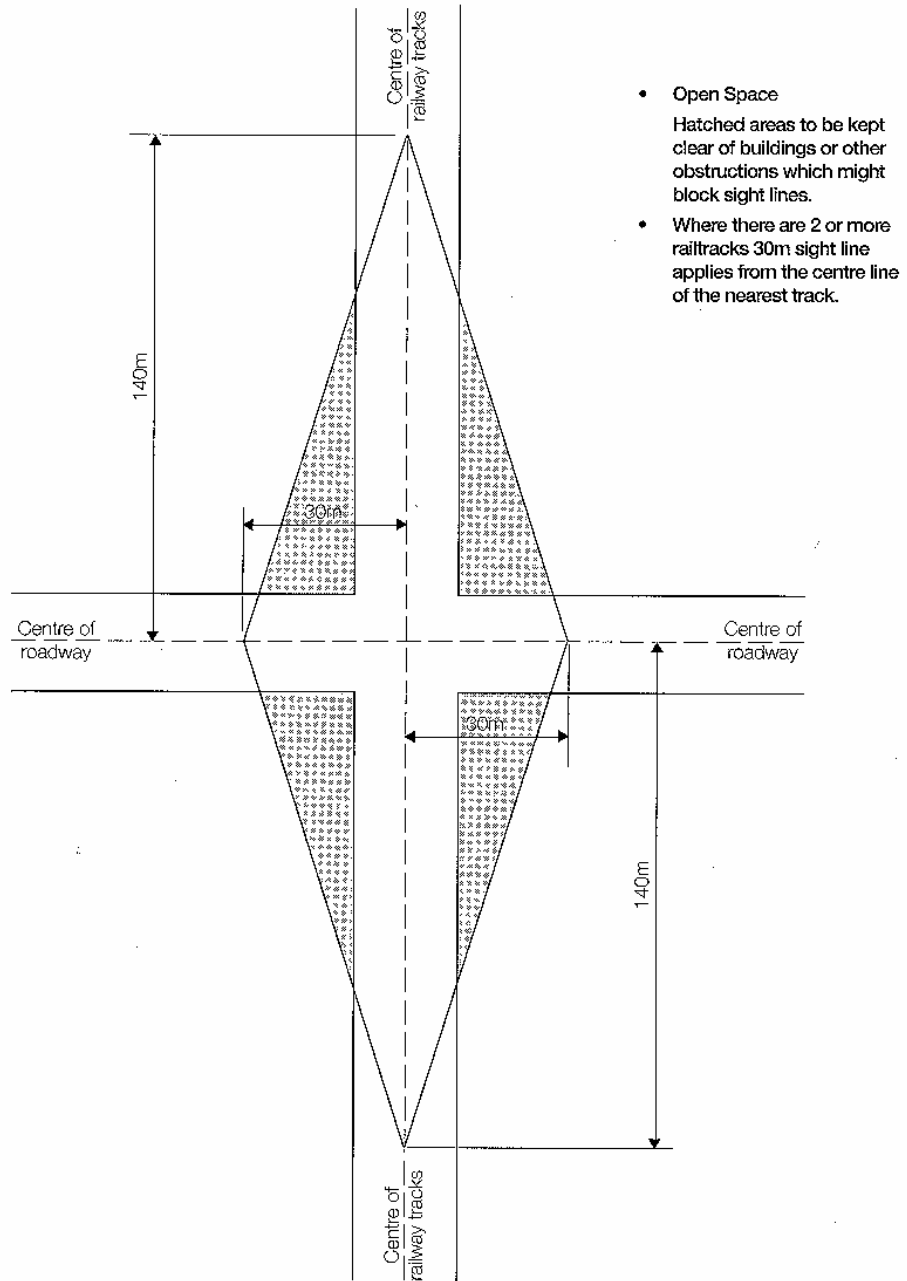
Figure 9: Vehicle Tracking Curve  
Truck and Trailer



Scale 1 : 200

m 2 1 0 1 2 3 4 5 6 7 8 9 10 m

Figure 10: Railway Crossing Sightlines



N.T.S.

Figure 11: Private Access For One Rural User

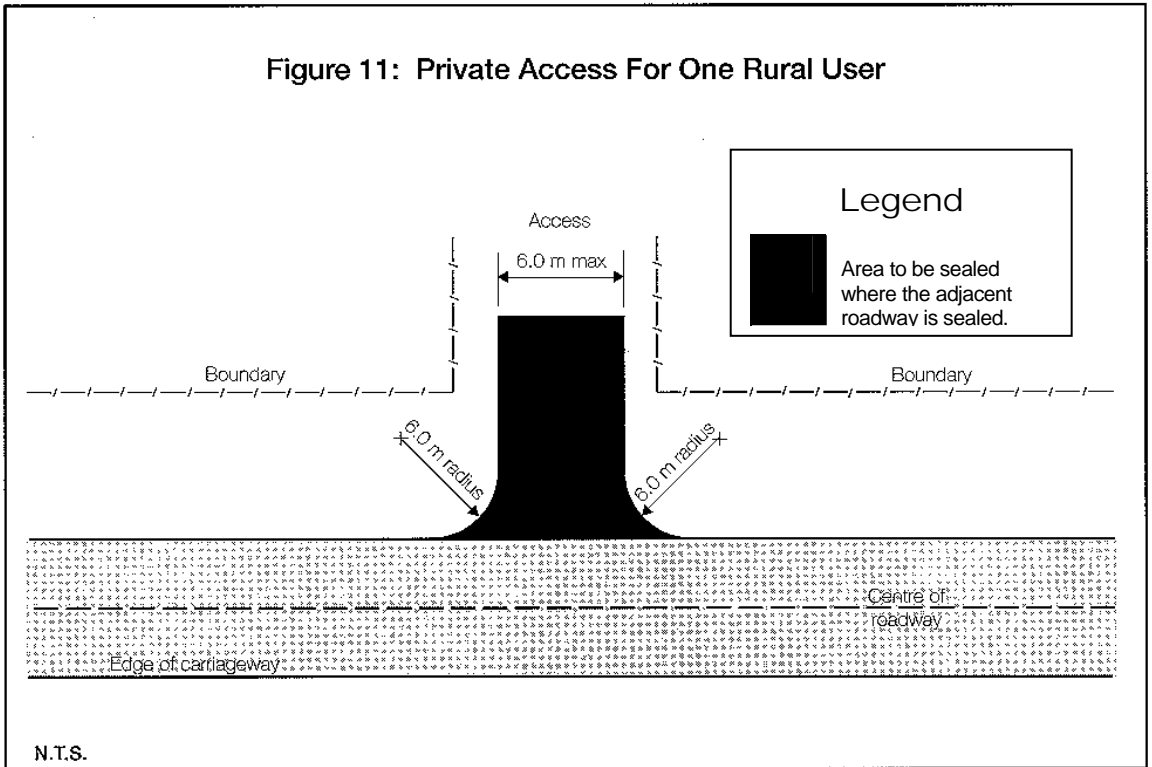


Figure 12: Private Access For 2 - 6 Rural Users

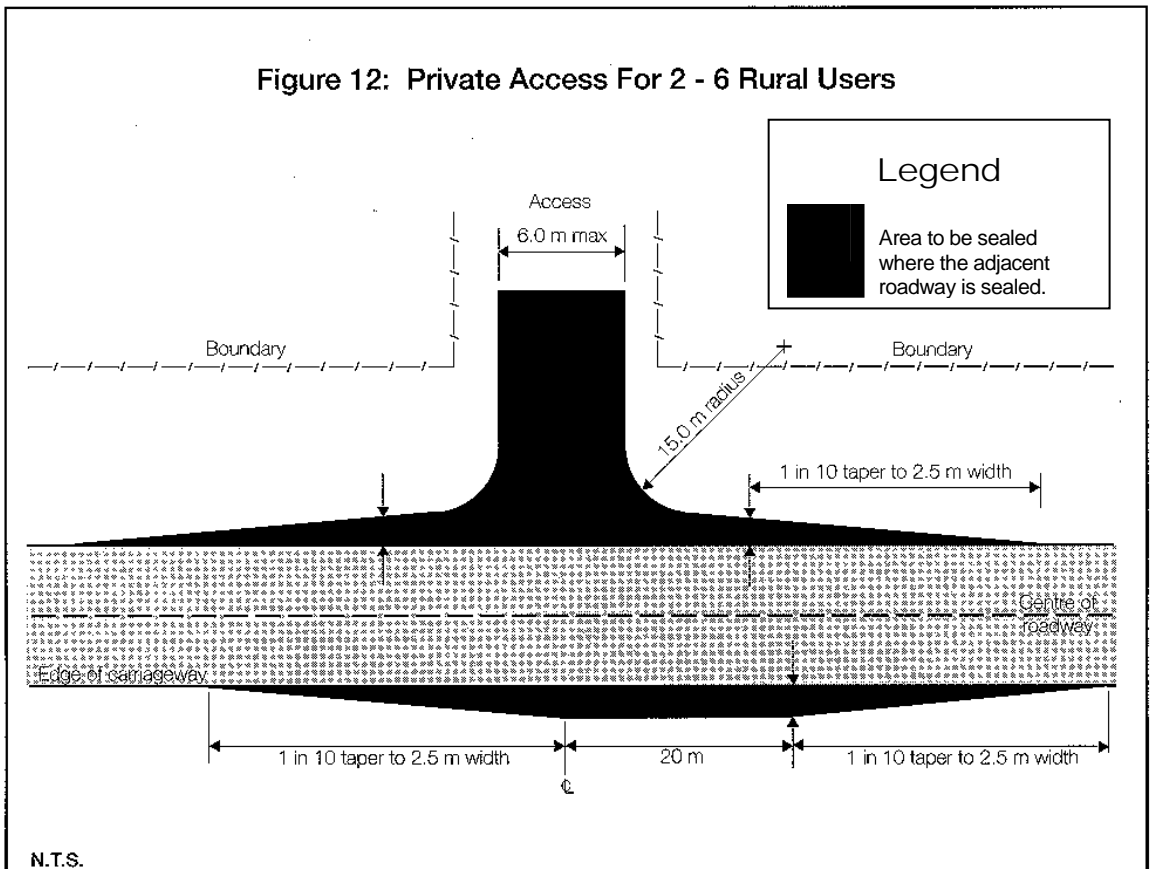


Figure 13: Local Road Widening  
Commercial Access Rural Zones

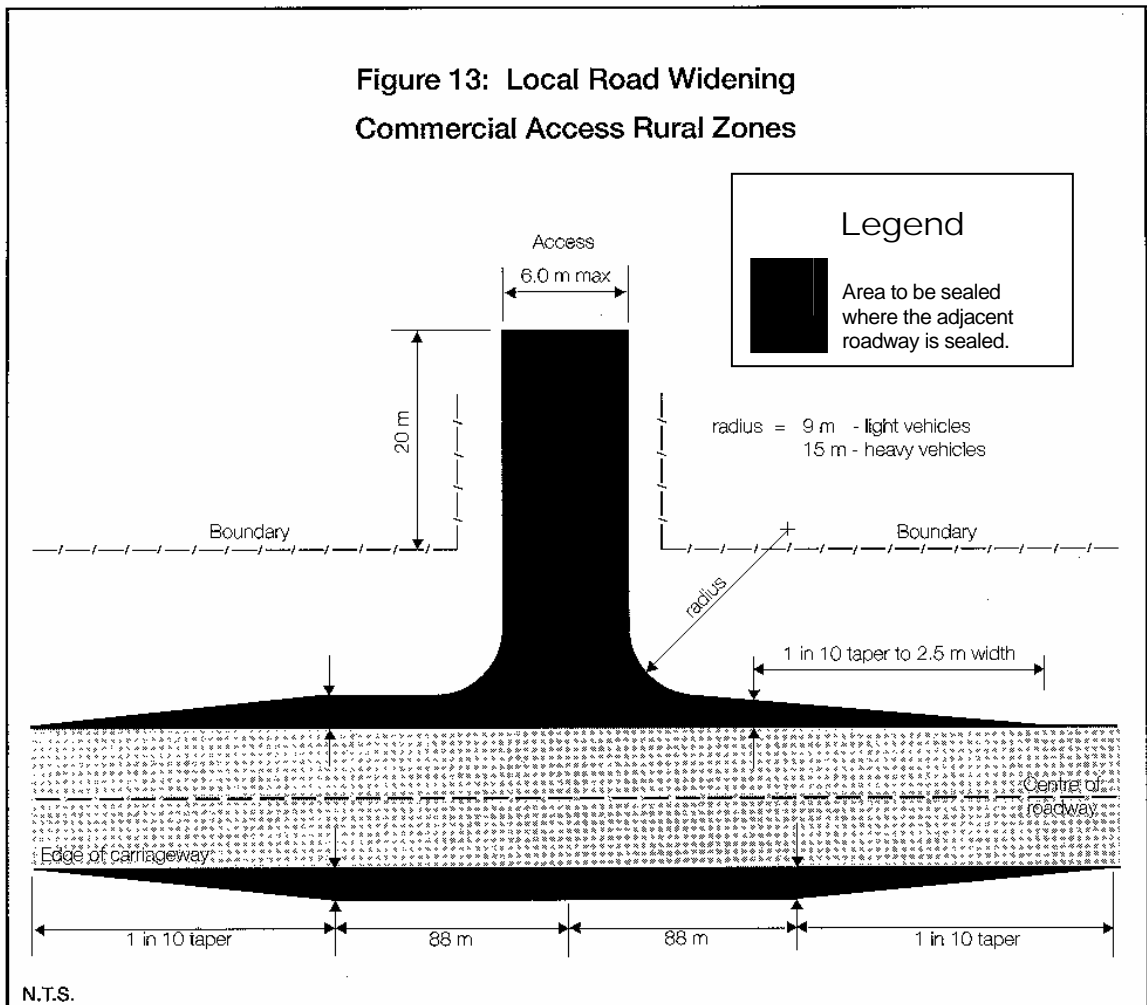
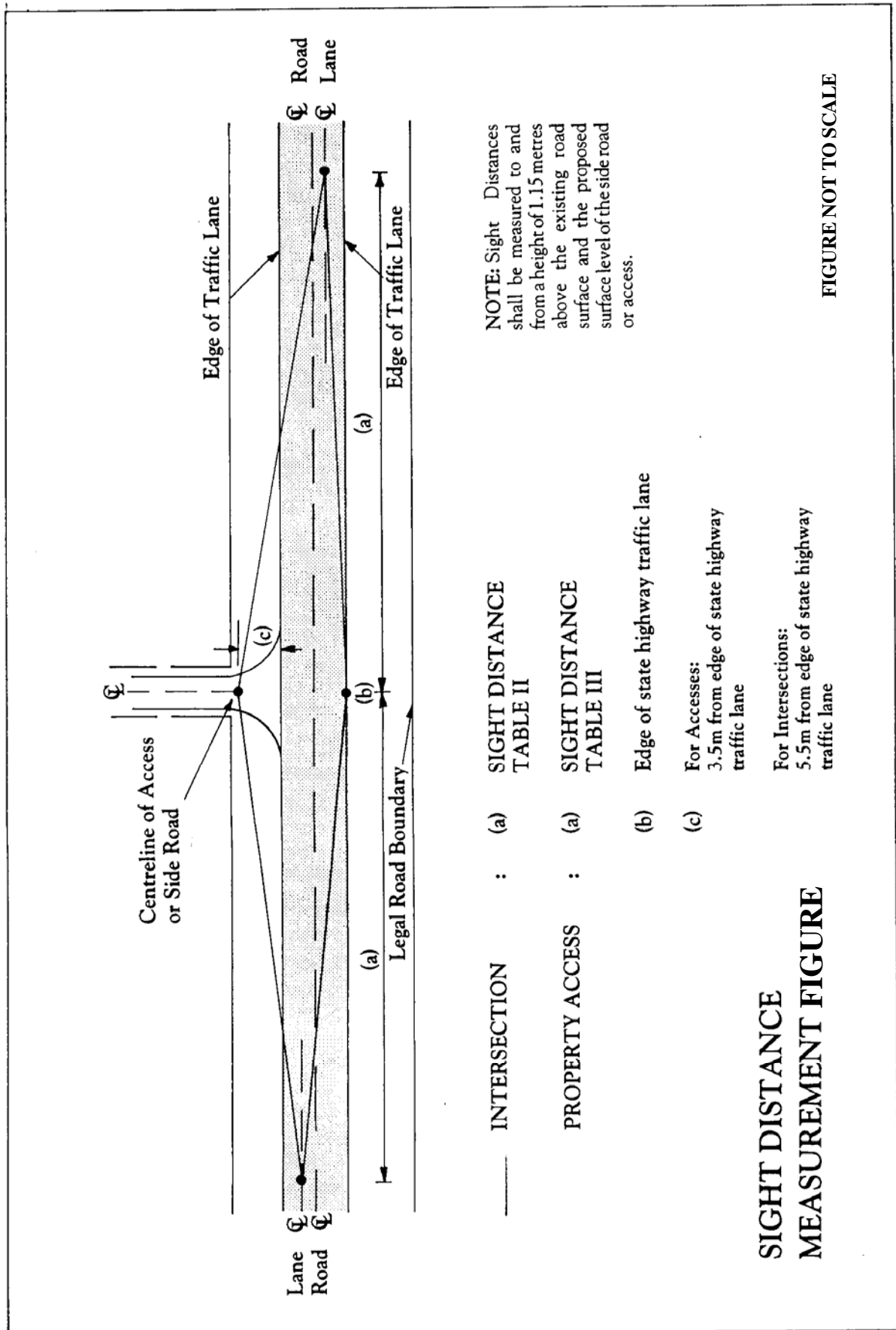


Figure 14: Sight Distance Measurement



## **27.3 Rules Relating to Heritage**

### **27.3.1 Scheduled Heritage Resources in all Zones**

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#### **27.3.1.1 Class A Heritage Resources**

27.3.1.1.1 The demolition or removal of a Class A Category 1 heritage resource as identified in Appendix A is a Prohibited Activity for which no consent shall be granted.

27.3.1.1.2 The demolition or removal of a Class A Category 2 heritage resource as identified in Appendix A is a Non-Complying Activity.

27.3.1.1.3 Any alteration or addition to a Class A heritage resource identified in Appendix A shall be a Discretionary Activity. Excluding internal modifications and minor alterations or additions that do not alter the character of the heritage resource.

#### **27.3.1.2 Class B Heritage Resources - Other than Heritage Trees, Archaeological and Waahi Tapu Sites and Areas**

27.3.1.2.1 The demolition or removal of a Class B heritage resource as identified in Appendix A is a Discretionary Activity.

27.3.1.2.2 Any alteration or addition to a Class B heritage resource identified in Appendix A shall be a Controlled Activity. Excluding internal modifications and minor alterations or additions that do not alter the character of the heritage resource.

#### **27.3.1.3 Class B Heritage Resources - Heritage Trees, Archaeological and Waahi Tapu Sites and Areas**

27.3.1.3.1 Any alteration to a Class B heritage resource (heritage trees, archaeological and waahi tapu sites and areas) listed in Appendix A shall be a Discretionary Activity.

27.3.1.3.2 In relation to heritage trees, alteration means removal of any listed tree; significant trimming of any listed tree; the construction of any building or laying of overhead or underground services within 5 metres of the base of any listed tree whether on the site or not; or, any other work or activity which could adversely affect the condition of a scheduled tree. Alteration shall exclude any minor maintenance work including trimming and pruning.

27.3.1.3.3 In relation to archaeological or waahi tapu sites and areas, alteration means ground disturbance; excavation; physical investigation; damage; the removal of soil, structures or trees; the reconstruction of any resource; or, any other activity, use or work in the vicinity of the listed heritage resource which endangers, damages or destroys the listed heritage resource. Alteration does not include general maintenance and repair.

### **27.3.2 Assessment Criteria** (Pursuant to Sections 67(1) k and 75 (1) k of the Act 1991)

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27.3.2.1 In addition to the matters contained within Part II and Sections 104 and 105 of the Act, the Council shall have regard to the matters set out in 27.3.2.5, 27.3.2.6 and 27.3.2.7 of this section as applicable.

**27.3.2.2** The New Zealand Historic Places Trust shall be consulted with in respect of any application involving a heritage resource recorded in the Historic Places Trust Register and any recorded archaeological site.

**27.3.2.3** Iwi consultation will be required for any application involving an archaeological or waahi tapu site or area or any other heritage resource which relates to tangata whenua.

**27.3.2.4** In the case of Controlled Activities, the following assessment matters shall only apply in respect of the conditions that may be imposed on a resource consent. For Discretionary Activities, the following criteria apply in considering whether or not to decline consent or impose conditions. The assessment matters can not be applied to a Prohibited Activity.

**27.3.2.5 Heritage Resources - Other than Archaeological and Waahi Tapu Sites and Areas**

- a) The immediate or cumulative effects of the demolition, removal, alteration or addition to the listed heritage resource;
- b) The reasons for the listing of the heritage resource and the category in which it appears;
- c) Where the heritage resource is part of a group of similar resources, any adverse effect on the integrity of the group shall be considered;
- d) Any effort by the applicant to retain important features of the heritage resource where possible;
- e) The extent to which any alteration or addition is in keeping with the original design and materials and preserves the culture heritage of the place.

**27.3.2.6 Heritage Resources - Heritage Trees**

In considering an application for the removal or alteration of a scheduled tree the Council may give consent where one or more of the following is established:

- a) The tree or trees are dying, diseased, or have lost the essential qualities which they were originally listed and protected for;
- b) The tree or trees have become a danger to people and/or any part of the environment, natural or built;
- c) The tree or trees are seriously restricting a particular use of the site which offers significantly greater benefits in terms of amenity value;
- d) Any substitute or compensating tree planting or landscaping proposed.

**27.3.2.7 Heritage Resources - Archaeological and Waahi Tapu Sites and Areas**

Subject to approval from the New Zealand Historic Places Trust an application to alter (includes destruction) a scheduled site or area listed in Appendix A, the Council on consultation with any of the relevant iwi shall, in considering whether or not to decline consent or impose conditions, have regard to the following assessment criteria:

- a) The immediate or cumulative effects of the alteration to the listed heritage resource;

- b) The reasons for the listing of the archaeological or waahi tapu site or area;
- c) Where the heritage resource is part of a group of similar resources, any adverse effect on the integrity of the group shall be considered;
- d) Any effort by the applicant to retain important features of the heritage resource where possible;
- e) The possibility of imposing a restriction on any work involving alterations for a specified time to enable a comprehensive archaeological investigation of the site or area;
- f) Whether the work proposed can be located on an alternative part of the site where the adverse effects on the actual archaeological or waahi tapu site/area can be avoided or mitigated.

**27.3.2.8** Any other appropriate condition which enables all or part of the heritage resource to be retained, picks up on any incentives available to the applicant to retain the heritage resource or relates to any of the policies contained within Volume One.

## **27.4 Rules Relating to Outdoor Advertising**

### **27.4.1 General Site Standards for All Advertising Signs**

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**27.4.1.1** All advertising signs shall comply with the height requirements for the zone in which they are located.

**27.4.1.2** All advertising signs shall advertise only services, products or events available or occurring on the site on which the sign is located, except where specifically provided for as a Permitted Activity or as a temporary sign.

**27.4.1.3** No sign shall be erected on or adjacent to a road which will:

- a) Obstruct the line of sight of any bridge, corner, bend, intersection or vehicle crossing;
- b) Obstruct, obscure or impair the view of any traffic sign or signal;
- c) Resemble or be likely to be confused with any traffic sign or signal;
- d) Use reflective materials (other than a traffic safety sign);
- e) Use flashing or revolving lights;
- f) Give rise to excessive levels of glare to a hazardous degree.

**27.4.1.4** All advertising signs shall be constructed, fixed and placed in a manner so they do not pose a danger to property or people. This shall be the responsibility of the sign owner and the owner of the building or land on which the sign is placed.

**27.4.1.5** Advertising blimps or balloons shall not be flown:

- a) More than 40 metres above the ground;
- b) Within a 5 kilometre radius of any aerodrome;
- c) Outside daylight hours;

- d) When the wind speed exceeds 15 knots;
- e) Without at least two guy-ropes attached so that in the event of one rope breaking the remaining rope shall adequately restrain the blimp or balloon;
- f) From any point within 100 metres of any National Route.

**27.4.1.6** No sign shall be attached to a tree, other than a sign identifying the species of tree and/or its classification in terms of the Plan.

### **27.4.1.7 Lettering Sizes**

Unless specified elsewhere the following minimum lettering sizes are to be used in areas of the district where specific regulatory traffic speed limits apply, in order to make advertising signs in these areas easily readable to passing motorists, and therefore minimise their potential adverse effects on traffic safety.

Minimum Lettering Height (mm)			
Regulatory Speed Limit (kph)	Minimum Lettering Height Main Message	Occupier / Property	Secondary Message
50	150	100	75
70	200	150	100
100	300	200	150

## **27.4.2 Advertising Signs in all Zones**

This section of the general rules does not apply to those advertising signs placed within the Conservation or Coastal Marine Zones, in accordance with a Conservation Management Strategy, a Resource Management Plan or the Outdoor Sign Manual (D.O.C, Sept, 1994).

**27.4.2.1** Except where specifically provided for as Discretionary or Non-Complying Activities, the following advertising signs shall be Permitted Activities in all zones, subject to compliance with Rule 27.4.1.

**27.4.2.1.1** Traffic advertising signs or advertising signs denoting the name of a street or the street number of a premises.

**27.4.2.1.2** Temporary advertising signs for community (including electoral advertising signs), educational and recreational events and during building construction, provided that they comply with the following site standards:

- a) Advertising signs shall not exceed 2 m<sup>2</sup> in area;
- b) Advertising signs shall not be erected more than three months prior to the date of the commencement of the activity advertised nor remain erected more than one week following completion of that activity.

**27.4.2.1.3** Temporary Real Estate advertising signs, provided that they comply with the following site standards:

- a) Advertising signs shall not exceed 1 m<sup>2</sup> in area;

- b) Advertising signs shall be erected only while a property is on the market and shall be removed within one week of the sale (when contract unconditional or possession date or withdrawal from the market of that property).

27.4.2.1.4 A sign for any public purpose or in connection with and on the same site as any utility, community facility or public reserve, provided that they comply with the following site standard:

- a) Advertising signs shall not exceed 1.2 m<sup>2</sup> in area.

27.4.2.1.5 A sign not exceeding 0.2 m<sup>2</sup> in area bearing only the name of the premises and the professional or trade names of occupiers and the name, occupation and hours of attendance of a person or a group of persons using the premises.

27.4.2.1.6 A banner sign not exceeding 4 m<sup>2</sup> in area erected between buildings or from a building for a period not exceeding 1 month.

27.4.2.1.7 Power line crossing advertising signs warning of power lines crossing navigable channels, provided they comply with the current directive issued by the Maritime Safety Authority.

### **27.4.3 Advertising Signs and Devices on State Highways**

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27.4.3.1 All free-standing advertising signs which are situated within the State Highway legal road reserve are subject to the controls specified in Transit New Zealand Bylaw 1978/3.

27.4.3.2 All advertising signs approved for erection by the road controlling authority are deemed to be Permitted Activities throughout the district.

27.4.3.3 All other advertising signs which are situated within the State Highway legal road reserve, or the air space above that legal road, are subject to the controls relating to location and design, as applicable. Any proposal shall be considered as an application for a Discretionary Activity.

### **27.4.4 Advertising Signs and Devices on Other Roads**

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27.4.4.1 All free-standing advertising signs which are situated within legal road reserve, other than State Highway, are subject to controls specified in Marlborough District Council Bylaws.

27.4.4.2 All advertising signs approved for erection by the road controlling authority are deemed to be Permitted Activities throughout the District.

27.4.4.3 All other advertising signs which are situated within legal road reserve, or the air space above that legal road, are subject to the controls relating to location and design, as applicable. Any proposal shall be considered as an application for a Discretionary Activity.

### **27.4.5 Advertising Signs in Business, Industrial, Airport and Township Zones**

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27.4.5.1 Except where specifically provided elsewhere or as Discretionary or Non-Complying Activities, advertising signs shall be Permitted Activities in:

- a) The Central Business Zone and Industrial Zones;
- b) Sites within the Neighbourhood Business Zone not on the boundary of a residential zone; and
- c) Sites within the Rural Township Zone not on the boundary of a residential zone.

provided that they comply with Rule 27.4.1 and the site standards set out in Rules 27.4.5.2 to 27.4.5.6 below.

**27.4.5.2** Advertising signs attached to buildings shall not exceed the highest point of the roof.

**27.4.5.3** The total area of advertising signs on any site (not including any sign painted or fixed directly onto a building that does not alter the existing profile of the building) shall not exceed the following maximum areas:

- a) 6 m<sup>2</sup> in the Central Business, Airport and Industrial Zones;
- b) 3 m<sup>2</sup> in Neighbourhood Business and Rural Township zones.

For the purposes of measuring the area of any sign, a double-sided sign shall be measured as the area of one side only.

**27.4.5.4** Advertising signs attached to, but under, street verandahs shall be:

- a) No closer than 2.5 metres to the footpath below;
- b) Set back at least 500 mm from the kerb of the road;
- c) Be at least 3 metres away from any other under verandah sign.

**27.4.5.5** Street verandah fascia signs shall not protrude below the verandah.

**27.4.5.6** Advertising signs above verandahs but attached to the verandah shall not exceed 1.2 metres in height above the top of the verandah and shall be set back at least 500 mm from the fascia line.

**27.4.5.7** Advertising signs and support structures shall be unobtrusive and well maintained.

**27.4.5.8** Advertising signs constructed using retro-reflective material are not permitted.

**27.4.5.9** Flashing or animated advertising signs except hazard warning signs including those employing revolving lights, are not permitted.

## **27.4.6 Advertising Signs in Rural Zones**

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**27.4.6.1** Except where specifically provided elsewhere or as Discretionary or Non-Complying Activities, advertising signs shall be Permitted Activities in Rural Zones, including Rural Residential Zones provided that they comply with Rule 27.4.1 and the site standards set out in Rule 27.4.6.2 to 27.4.6.19 below.

**27.4.6.2** All advertising signs shall be situated on the property to which they relate.

**27.4.6.3** Advertising signs shall be erected generally at right angles to the frontage roadway but angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting back into the motorist's vision.

**27.4.6.4** There shall be permitted only one double-sided sign per property and all advertising signs shall be wholly situated within the property.

**27.4.6.5** Advertising signs shall be erected to present an unrestricted view to the motorist for the minimum distance shown in the following table:

Minimum Visibility Distance to Advertising signs	
Regulatory Speed Limit (kph)	Visibility Distance (m)
50	80
70	130
80	175
100	250

**27.4.6.6** The minimum distance between successive advertising signs should be as follows:

Minimum Distance Between Advertising signs	
Regulatory Speed Limit (kph)	Visibility Distance (m)
70	60
80	70
100	80

**27.4.6.7** Advance warning advertising signs will be allowed where a sign located in accordance with the criteria in this section is unable to be seen from the distance specified in table under Rule 27.4.6.5.

**27.4.6.8** Advance warning advertising signs will not be allowed to direct motorists from a main traffic route to commercial activities on a side road on National Routes.

**27.4.6.9** Advertising signs are to be located immediately adjacent to the access to the property to which they relate, except for those advertising signs to which Rule 27.4.6.7 above relates.

**27.4.6.10** Advertising signs shall be sited such that they do not restrict visibility to and from intersections and property accesses.

**27.4.6.11** The sign message must be clear, concise, of a plain lettering style and limited to a maximum of five words or a combination of words and symbols to be not more than six. Lettering shall conform with the sizes set out in the following table:

Lettering Height (mm)			
Regulatory Speed Limit (kph)	Main Message	Property Name	Secondary Message
50	100	100	75
70	200	150	100
80	250	175	125
100	300	200	150

- 27.4.6.12** Advertising signs shall not conflict with the colour combinations or shape of traffic advertising signs.
- 27.4.6.13** The total area of the sign shall be the minimum required to accommodate the message and/or symbols and in no instance shall the area of the symbol exceed 20 percent of the area occupied by the words or letters.
- 27.4.6.14** Where the sign comprises a symbol or combination of symbols only, the total area of the sign shall not exceed 3 m<sup>2</sup>.
- 27.4.6.15** Where the shape of the sign depicts the nature of the product or service or logo then the total area shall not exceed 3 m<sup>2</sup> and the words shall be contained within this area.
- 27.4.6.16** A removable panel may be provided indicating whether a business is Open or Closed.
- 27.4.6.17** Advertising signs and support structures shall be unobtrusive and well-maintained.
- 27.4.6.18** Advertising signs constructed using retro-reflective material are not permitted.
- 27.4.6.19** Flashing or animated advertising signs except hazard warning advertising signs, including those employing revolving lights, are not permitted.

## **27.4.7 Discretionary Activities**

Except where specifically provided for as Non-Complying Activities, the following advertising signs are Discretionary Activities in respect of the matter(s) specified:

- Any sign listed as a Permitted Activity which does not comply with any one or more of the General Site Standards for all Advertising signs and/or the specified site standards specified for advertising signs as permitted activities.
- Any other sign not otherwise provided for.
- The following advertising signs in relation to their effect on traffic safety:
  - Flashing advertising signs with lights or illumination which flashes, moves, rotates, varies in intensity, colour or size and all other advertising devices of this nature;
  - Moving advertising signs which visibly move, revolve, rotate, create an optical illusion of movement, or change colour, whether by electrical or other means, and all other advertising devices of this nature.

## 27.4.8 Non-Complying Activities

27.4.8.1 The following advertising signs are Non-Complying Activities:

- Advertising signs affixed to vehicles or trailers, and parked in a public place, road, public property or private property so as to be visible from a public place. This does not apply to advertising painted, or attached directly, onto vehicles or trailers and incidental to the primary uses of that vehicle or trailer, or the use of such a sign to promote a community activity provided that the sign is not in use for more than 14 days per annum.

## 27.4.9 Resource Consents - Assessments Matters (pursuant to Sections 67(1) k and 75 (1) k of the Act 1991)

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27.4.9.1 The matters contained in Sections 104 and 105 and Part II of the Act apply to the consideration of resource consents for land use activities. In addition, the Council shall also apply the relevant Assessment Criteria set out in 27.4.9.2.

In the case of activities which are Discretionary (in respect of a particular matter only), the assessment matters taken into account shall only be those relevant to that matter.

### 27.4.9.2 Assessment Criteria (pursuant to Sections 67(1) k and 75 (1) k of the Act 1991)

In considering whether or not to grant consent or impose conditions, the Council shall have regard to the following specific assessment matters:

27.4.9.2.1 The extent to which the sign will have any adverse effects on traffic safety, the visual amenities of the locality.

27.4.9.2.2 The need for any extra signage in addition to the permitted signage for the zone.

27.4.9.2.3 In relation to general traffic safety:

- a) The extent to which the advertising signs may cause an obstruction to driving sight distances, traffic advertising signs or signals, or unnecessarily intrude into a driver's field of view;
- b) The potential adverse effects of the proposed sign on driver's concentration under all possible weather conditions.

27.4.9.2.4 The extent that any sign resembles a traffic control sign or signal, or may make a traffic control sign or signal difficult to discern, with respect to both colour and shape, when considered from all possible driving angles. This includes advertising signs which:

- a) Resemble in shape and/or coloration an official traffic control sign or signal, and may accordingly confuse motorists when in the vicinity of an intersection or other potential traffic hazard;
- b) Provide a confusing or dominating background, which could reduce the clarity or effectiveness of a traffic sign or signal;
- c) Invite drivers to turn, but are sited in such proximity to the vehicle entrance that there is no time to signal, slow down and turn safely;
- d) Contain reflectors, and therefore have the potential to be confused with traffic control advertising signs or signals at night.

- 27.4.9.2.5 The visual impact of the sign and its potential effects on the amenities of the locality.
- 27.4.9.2.6 The potential of the sign to adversely affect public health and safety, or to reduce public convenience.
- 27.4.9.2.7 Any likely cumulative effects of allowing the sign to be erected.
- 27.4.9.2.8 The need to impose conditions relating to the location, design and appearance of the sign and the period for which it may be erected, or operated.

## **27.5 Rules Relating to Utilities and Designations**

### **27.5.1 Utilities**

27.5.1.1 Utilities are Permitted Activities in every zone, except the Coastal Marine Zone, as specified in Rule 27.5.1.1.1 and subject to compliance with the relevant conditions in Rule 27.5.1.2. Unless otherwise provided for within Rule 27.5.1.1.1 the following elements of the Plan also apply to utilities as specified below:

- a) Other relevant "General Rules" may apply, viz; water takes, discharges, activities in rivers, riverbeds, drainage channels and floodways, transportation and signs;
- b) "Standard Requirements for Subdivision and Development" apply;
- c) Zone rules/conditions for Permitted Activities for "Land Disturbance", "Noise", "Heritage", "Discharges" apply in all zones;
- d) Comprehensive conditions for Permitted Activities apply for the Conservation and Skifield Zones.
- e) Zone rules/conditions for Permitted Activities for the storage and handling of hazardous substances - "Hazardous Facilities" apply in all zones.

**Note:**

Under Section 31 of the Act, matters relating to hazardous substances are a DISTRICT FUNCTION of this Plan. The "Hazardous Facilities Screening Procedure" - HFSP - is the evaluation method adopted by this Plan.

#### **27.5.1.1.1 Permitted Activities.**

- Lines for conveying electricity including:
  - Transformers and lines for conveying electricity at a voltage up to and including 110 KV with a capacity up to and including 100 MVA per circuit;
  - Telecommunication lines; and
  - Associated support structures including towers, masts and poles.
- Telecommunication and radiocommunication facilities.
- Automatic weather stations, weather recording devices and facilities for the distribution of meteorological information.

- Depots, sub-stations, utility buildings and buildings ancillary to utilities.
- Water treatment stations, underground pipe networks for the conveyance and drainage of water or sewage, and any ancillary equipment.
- Reservoirs, wells and supply intakes for the reticulation or provision of public water supply.
- Community irrigation and stock water races and public drainage channels
- Telephone call boxes and the erection and use of postal boxes.
- Navigational aids, lighthouses and beacons.
- Speed camera installations and associated structures, facilities, plant and equipment for traffic purposes.
- Maintenance and replacement of the following utilities:
  - Existing lines above ground conveying electricity at all voltages and capacities and existing line as defined by Section 2 (1a) of the Telecommunications Act 2001;
  - Existing telecommunication and radio communication facilities;
  - Existing building and depots; and
  - Existing weather radar.
- The minor upgrading of the following utilities:
  - Existing lines above ground conveying electricity at all voltages and capacities and existing line as defined by Section 2 (1a) of the Telecommunications Act 2001; and
  - Existing telecommunication and radio communication facilities.
- Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of utilities provided for within Rule 27.5.1.1.1.
- Moleploughing and trenching for cable laying.
- Telecommunication lines and cables over the beds of lakes and rivers.

### **27.5.1.2 Conditions for Permitted Activities - Utilities**

- 27.5.1.2.1 All new lines including all cable television lines shall be located underground within Urban Residential, Business, Industrial, District Recreation and Local Recreation Zones.
- 27.5.1.2.2 Any network utility structures for lines within Rural Zones shall be setback a minimum distance of 15 metres from any intersection; measured parallel from the centreline of the carriageways, at the point where the roads intersect.
- 27.5.1.2.3 No facility or network utility structures, aerial or antenna for telecommunication, radiocommunication and/or meteorological facilities shall exceed a maximum height above ground level of 25 metres in all zones.
- 27.5.1.2.4 No aerial or support structure attached to the top of a building shall exceed the height of the building by more than 3 metres in any zone.
- 27.5.1.2.5 No dish antennas shall exceed 3 metres diameter in any zone.
- 27.5.1.2.6 No building shall exceed 65 m<sup>2</sup> in gross floor area and/or 5 metres in height.

- 27.5.1.2.7 Buildings more than 15 m<sup>2</sup> in ground floor area and/or over 2 metres in height shall be setback from the road boundary by a distance of not less than half the height of the structure.
- 27.5.1.2.8 In any Residential Zone buildings more than 15 m<sup>2</sup> in ground floor area and/or 2 metres in height shall be setback from internal boundaries by a distance of not less than half the height of the structure.
- 27.5.1.2.9 All outdoor storage shall be screened from public view by landscaping or solid fencing at least 1.8 metres in height.
- 27.5.1.2.10 No activity shall result in greater than a 3 lux spill (horizontal and vertical) of light onto any adjoining property within a residential zoning, measured 2 metres inside the boundary of the adjoining property.
- 27.5.1.2.11 Sites containing buildings more than 15 m<sup>2</sup> in ground floor area and/or over 2 metres in height shall provide a landscaped area within the setback with a minimum width of 2 metres along road boundaries and along internal boundaries within or adjoining any Residential Zone.
- 27.5.1.2.12 Depots containing no buildings shall provide a landscaped areas with a minimum depth of 3 metres along road boundaries.
- 27.5.1.2.13 No lines or network utility structures; telecommunications, radiocommunications or meteorological facilities, buildings or depots shall be located:
- a) On any land within the bed of any lake, river or stream; or
  - b) On any land within any naturally occurring wetland; or
  - c) On any land within 8 metres of any river or drainage channel owned or maintained by a Public Authority; or
  - d) On or adjacent to any land used for the purposes of farm airstrip, or in such a manner as to adversely affect the safe operation of a farm airstrip existing at the time of the Plan becoming operative.
- 27.5.1.2.14 The maintenance, minor upgrading and replacement of utilities provided for in Rule 27.5.1.1.1 above shall be exempt from the following conditions for Permitted Activities: Rules 27.5.1.2.1 - 27.5.1.2.13.
- 27.5.1.2.15 No building or structure may be sited within 8 metres of a drainage channel or the landward toe of any designated stopbank.
- 27.5.1.2.16 Any vegetation trimming or clearance associated with maintenance, replacement and minor upgrading shall comply with the following conditions:
- a) Woody vegetation (except for plantation trees and noxious plants under the Noxious Plants Act) shall not be removed by chemical, fire or heavy machinery within 8 metres of any permanently flowing river, or any lake, wetland or the sea.
  - b) Except for direct approaches to bridges, crossings and fords, no heavy machinery may be operated for the purpose of vegetation clearance within 8 metres of any permanently flowing river, or the margin of any wetland, lake or the coast.

- c) No woody material of greater than 100 mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of any vegetation clearance operation.

27.5.1.2.17 For trenching for cable laying, any earth not required to be placed back in the trench shall be placed in a stable location.

### **27.5.1.3 Discretionary Activities**

The following activities shall be Discretionary Activities in every zone, excluding the Coastal Marine Zone.

- Activities listed as Permitted Activities which do not comply with the standards and/or conditions, with the exercise of the Council's discretion being limited to the matter(s) specified in that standard/condition.
- Weather radar.
- Transformers and lines for conveying electricity at a voltage up to and including 110KV and a capacity up to and including 100MVA per circuit.
- Any other utility not specifically listed as a Permitted or Discretionary Activity.

#### **27.5.1.4 Assessment Criteria (pursuant to Sections 67(1)k and 75(1)k of the RMA 1991)**

Any application for a Discretionary Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria. In the case of a Discretionary Activity where the exercise of the Council's discretion is limited to a particular matter/standard only, the assessment matters taken into account shall only be those relevant to the matter/standard.

27.5.1.4.1 Any relevant objectives, policies or rules of this Plan.

27.5.1.4.2 The extent to which the utility will cause:

- a) The loss of key views or viewpoints.
- b) Any obscuring of landforms or natural features.
- c) the loss of the natural landscape pattern including the loss of underlying Landform patterns.
- d) The loss or obscuring of present vegetation patterns.
- e) The loss of openness and spaciousness of the landscape, and the apparent naturalness of the landscape.

27.5.1.4.3 The extent of the visual impact of the utility and its impact on the amenity and character of the surrounding environment taking into account its design and appearance, bulk, height and the length of the structure.

27.5.1.4.4 The extent of any adverse effect created through a reduced setback from boundaries on the surrounding environment including the potential to affect the privacy and outlook of residents.

- 27.5.1.4.5 The degree to which any adverse effect created by a reduced setback may be mitigated through different options for site layout.
- 27.5.1.4.6 The extent of the visual impact of the utility where landscaping has been reduced and the extent to which other factors may compensate for any reduction such as:
- a) A higher quality of planting over a smaller area.
  - b) An unobtrusive building design.
  - c) The compatibility of materials used for finishing and the colour of the building with the environment.
- 27.5.1.4.7 The degree to which the proposed choice of site or route for the utility will affect the environment and the reasons for that choice of site or route.
- 27.5.1.4.8 The extent to which alternative sites or routes have been considered and the reasons as to why these have been discounted for the proposed site.
- 27.5.1.4.9 The extent of any additional costs imposed by requiring compliance with any performance standard listed including the cost of placing lines underground or requiring design modifications to a utility.
- 27.5.1.4.10 The degree to which the proposed utility meets the New Zealand Safety Standard NZS6609:1990 and any sequential amendments or standards which may supersede this and therefore has the potential to affect the health and safety of the community. Possible effects should also include positive effects to the community from the operation of the utility.
- 27.5.1.4.11 The degree to which the proposed utility may affect iwi values.
- 27.5.1.4.12 The potential for co-siting telecommunication and radiocommunication facilities and the extent to which the provider of the utility has investigated this potential.
- 27.5.1.4.13 The degree to which glare may affect the enjoyment, character or amenity of the surrounding environment or the safety of adjoining roadways and the effect of measures to mitigate any such adverse effect.
- 27.5.1.4.14 The impact of the utility on any ecological, landscape or other conservation values.
- 27.5.1.4.15 The impact of any land disturbance associated with the utility activity.

## **27.5.2 Designations**

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### **27.5.2.1 Information to be Provided with Requirement**

In the case of any Notice of Requirement for a Designation under Section 168 of the Act or Notice of Requirement to Alter a Designation where information is required under Section 181 of the Act, the following information shall be provided:

- a) A statement of reasons why the designation is needed.
- b) A description of the site, the proposed work and any proposed restrictions.

- c) A description of the effects the work will have on the environment and how these are to be mitigated.
- d) A statement of any alternative sites, routes or methods considered.
- e) A statement of the consultation with affected persons.
- f) A statement of resource consents required and if these have been applied for.

#### **27.5.2.2 The Following Additional Information:**

- 27.5.2.2.1 Details of the Order in Council which empowers the applicant as a Requiring Authority including any specified terms and conditions.
- 27.5.2.2.2 Outline drawings of the works to be constructed showing the height, shape and bulk of the work, its location on the site, the likely finished contours of the site, vehicular access and circulation, and landscaping provisions.
- 27.5.2.2.3 A statement as to how the work impacts on any relevant provisions of this Plan.
- 27.5.2.2.4 In the case of designations for State Highways, arterial or principal roads, a Noise Management Plan should be provided detailing measures to be taken to avoid and/or mitigate unreasonable levels of traffic noise. Transit New Zealand's Guidelines for the Management of Road Traffic Noise should be used as the basis of assessing noise effects and determining avoidance and/or mitigation measures.
- 27.5.2.2.5 The proposed sequence and timing of implementation of the work or project. If any of the work is not to be commenced within a five year period, that particular part of the work and its timing, and the reasons why the requirement needs to be included now, shall be specified.
- 27.5.2.2.6 Proposals for the use and maintenance of those parts of the land which will not be developed for five or more years.

#### **27.5.2.3 Conditions**

After considering a requirement for a designation, the Council may recommend to the Requiring Authority such conditions as the Council considers appropriate to the work.

#### **27.5.2.4 Work to be Undertaken on Designated Land**

- 27.5.2.4.1 Prior to commencing any work for which a designating authority has financial responsibility, the information detailed in Rule 27.5.2.1 shall be provided to the Council, except where the Council considers such information to be impractical or unnecessary, provided that:
  - a) Any emergency work which the body or person responsible for its construction considers is immediately necessary to meet an emergency situation may be constructed without first advising the Council, if outline drawings of the work are submitted to the Council as soon as practicable after the work has been commenced.
  - b) After considering the proposals detailed in the information and drawings the Council may request the requiring authority to make changes to all or any of the proposals that will, in the Council's opinion, avoid, remedy or mitigate any adverse environmental effects.

### **27.5.2.5 Activities Not in Accordance with Designation**

Under Section 176 of the Act, written consent to use designated land for other than the designated purpose is required from the designating authority, prior to the commencement of any activity.

### **27.5.2.6 Schedule of Designations**

Appendix B identifies the activities deemed to be permitted for each area of land designated. The designations are also shown on the Planning Maps. In addition all roads within the district are designated as 'roads'.

### **27.5.2.7 River Control and Soil Conservation Designations**

**27.5.2.7.1** This plan uses designations to control the use of land within floodways. The floodway includes berm land lying between the riverbed and the stopbank, land that is not covered by riverbed rules. The land has an important river control function to mitigate against flood hazard.

The designated land provides extra waterway capacity required to carry flood flow. Water velocities in floodway berms need to be controlled to prevent erosion of berm surfaces and the stopbanks themselves.

To control berm water velocities the river control authority will need to shape the floodway berms, plant and maintain a blend of appropriate trees, shrubs and grass. These activities will restrict other uses which the land would otherwise be suitable for.

**27.5.2.7.2** The plan uses designations to control areas of land where soil erosion would have serious detrimental consequences to downstream riverbeds and floodplains, and a specific soil conservation programme is required. Vegetation within soil conservation areas needs to be carefully controlled. This will restrict other uses of this land.

**27.5.2.7.3** The designation of land for river control and soil conservation is for the term of this plan.

### **27.5.2.8 All Council Roads Designated**

**27.5.2.8.1** For the purposes of this plan all roads in the District for which the Council has financial responsibility are designated "Road". For the purpose of this rule Road shall mean:

Any land which:

- a) Was a road or street or highway; or
- b) Immediately before the inclusion of any area in the district was a public highway within that area; or
- c) Is laid out by the Council as a road street; or
- d) Is vested in the Council for the purpose of a road as shown on a deposited survey plan; or
- e) Is vested in the Council as a road or street pursuant to any other enactment;

and includes:

- f) Any access way or service lane or is laid out or constructed by or vested in any council as any access way or service lane;
- g) Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, grate, building, or other thing belonging thereto or lying upon the line or within the limits thereof.

27.5.2.8.2 Works which are authorised by this designation include:

- a) Maintenance and repair of existing subgrade material.
- b) Surfacing.
- c) Installation and maintenance of drainage culverts, channels and pipes.
- d) Traffic control structures.
- e) Street furniture.

27.5.2.8.3 In addition to works itemised by way of designation spraying of roadside vegetation is a Permitted Activity provided that:

- a) The application shall be undertaken in a manner which does not exceed any rate, or contravene any requirements specified on the product label.
- b) The application shall be for the purposes of eradicating, modifying or controlling plants, animals or other organisms, and shall not include the disposal of any agrichemical concentrate onto or into land. Nothing in this rule shall authorise the discharge of concentrate onto or into water.
- c) The application of agrichemical shall not result in agricultural spray drift being deposited on any roof or structure used as a catchment for water supply.
- d) The application shall not result in agrichemical spray drift being deposited on any water body.
- e) All reasonable care shall be exercised in the application of agrichemicals so as to ensure that spray drift does not pass beyond the legal boundary of the area of land on which the agrichemical is discharged. Reasonable care shall be deemed to have been exercised when the agrichemical has been mixed and applied in accordance with Part 5 of the "Agrichemical Users' Code of Practice" (NZS 8409:1995: New Zealand Agrichemical Education Trust).
- f) The following qualifications shall be held at all times within 12 months of the Plan becoming operative.
  - Every person undertaking the application of agrichemicals shall hold or be under training for a current GROWSAFE Standard certificate or an equivalent qualification;
  - Every contractor undertaking the land-based application of agrichemicals shall be a Registered Chemical Applicator, or hold an equivalent qualification;
  - Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.
- g) The property owner or manager shall keep records of agrichemical use in accordance with Section 5.9 - "Agrichemical Users' Code of Practice" (NZS 8409:1995: New Zealand Agrichemical Education Trust), and shall make such records available to the Council on request.

- h) The property owner or manager shall on the request of the Council or any neighbouring property owner make available for inspection the current programme for the application of agrichemicals on the property.
- i) The applicator shall notify the Council immediately in the case of accidental discharge into a water body.

#### **27.5.2.9 Underlying Zoning of Roads**

Where a public work or permitted utility is proposed to be located within the road reserve, the underlying zoning shall be deemed to be that of the immediately adjacent land extending to the mid point of the road.

#### **27.5.2.10 New Rail Infrastructure and All Other Roads**

The construction of new rail infrastructure and all other new roads or private ways, or additions and alterations to roads or private ways not designated and not approved through a resource consent for subdivision shall be a Discretionary Activity. Spraying of roadside vegetation is a Permitted Activity provided that:

- a) The application shall be undertaken in a manner which does not exceed any rate, or contravene any requirements specified on the product label.
- b) The application shall be for the purposes of eradicating, modifying or controlling plants, animals or other organisms, and shall not include the disposal of any agrichemical concentrate onto or into land. Nothing in this rule shall authorise the discharge of concentrate onto or into water.
- c) The application of agrichemical shall not result in agricultural spray drift being deposited on any roof or structure used as a catchment for water supply.
- d) The application shall not result in agrichemical spray drift being deposited on any water body.
- e) All reasonable care shall be exercised in the application of agrichemicals so as to ensure that spray drift does not pass beyond the legal boundary of the area of land on which the agrichemical is discharged. Reasonable care shall be deemed to have been exercised when the agrichemical has been mixed and applied in accordance with Part 5 of the "Agrichemical Users' Code of Practice" (NZS 8409:1995: New Zealand Agrichemical Education Trust).
- f) The following qualifications shall be held at all times within 12 months of the Plan becoming operative.
  - Every person undertaking the application of agrichemicals shall hold or be under training for a current GROWSAFE Standard certificate or an equivalent qualification;
  - Every contractor undertaking the land-based application of agrichemicals shall be a Registered Chemical Applicator, or hold an equivalent qualification;
  - Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.
- g) The property owner or manager shall keep records of agrichemical use in accordance with Section 5.9 - "Agrichemical Users' Code of Practice" (NZS 8409:1995: New Zealand Agrichemical Education Trust), and shall make such records available to the Council on request.

- h) The property owner or manager shall on the request of the Council or any neighbouring property owner make available for inspection the current programme for the application of agrichemicals on the property.
- i) The applicator shall notify the Council immediately in the case of accidental discharge into a water body