
Copy to Jackie Stratford.
from Ross.

WATER AND SOIL BYLAW 1990

This is the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990. An explanatory guide to this Bylaw is available from all Regional Council offices FREE OF CHARGE.

TABLE OF CONTENTS

WATER AND SOIL BYLAW 1990

	Page
Analysis	2
1. General	3
2. Watercourses	5
3. Gravel	6
4. Burning	7
5. Dams	9
6. Underground Water	10
7. Procedural Provisions	13
8. Repeals	15

BYLAW SCHEDULES

1. First Schedule; Watercourses to which clause 2.1 does not apply	17
2. Second Schedule; Gravel licence application form	18
3. Third Schedule; Restricted Burning Areas	20
4. Fourth Schedule; Burning permit application form	21
5. Fifth Schedule; Dam permit application form	24
6. Sixth Schedule; Bore permit application form	26
7. Seventh Schedule; Schedule of fees	29

NELSON-MARLBOROUGH REGIONAL COUNCIL**WATER AND SOIL BYLAW 1990****ANALYSIS**

- 1. GENERAL**
 - 1.1 Short title and commencement
 - 1.2 Scope
 - 1.3 Interpretation

 - 2. WATERCOURSES**
 - 2.1 Maintenance of watercourses and defences against water
 - 2.2 Alteration to watercourse
 - 2.3 Construction of defence against water
 - 2.4 Obstructions and impairment of efficiency
 - 2.5 Access, damage, etc

 - 3. GRAVEL**
 - 3.1 Gravel licence requirement
 - 3.2 Gravel licence fee
 - 3.3 Issuing of licence
 - 3.4 Licence form
 - 3.5 Licence conditions

 - 4. BURNING**
 - 4.1 Fire Control
 - 4.2 Issue of permit to burn in a Restricted Burning Area
 - 4.3 Forest and Rural Fires Act requirements
 - 4.4 Suspension of permit
 - 4.5 Right of appeal

 - 5. DAMS**
 - 5.1 Construction and alteration
 - 5.2 Maintenance and removal

 - 6. UNDERGROUND WATER**
 - 6.1 Making or altering bore
 - 6.2 Records
 - 6.3 Inspection of bore
 - 6.4 Fitting of apparatus
 - 6.5 Control of wasteful use
 - 6.6 Maintenance
 - 6.7 Sealing of bores
 - 6.8 Control of pile driving, dredging, etc.
 - 6.9 Pollution of underground water

 - 7. PROCEDURAL PROVISIONS**
 - 7.1 Applications, dispensations, approvals, notices
 - 7.2 Review of decisions, appeals
 - 7.3 Revocation of permit, consent etc.
 - 7.4 Offences

 - 8. REPEALS**
-

NELSON-MARLBOROUGH REGIONAL COUNCIL

WATER AND SOIL BYLAW 1990

1. GENERAL**1.1 Short title and commencement**

1.1.1 This Bylaw may be cited as the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990.

1.1.2 This Bylaw shall come into force on the 1st day of April 1991.

1.2 Scope

1.2.1 This Bylaw is made under the provisions of Sections 149 and 150 of the Soil Conservation and Rivers Control Act 1941 in respect of Sections 2, 3 and 4, Section 34A of the Water and Soil Conservation Act 1973 in respect of Section 5, and Section 4 of the Water and Soil Conservation Amendment Act 1973 in respect of Section 6.

1.2.2 The holding of any permit, licence, consent, or dispensation granted or issued by the Council for the authorisation of any action proposed to be undertaken under the provisions of this Bylaw or for the dispensation from any requirement under the provisions of this Bylaw does not relieve the holder or any other person from any obligation under any other legislative requirement.

1.2.3 Sections 2, 3 and 4 of this Bylaw shall not affect any mining privilege granted or to be granted under the Mining Act 1971, or any coal mining right granted or to be granted under the Coal Mines Act 1979 (Section 152A of the Soil Conservation and Rivers Control Act 1941).

1.2.4 Section 5 of this Bylaw shall not affect any structure owned by the Crown or any local authority used or to be used for the damming of any natural water, river, or stream (Section 34A of the Water and Soil Conservation Act 1967).

1.2.5 Notwithstanding the provisions of Section 21(1) of the Water and Soil Conservation Act 1967, Section 6 of this Bylaw applies to any bore used or to be used for the tapping of underground water for domestic needs or the needs of animals or for or in connection with fire-fighting purposes.

1.2.6 The Crown is bound by Sections 5 and 6 of this Bylaw (Section 3 of the Water and Soil Conservation Act 1967).

1.2.7 Section 6 of this Bylaw shall not affect any mining privilege under the Mining Act 1971, any coal mining right under the Coal Mines Act 1979, any licence under the Petroleum Act 1937, any coal mine within the meaning of the Coal Mines Act 1979, and quarry within the meaning of the Quarries and Tunnels Act 1982, any bore sunk in the mining of or search for coal within the meaning of the Coal Mines Act 1979, any bore sunk in the mining of or search for minerals within the meaning of Mining Act 1971 or iron sands within the meaning of the Iron and Steel Industry Act 1959, any bore sunk in the search for or recovery of petroleum products, any bore sunk under the Geothermal Energy Act 1953, any bore sunk by the Ministry of Energy or the New Zealand Geological Survey or any other bore which is for the time being in use and which has been sunk only for the purpose of obtaining geological, geophysical, or geochemical information, any right which any person may have under any Act or any rule of law to restrict or prevent, or obtain damages in respect of, the taking, use, or pollution of underground water (Section 4 of the Water and Soil Conservation Amendment Act 1973).

1.3 Interpretation

1.3.1 In this Bylaw, unless the context otherwise requires:

“Council” means the Nelson-Marlborough Regional Council and includes any person duly authorised by the Council to exercise all or any of the powers conferred upon the Council by this Bylaw.

“Bore” means every device for, or means of, tapping underground water, but does not include a natural spring or natural watercourse unless something has been done to it by any person which increases the amount of underground water tapped by it, and does not include any drain.

“Cleanse” includes the removal of any plants, debris, or any other obstruction whatsoever that detracts from the efficiency of the watercourse or defence against water.

“Consent” means any consent granted or issued by the Council pursuant to this Bylaw and includes any permit, licence, or dispensation.

“Dam” means a structure used or to be used for the damming of any natural water, river, or stream but does not include a flood bank or channel training work.

“Defence against water” includes any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of any kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including flood waters.

“Fire Authority” means fire authority as defined by Section 2 of the Forest and Rural Fires Act 1977.

“Fire Officer” means a person appointed as a Rural Fire Officer by or pursuant to section 13 of the Forest and Rural Fires Act 1977.

“Floodway” means every watercourse, and land over which flood waters are intended or expected to pass from time to time.

“Livestock” includes any horse, cattle beast, ass or mule, goat, sheep, pig, or deer.

“Make” in relation to any bore, includes drill, dig, bore, or construct.

“Notice” in relation to Sections 2, 3 and 4, means a notice made and delivered in accordance with Section 164 of the Soil Conservation and Rivers Control Act 1941, and in relation to Sections 5 and 6 means a notice made and delivered in accordance with Section 32 of the Water and Soil Conservation Act 1967.

“Person” includes a corporation sole and also a body of persons whether corporate or unincorporate.

“Public notice” means a notice published in a newspaper circulating in the area in which the subject matter of the notice arises, or to which it relates; or a printed or written placard posted in some conspicuous place on the land or works affected by such notice or to which it relates.

“Region” means the Nelson-Marlborough region as constituted under the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989.

“Repair” includes the restoration of the efficiency of a watercourse or defence against water.

“Restricted Burning Areas” mean the areas in the Council’s Region where the control of lighting fires is necessary to prevent or check erosion or to promote soil conservation.

“Underground Water” means natural water as defined by Section 2 of the Water and Soil conservation Act 1967, which is below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream, whether the water is flowing or not, and if it is flowing, whether it is in a defined channel or not; and includes all natural water which has been, by means of a bore, brought above the surface from below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream.

“Vegetation” includes any trees, shrubs, plants, or grasses.

“Watercourse” includes every river, stream, passage, and channel on the ground whether natural or not, through which water flows, whether continuously or intermittently; but does not include any piped water supply, tunnel, conduit, aqueduct, water race forming part of the reticulation of or for any water supply area or water race region or irrigation region, water race authorised under the Water and Soil Conservation Amendment Act 1971, or any water table on a public road which is for the sole purpose of conveying the run-off from the carriageway.

“Water Right” means any right in respect of natural water granted or authorised by or under the Water and Soil Conservation Act 1967 or any other Act.

2. WATERCOURSES

2.1 Maintenance of watercourses and defences against water

- 2.1.1 Subclauses 2.1.2 to 2.1.4 hereof shall apply to all watercourses and defences against water in the region, but shall not apply in respect of those watercourses and defences against water that are specifically indicated on those plans of those parts of the region listed in the First Schedule to this Bylaw. The Council shall hold such plans for inspection without fee at the offices of the Council and shall issue such plans to the offices of the relevant territorial authorities.
- 2.1.2 Every owner or occupier of land in the region through which a watercourse flows shall at all times keep the watercourse cleansed, maintained, and repaired and if the owner or occupier fails to do so the Council may, by notice in writing, require such owner or occupier so to do.
- 2.1.3 Where any owner or occupier is required to cleanse, maintain, or repair any watercourse pursuant to Subclause 2.1.2 and, after receiving notice in writing requiring the cleansing, maintenance, or repair of any watercourse, makes default in complying with the notice within the time specified in the notice in that behalf, or if no such time is specified, then within a reasonable time, does not proceed with the work, then the Council may, if it thinks fit, either itself or acting by or through its agents, cleanse or repair all or any part of parts of such watercourse.
- 2.1.4 The Council may recover from the owner or occupier the reasonable costs of carrying out any such works as aforesaid as a debt due and payable on demand by the owner or occupier to the Council and in default of such payment the costs shall be recoverable by the Council from the owner or occupier in any court of competent jurisdiction.

2.2 Alteration to watercourse

- 2.2.1 No person shall widen, deepen, or alter the course of any watercourse without the prior written consent of the Council.

2.3 Construction of defence against water

- 2.3.1 No person shall construct any defence against water without the prior written consent of the Council.

2.4 Obstructions and impairment of efficiency

- 2.4.1 No person shall obstruct or damage or impede the maintenance of any watercourse, or any floodway or defence against water under the control of the Council, or obstruct the flow of flood waters in any watercourse, or over any floodway under the control of the Council, without the prior written consent of the Council.

- 2.4.2 Subject to Subclause 2.4.4, no person shall erect or cause to be erected any structure or fence or plant or remove any vegetation and no person in occupation of any land shall suffer or permit the erection of any structure or fence or the planting or removal of any vegetation:

- (a) in any watercourse;
- (b) within a distance of 8 metres measured from the top of the bank of any watercourse or
- (c) within a distance of 8 metres measured from the landward limit of any defence against water;
- (d) in any place where it will obstruct or is likely to obstruct or interfere with the free flow of flood waters in any existing floodway,

without the prior written consent of the Council, provided that for the purposes of this subclause "structure" includes any building, or any bank, dam, or other defence against water.

- 2.4.3 No person shall deposit materials in or upon any watercourse or on any floodway or defence against water under the control of the Council without the prior written consent of the Council.

- 2.4.4 No person shall:

- (a) excavate or install or cause to be excavated or installed any drain, pit, bore or foundation or other subsurface structure, or install or extract any pile, or remove gravel, stone or soil and
- (b) no person in occupation of any land shall suffer or permit the excavation or installation of any drain, pit, bore or foundation or other subsurface structure, or the installation or extraction of any pile, or the removal of any gravel, stone or soil

within a distance of 20 metres measured from the top of the bank of any watercourse or measured from the landward limit of any defence against water under the control of the Council or in any place on any floodway under the control of the Council, without the prior written consent of the Council.

2.5 Access, damage etc.

- 2.5.1 If in the opinion of the Council, uncontrolled access to or passing over or along any defence against water or floodway constructed or maintained by, or under the control of the Council results in or is likely to result in damage to that defence against water or floodway, Council may restrict access in such manner as the Council considers appropriate.

3. GRAVEL

3.1 Gravel licence requirement

No person shall:

- (a) remove gravel, shingle, sand, or other material from the bed or banks of any watercourse or floodway or within 20 metres measured from the top of the bank of any water course or measured from the landward limit of any defence against water or
- (b) dig, excavate, or quarry in any watercourse or floodway or within 20 metres measured from the top of the bank of any water course or measured from the landward limit of any defence against water

without first having obtained a licence from the Council issued pursuant to this Bylaw.

3.2 Gravel licence fee

Every holder of a licence issued pursuant to Clause 3.1 shall, as a condition of that licence, pay to the Council a fee as specified in the Seventh Schedule to this Bylaw.

3.3 Issuing of licence

The Council or any person duly authorised by the Council on its behalf may issue a licence pursuant to Clause 3.1 of this Bylaw. Any licence so issued shall be signed by the officer duly authorised by the Council on its behalf.

3.4 Licence form

Every licence issued by the Council pursuant to Clause 3.1 shall be in the form set out in the Second Schedule to this Bylaw.

3.5 Licence conditions

Every licence issued by the Council pursuant to Clause 3.1 shall be subject to conditions. Every licensee shall comply with all the conditions set on their licence.

4. BURNING

4.1 Fire control

4.1.1 In order to prevent or check erosion or promote soil conservation the Council shall define Restricted Burning Areas of the region on plans listed in the Third Schedule to this Bylaw. The Council shall show such areas on plans held for inspection without fee at the offices of the Council and issued to the offices of the relevant territorial local authorities.

4.1.2 Subject to Clause 4.2, no person shall set fire or cause or permit any person to set fire to any vegetation, whether growing on land or severed therefrom, in any Restricted Burning Area:

Provided that this subclause shall not apply to any setting fire to any vegetation:

- (a) contained in a properly constructed fireplace, or
 - (b) on land that is immediately adjacent to a dwelling house and used wholly or principally for household purposes.
-

- 4.1.3 No person shall throw, leave, or drop or cause or permit any person to throw, leave, or drop any lighted, burning, or smouldering substance in any Restricted Burning Area.
- 4.1.4 When a fire breaks out on any land in a Restricted Burning Area, the occupier and all other persons on that land shall take immediate action to suppress the fire and the occupier or if the occupier is absent any other person on that land shall forthwith notify the fire authority and the Council, and continue their efforts to suppress the fire to the limit of their available resources until the fire is extinguished, brought under control, or until the fire authority dismisses them.
- 4.1.5 Any person becoming aware of a fire burning unattended or out of control on any land within a Restricted Burning Area shall notify the fire authority for the area which shall give notice of the fire to the Council.

4.2 Issue of permit to burn in a Restricted Burning Area

- 4.2.1 Notwithstanding the foregoing provisions of this Bylaw the Council may, if it considers the burning of any vegetation freely or under proper safeguards would not materially aggravate soil erosion, issue a permit to the owner or occupier of any land in a Restricted Burning Area to burn vegetation on that land within such time and subject to such conditions as the Council considers appropriate.
- 4.2.2 The Council or any person duly authorised by the Council on its behalf may issue a permit pursuant to Subclause 4.2.1 of this Bylaw. Any permit so issued shall be signed by the officer duly authorised by the Council on its behalf and shall indicate the name of the rural fire officer for the responsible fire authority. Every permit issued by any person duly authorised by the Council on its behalf shall be deemed to have been issued by the Council.
- 4.2.3 Every application for a permit pursuant to Subclause 4.2.1 shall be accompanied by a fee as specified in the Seventh Schedule to this Bylaw. Every permit issued by the Council pursuant to Subclause 4.2.1 shall be in the form set out in the Fourth Schedule to this Bylaw.
- 4.2.4 The Council shall from time to time, in a manner as it sees fit, notify the fire authority, the New Zealand Forestry Corporation Limited, and the Director-General of Conservation where the permit covers Crown land, of all permits issued in respect of any Restricted Burning Area.
- 4.2.5 The permit holder shall, before any vegetation burning begins, notify the following persons and bodies of the proposed date and time that the permit holder is commencing any burning.
- (a) All occupiers of land adjoining the land containing the area to be burnt;
 - (b) The Rural Fire Officer of the relevant Fire Authority;
 - (c) The regions representative of the Director-General of Conservation, if the area to be burnt is situated within 1.0 kilometres of any State Area as defined by the Forest and Rural Fires Act 1977;
 - (d) The District Manager at the nearest NZ Timberlands Limited district office, if the area to be burnt is situated within 1.0 kilometres of any Forestry Corporation (NZ Timber lands Limited) Fire District; and
 - (e) All others as may be required by the terms of the permit.
- 4.2.6 In the event of any authorised fire moving outside the authorised area of burn off the person to whom the permit has been issued shall as soon as practicable advise the rural fire officer for the fire authority for the area and the Council, and shall co-operate fully in suppression of the fire.
- 4.2.7 After the burning of vegetation, the person to whom a permit has been issued shall, if so requested by Council by any notice, carry out all such restorative and remedial work as the Council may

consider necessary or advisable to restore or effect adequate vegetative cover to the land concerned.

4.3 Forest and Rural Fires Act requirements

4.3.1 Notwithstanding the provisions of Clauses 4.1 and 4.2 no permit to burn issued by the Council shall be exercised except in accordance with the provisions of the Forest and Rural Fires Act 1977.

4.3.2 Where:

- (a) The Minister of Conservation or a fire officer has issued any warning pursuant to section 20 of the Forest and Rural Fires Act 1977;
- (b) A rural fire officer has issued any order prohibiting the lighting of fires in the open air pursuant to section 21 of the Forest and Rural Fires Act 1977; or
- (c) The Governor-General by Order in Council or any fire authority by public notice, has specified any restricted or prohibited fire season pursuant to section 22 of the Forest and Rural Fires Act 1977;

in respect of any area within the region, all or any permits to burn issued pursuant to Subclause 4.2.1 that relate to such area shall cease to have any effect, until such warning, order, order in Council, or public notice no longer applies.

4.4 Suspension of permit

4.4.1 An officer authorised by the Council on its behalf may, when weather or other conditions arise or are likely to arise which may present a fire hazard, issue an order by radio or other method of notification suspending for such period as may be specified, all or any permits to burn issued under Subclause 4.2.1.

4.5 Right of appeal

4.5.1 Every decision of the Council under the provisions of this section shall be subject to appeal in accordance with the provisions of Subclause 7.2.7 of this Bylaw.

5. DAMS

5.1 Construction and alteration

5.1.1 For the purposes of Section 5 of this Bylaw, "dam" means any device for impounding water that:

- (a) is greater than 2 metres measured from base to crest or,
- (b) has an upstream catchment greater than 20 hectare or,
- (c) impounds a volume of 5 000 cubic metres or greater.

No person shall construct or alter or cause or allow the construction or alteration of any dam without first having obtained a permit from the Council issued pursuant to this Bylaw.

5.1.2 Every application for a permit to construct or alter a dam pursuant to Subclause 5.1.1 shall be accompanied by a fee as specified in the Eight Schedule to this Bylaw.

5.1.3 Every application shall be accompanied by two copies of the following information:

- (a) the intended or present location of the dam;

- (b) a site plan drawn to an appropriate scale and including elevations, cross-sections and other explanatory material;
- (c) details of site investigations, design proposals, technical calculations and computations, construction materials and methods and programme of works.

All such information shall be of sufficient quality and clarity to show, to the satisfaction of the Council, the exact nature of the proposal.

- 5.1.4 Prior to issuing any permit, Council may, at its discretion, require the applicant to submit additional plans, specifications, or any other information to show the exact nature of the proposal.
- 5.1.5 The Council may issue a permit for the construction or alteration of a dam. Every permit so issued shall be in the form set out in the Fifth Schedule to this Bylaw, and may be subject to such conditions as the Council considers appropriate.
- 5.1.6 The Council or any person duly authorised by the Council on its behalf may issue a permit pursuant to Subclause 5.1.6. Any permit so issued shall be signed by the officer duly authorised by the Council on its behalf. Every permit issued by any person duly authorised by the Council on its behalf shall be deemed to have been issued by the Council.

5.2 Maintenance and removal

- 5.2.1 The owner or occupier of any land in the region shall maintain thereon all or any dams and associated structures in a good state of repair. This obligation applies irrespective of the date of construction. If the owner or occupier fails to so maintain such dams and associated structures the Council may, by notice in writing, require that person to repair, alter or remove such dams and associated structures in such manner and within such time as may be specified in the notice.
- 5.2.2 Within 14 days after the receipt of any notice given under Subclause 5.2.1 of this Bylaw the owner or occupier may apply in writing to the Council for the modification or withdrawal of any such notice and the owner or occupier as the case may be shall be under no obligation to repair or remove any dam or associated structure until the Council has considered the application and given the owner or occupier a further notice in writing affirming or modifying or withdrawing the previous notice. Any notice so modified shall take effect in place of the previous notice. If the Council determines that the notice shall be affirmed or modified the notice shall be complied with in time and in the manner specified by the Council in its decision.

6. UNDERGROUND WATER

6.1 Making or altering bores

- 6.1.1 No person shall make or alter or cause to be made or altered any bore anywhere in the region without first having obtained a permit from the Council issued pursuant to this Bylaw, provided that no permit is required:
- (a) to install any pile which extends to a depth less than 5 metres, or
 - (b) to extract any pile, pipe, casing, or cylinder which extends to a depth less than 5 metres: in all areas of the region except:
 - (c) within 20 metres, measured from the top of the bank of any watercourse, or
 - (d) within 20 metres, measured from the landward limit of any defence against water, or
 - (e) within any floodway.
- 6.1.2 Every application for a permit pursuant to Subclause 6.1.1 shall be in the form set out in the Sixth Schedule to this Bylaw and shall be accompanied by a fee as specified in the Seventh Schedule to this Bylaw.

6.1.3 The Council or any person duly authorised by the Council on its behalf may issue or refuse to issue a permit. Any permit so issued shall be signed by the officer duly authorised by the Council on its behalf.

6.1.4 Every permit issued by the Council pursuant to Subclause 6.1.3 shall be in the form set out in the Sixth Schedule to this Bylaw and may be issued subject to such conditions as the Council considers appropriate. Permits issued pursuant to Subclause 6.1.3 are not transferable.

6.2 Records

6.2.1 Every person who makes or maintains a bore shall keep a bore log containing drilling details in the form set out in the Seventh Schedule to this Bylaw, and any other related information that Council may require.

6.2.2 Every person who makes or maintains a bore shall keep records obtained from any measuring or recording apparatus fitted to any bore pursuant to Subclause 6.4.1 of this Bylaw.

6.2.3 Every person who makes or maintains a bore shall, if so required by notice in writing by the Council, provide the Council with:

- (a) Such information from the records kept pursuant to Subclauses 6.2.1 and 6.2.2 as the Council may require; and
- (b) Such other information in relation to the bore as in the opinion of the Council would or might be of value to the Council in the proper performance of its functions.

6.2.4 Every person who has in their possession or control any records kept in accordance with Subclauses 6.2.1 and 6.2.2 shall permit free access to such records by any person duly authorised by the Council for the purpose of inspecting and taking copies of or extracts from such records.

6.3 Inspection of bore

6.3.1 Every person who:

- (a) makes, maintains, operates, uses or controls any bore or
- (b) owns or occupies any land upon which any bore is situated shall permit the access to that bore by a person duly authorised by the Council for the purposes of:
- (c) inspecting the bore and the material excavated therefrom or
- (d) taking any specimen of any such material or of the water from the bore.

6.4 Fitting of apparatus

6.4.1 Every person who makes or maintains a bore shall, if so required by notice in writing by the Council:

- (a) fit to the bore and
- (b) maintain in proper working order and
- (c) record information from

such measuring or recording apparatus as in the opinion of the Council may be necessary to provide the Council with any information in relation to that bore that would or might be of value to the Council in the proper performance of its functions.

6.5 Control of wasteful use

- 6.5.1 No person who makes, maintains, operates, uses, or controls any bore shall allow underground water to run to waste, except where the bore is made, operated, used, or controlled for the purpose of preventing or controlling the instability of land.
- 6.5.2 Subject to Subclause 6.5.1, where any person employs any method of extraction or utilisation of underground water which in the opinion of the Council is uneconomic, inefficient, or wasteful, the Council may, by notice in writing require that person to discontinue such method of extraction or of utilisation.
- 6.5.3 Every bore shall be equipped with such valves and other fittings as may be necessary to control the extraction of underground water and to prevent underground water running to waste.
- 6.5.4 All valves and fittings installed pursuant to Subclause 6.5.3 shall be protected from damage and maintained in good working order.

6.6 Maintenance

- 6.6.1 Every person who makes, maintains, operates, uses or controls any bore shall keep it in good order and shall carry out such maintenance work as the Council may require by notice in writing.

6.7 Sealing of bores

- 6.7.1 Every person who makes, maintains, operates, uses, or controls any bore that is not in use for the purpose of taking water therefrom shall seal it, and keep it sealed in such manner as to prevent the entry or escape of water at any level.
- 6.7.2 Where the Council considers it is necessary to remove, seal or fill or otherwise control part or all of a bore, the Council may, by notice in writing to the person who maintains, operates, uses or controls that bore, direct what action must be taken to remedy the situation and advise that person of the reasons for such action.

6.8 Control of pile driving, dredging, etc

- 6.8.1 Every person intending:

- (a) To bore, drill, drive piles, dredge, or dig to a depth exceeding 5 metres,
- (b) To extract any pile, pipe, casing, or cylinder which extends to a depth exceeding 5 metres,

shall give 14 days' notice of such intent to the Council, and where the Council considers that such work could affect the supply or purity of underground water, or the integrity of any stopbank or defence against water, it may, by notice in writing to the person proposing to carry out the work, prohibit the carrying out of the work absolutely or it may give its written consent for the work.

6.9 Pollution of underground water

- 6.9.1 No person shall without the prior written consent of the Council discharge or deposit, or cause to be discharged or deposited on or into any land, or allow to remain on or in any land, any matter which is liable to affect detrimentally the purity of the underground water in the region either directly or indirectly.
- 6.9.2 Every person who makes, maintains, operates, uses, or controls any bore shall, as far as practicable, ensure that no matter can enter or move through the underground water system so as to

affect detrimentally the purity of the underground water either directly or indirectly because of the existence of that bore, and the Council may, by notice in writing, require that person to carry out such works as may be specified in the notice for the purpose of preventing pollution or the risk of pollution.

7. PROCEDURAL PROVISIONS

7.1 Applications, dispensations, approvals, notices

- 7.1.1 Any person may apply to the Council for a dispensation from the observance of any provision of Section 6 of this Bylaw.
- 7.1.2 Any person applying for a permit, licence, or for the consent of any action proposed to be undertaken under the provisions of this Bylaw or for a dispensation from the observance of any provision of Section 6 of this Bylaw including a dispensation from the requirement to comply with any notice used by the Council pursuant to the provisions of Section 6 of this Bylaw shall submit their application in writing signed by the applicant to either the Blenheim or Nelson office of the Council.
- 7.1.3 Applications that are made to the Council for the consent of any action proposed to be undertaken pursuant to the provisions of Subclauses 2.2.1, 2.3.1, 2.4.1, 2.4.2, 2.4.3, or 2.4.4 of this Bylaw shall be accompanied by a fee as specified in the Seventh Schedule to this Bylaw.
- 7.1.4 Any permit, licence, consent, or dispensation may be granted or issued or refused by the Council or by any person duly authorised by the Council on its behalf, and may be issued subject to such conditions as the Council considers appropriate.
- 7.1.5 Every person to whom a permit, licence, consent, or dispensation has been granted or issued by the Council shall produce it for inspection upon demand by any authorised agent of the Council.
- 7.1.6 Any notice in writing that may be issued by the Council pursuant to the provisions of this Bylaw may be issued by any person duly authorised by the Council.
- 7.1.7 Every person served with any notice in writing issued by the Council under this Bylaw shall comply with that notice within the time and in the manner specified in the notice.

7.2 Review of decisions, appeals

- 7.2.1 Any applicant for a permit, licence, consent or for any dispensation from the observance of any provision of Section 6 of this Bylaw who is dissatisfied with the conditions contained in any permit, licence, consent, or dispensation granted or issued by any person duly authorised by the Council on its behalf may apply to the Council within 14 days of the date of the permit, licence, consent, or dispensation in accordance with Subclause 7.2.6 for a review of the conditions contained in the permit, licence, consent, or dispensation.
 - 7.2.2 Upon review the Council may confirm, modify, or revoke any condition contained in the permit, licence, consent, or dispensation.
 - 7.2.3 Where any person receives a notice issued by any person duly authorised by the Council on its behalf pursuant to Subclause 7.1.6, the person to whom the notice is issued may apply to the Council within 14 days of the date of the notice in accordance with Subclause 7.2.6 for a review of the conditions contained in the notice.
 - 7.2.4 Upon review the Council may confirm, modify or revoke any condition contained in the notice.
-

- 7.2.5 If the Council determines that the notice shall be confirmed or modified the notice shall be complied with within the time and in the manner specified by the Council in its decision.
- 7.2.6 Where any right of review of any permit, licence, consent, dispensation, or notice is conferred by this Bylaw the application for review shall be made to the Blenheim or Nelson office of the Council in writing and shall set out the grounds on which the review is sought.
- 7.2.7 Any person to whom the Council has given its decision in respect of any application for a permit under the provisions of Section 4 of this Bylaw or to whom any requirement has been made by the Council under the provisions of Section 4 of this Bylaw may appeal against such decision or requirement of the Council.
- 7.2.8 Every appeal under Subclause 7.2.7 shall be made in writing and delivered to the principal office of the Council within 30 days after receipt by the appellant of the permit or requirement being appealed against.
- 7.2.9 Every appeal shall be heard by a tribunal which shall comprise such person or persons as may be agreed upon between the appellant and the Council, but failing agreement, shall comprise three persons, of whom one shall be appointed by the appellant, one by the Council and the third, who shall be chairman, shall be chosen by the other two members of the tribunal. The decision of the tribunal shall be final.
- 7.2.10 The Tribunal shall advise the Council forthwith of its decision on any appeal under Subclause 7.2.7, and the Council shall confirm or modify its decision in respect of any matter being appealed against, in accordance with the decision of the Tribunal.
- 7.2.11 Every decision of the Council made under Section 6 of this Bylaw to refuse to grant or issue a permit or a dispensation from the observance of any provision of Section 6 of this Bylaw may be subject to appeal to the Planning Tribunal by the applicant (Section 5 Water and Soil Conservation Amendment Act 1973).

7.3 Revocation of permit, consent etc

- 7.3.1 Where any person fails to comply with, or does any act or acts in contravention of any condition, term, restriction, obligation, prohibition, specification, or requirement of any permit, licence, or consent granted or issued pursuant to this Bylaw, the Council may revoke any such permit, licence, or consent held by such person.
- 7.3.2 Before revoking any permit, licence, or consent held by any person, the Council shall give written notice to that person of its intention to revoke that person's permit, licence, or consent.
- 7.3.3 Within 14 days after the receipt of any notice given under Subclause 7.3.2 of this Bylaw the holder of any permit, licence, or consent may advise the Council that the holder wishes to be heard by the Council concerning the intended revocation of their permit, licence, or consent. The Council shall not proceed to revoke any such permit, licence, or consent until after having heard the holder of that permit, licence, or consent if that person has claimed the right to be heard pursuant to this subclause.

7.4 Offences

- 7.4.1 Every person breaches this Bylaw and commits an offence who fails to comply with, or does any act or acts in contravention of any provision of this Bylaw or of any condition, term, restriction, obligation, prohibition, specification, or requirement of any permit, licence, consent, dispensa-

tion, or notice granted or issued pursuant to this Bylaw.

- 7.4.2 Maximum monetary penalties for any breach of this Bylaw are as specified in Section 151 of the Soil Conservation and Rivers Control Act 1941 in respect of Sections 2, 3, 4 and 5 of this Bylaw and in Section 8 of the Water and Soil Conservation Amendment Act 1973 in respect of Section 6 of this Bylaw.

8. REPEALS

- 8.1 The Marlborough Catchment Board Watercourse Bylaw No.1; 1957 is hereby repealed.
- 8.2 The Nelson Catchment Board Watercourse Bylaws No.1; 1945, No.2; 1947, No.3; 1948, No.4; 1953 and No.5; 1961 are hereby repealed.
- 8.3 The Marlborough Catchment Board Underground Water Bylaw No.1; 1974 is hereby repealed.
- 8.4 The Marlborough Catchment Board Fire Bylaw 1959 is hereby repealed.
- 8.5 The Nelson Catchment Board Underground Water Bylaw No.1; 1974 is hereby repealed.
- 8.6 The Nelson Catchment Board Dam Bylaw 1989 is hereby repealed.
-

BYLAW SCHEDULES

	Page
FIRST SCHEDULE;	Watercourses to which Clause 2.1 does not apply 17
SECOND SCHEDULE,	Gravel licence application form 18
	Gravel licence conditions 19
THIRD SCHEDULE;	Restricted Burning Areas 20
	Plan of Restricted Burning areas 20A
FOURTH SCHEDULE;	Burning permit application form 21
	Burning permit conditions 22
FIFTH SCHEDULE;	Dam permit application form 24
	Dam permit conditions 25
SIXTH SCHEDULE;	Bore permit application form 26
	Bore permit conditions 27
SEVENTH SCHEDULE;	Schedule of fees 29
	Common Seal 30

FIRST SCHEDULE**LIST OF PLANS OF PARTS OF THE REGION INDICATING WATERCOURSES
AND DEFENCES AGAINST WATER TO WHICH CLAUSE 2.1 DOES NOT APPLY
(Subclause 2.1.1)**

1. Nelson-Marlborough Regional Council Plan Reference 1871: Water and Soil Bylaw 1990, Wairau Plains Scheduled Watercourses and Drains Plans a), b) and c).

The above plans of parts of the region shall be held for inspection without fee at the offices of the Council and issued to the offices of the relevant territorial authorities.

SECOND SCHEDULE

**NELSON-MARLBOROUGH REGIONAL COUNCIL
APPLICATION AND GRAVEL LICENCE
(Clause 3.1)**

APPLICATION: I hereby apply for a gravel licence,**Office Use Only**

Applicants Name: _____

FileNo: _____

Address: _____

Licence No: _____

_____ Telephone: _____

Date of Issue: _____

Grid Ref: _____

Name and location of watercourse: _____

Quantity of material to be removed: _____ cubic metres.

Method of extraction: _____

Purpose of extraction: _____

Details of Access: _____

Declaration:

I (please print name) _____ declare that to the best of my knowledge the details submitted in this application are accurate.

Signature of Applicant or Authorised Agent: _____ Dated: _____

LICENCE:

You are hereby authorised to remove up to _____ cubic metres of gravel/sand/ other material (delete which does not apply) from the above specified location in accordance with the information stated above and subject to the conditions set out hereto.

This licence shall be valid for a period of _____ months;

commencing on _____ and expiring on _____

Signed: _____ Dated: _____

Authorised Officer of Council

Note: This licence is issued pursuant to Clause 3.1 of the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990. The issuing of this licence does not relieve the holder from any obligation to obtain any consent, privilege, licence, or right under any other legislative requirement.

GRAVEL LICENCE CONDITIONS

1. Gravel or other material shall be removed only from those areas or locations specified in the licence.
 2. The holder of this licence shall keep a correct record of the quantity of gravel or other material removed and shall forward to the Council a return of quantities removed, hereinafter referred to as a gravel return, at a frequency of every three months or at such other frequency as the Council may require. Council reserves the right to revoke this licence if the licence holder fails to lodge a gravel return by the specified time or if the details of the gravel return are found to be incorrect.
 3. The holder of this licence shall follow any directions from the Council to modify any method of working for the removal of gravel or other material as in the opinion of the Council may be necessary.
 4. Any reject material produced as a result of the removal of gravel or other material shall be disposed of as the Council may require.
 5. Material shall only be removed from those gravel beaches that are above normal water level, and vehicles or machinery shall not be operated in or through water, except where expressly permitted by any special condition of this licence or by any authorised officer of the Council.
 6. The holder of this licence shall not place or construct any structure including any dam, weir, bund or stockpile which would dam, divert, obstruct or interfere with the free flow of water, unless otherwise authorised under any other legislative requirement.
 7. The holder of this licence shall maintain a high level of on site safety and in particular shall erect warning signs notifying the presence of any deep water filled holes if these are created and shall maintain any such signs for as long as they are necessary.
 8. This licence does not convey any right of access to any land. Any arrangements necessary for access are the responsibility of the licence holder.
 9. This licence shall not be transferable. Subletting is prohibited.
 10. The licence holder shall notify Council before commencing each gravel removal operation.
 11. The licence holder shall maintain to Council's satisfaction those access roads used for the removal of gravel pursuant to this licence.
-

THIRD SCHEDULE

**FIRE BYLAW
RESTRICTED BURNING AREAS
(Subclause 4.1.1)**

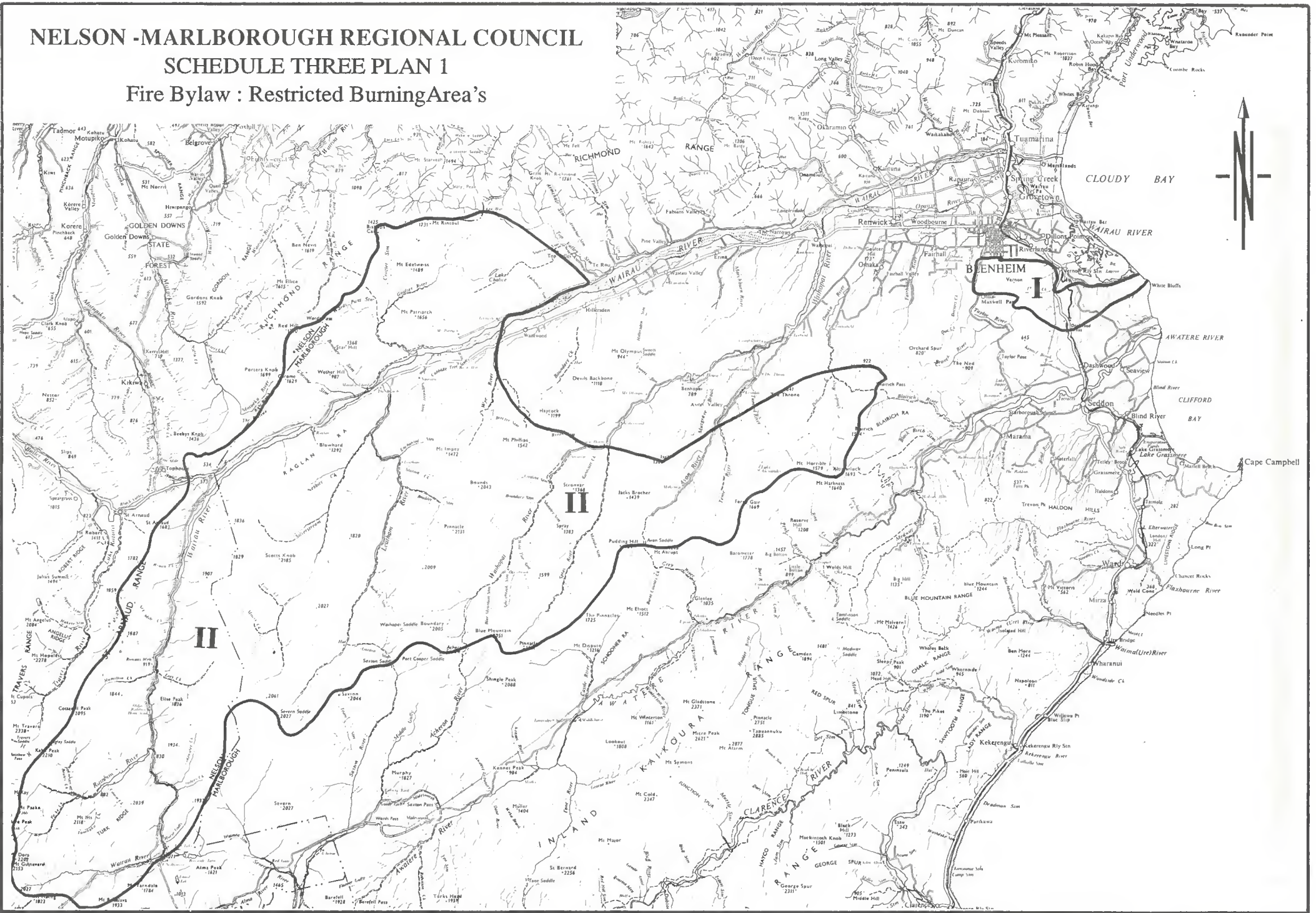
RESTRICTED BURNING AREA 1 - Wither and Vernon Hills

The area is shown on Plan 1 as area I.

RESTRICTED BURNING AREA 2 - Wairau Southbank High Country

The area is shown on Plan 1 as area II.

NELSON -MARLBOROUGH REGIONAL COUNCIL
SCHEDULE THREE PLAN 1
Fire Bylaw : Restricted Burning Area's



FOURTH SCHEDULE

**NELSON-MARLBOROUGH REGIONAL COUNCIL
APPLICATION AND PERMIT TO BURN VEGETATION
(Subclause 4.2.3)**

APPLICATION: I hereby apply for a burning permit,

Office Use Only

Applicants Name: _____ File No.: _____

Address: _____ Permit No: _____

_____ Telephone: _____ Date of Issue: _____

Name of Property: _____

Location of Property: _____

Location and area of burn: that area shown on the plan attached, being an area not exceeding _____ ha.

Describe method of burning: _____

Describe vegetation to be burnt: _____

Declaration:

I (please print name) _____ declare that to the best of my knowledge the details submitted in this application are accurate.

Signature of Applicant or Authorised Agent: _____ Dated: _____

PERMIT:

You are hereby permitted to burn vegetation in accordance with the information stated in the above application, subject to the conditions set out hereto, and any special conditions stated below.

This permit shall be valid for a period of _____ months;

commencing on _____ and expiring on _____

Special conditions:

Signed: _____ Dated: _____

Authorised Officer of Council

Name of Rural Fire Officer: _____

Relevant Fire Authority: _____ Phone: _____

Note: This permit is issued pursuant to Subclause 4.2.1 of the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990. This issuing of this permit does not relieve the holder from any obligation to obtain any consent, privilege, licence, or right under any other legislative requirement.

BURNING PERMIT CONDITIONS

1. The holder of this permit shall notify the following persons and bodies of the proposed date and time of commencing to burn any vegetation before beginning such burning:
 - (a) All occupiers of land adjoining the land containing the area to be burnt;
 - (b) The Rural Fire officer of the relevant Fire Authority;
 - (c) The Region representative of the Director-General of Conservation, if the area to be burnt is situated within 1.0 kilometres of any State Area as defined by the Forest and Rural Fires Act 1977 (includes any conservation area, National Park, Crown reserve, and unoccupied Crown Land);
 - (d) The Regional Manager at the nearest NZ Timberlands Limited region office, if the area to be burnt is situated within 1.0 kilometres of any Forestry Corporation (NZ Timberlands Limited) Fire District; and
 - (e) All others as may be specified by way of any special condition of this permit.
2. The holder of this permit shall take adequate measures to control the fire authorised and confine it to the area marked on the plan attached hereto.
3. No fire shall be lit while a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the area the subject of this permit.
4. No fire shall be lit before 1.00 pm unless otherwise specified on this permit.
5. No fire shall be left unattended.
6. In the event of any fire moving outside the authorised burn off the holder of this permit shall as soon as practicable advise the rural fire officer for the fire authority in the area, and the Council, and shall co-operate fully in suppression of the fire.
7. When a fire breaks out on any land in a restricted burning area, the occupier and all other persons on that land shall take immediate action to suppress the fire and the occupier or if the occupier is absent any other persons on that land shall forthwith notify the fire authority and the Council, and continue their efforts to suppress the fire to the limit of their available resources until the fire is extinguished, brought under control, or until the fire authority dismisses them.
8. Any person becoming aware of a fire burning unattended or out of control on any land within a restricted burning area shall notify the fire service or fire authority for the area which shall give notice of the fire to the Council.
9. **Forest and Rural Fires Act requirements**
No permit to burn issued by the Council shall be exercised except in accordance with the provisions of the Forest and Rural Fires Act 1977, and where:
 - (a) The minister of Conservation or a fire officer has issued any warning pursuant to Section 20 of the Forest and Rural Fires Act 1977;
 - (b) A rural fire officer has issued any order prohibiting the lighting of fires in the open air pursuant to Section 21 of the Forest and Rural Fires Act 1977; or
 - (c) The Governor-General by Order in Council or any fire authority by public notice, has specified any restricted or prohibited fire season pursuant to Section 22 of the Forest and Rural Fires Act 1977;

in respect of any area within the region, all or any permits to burn that relate to such area shall cease to have any effect, until such warning, order, order in Council, or public notice no longer applies.

10. Suspension of Permit

An officer authorised by the Council on its behalf may, when weather or other conditions arise or are likely to arise which may present a fire hazard, issue an order by radio or other method of notification suspending for such period as may be specified, all or any permits to burn.

Notes:

- A. A right of appeal exists under Subclause 7.2.7 of the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990 against any term or condition of this permit.
- B. This permit shall cease to have any legal effect upon the issuance of any warning, order or notice concerning the prohibition of fires during periods of extreme fire hazard or concerning any restricted or prohibited fire season, pursuant to the Forest and Rural Fires Act 1977.
- C. This permit shall not discharge any person from any liability for damage caused by any fire lit pursuant to this permit.
- D. Permit holders are warned that they will be held responsible for any damage to power or telephone lines resulting from fires lit by them and they are advised to contact the appropriate authority before lighting fires adjacent to such installations.

FIFTH SCHEDULE

**NELSON-MARLBOROUGH REGIONAL COUNCIL
APPLICATION AND PERMIT TO CONSTRUCT OR ALTER A DAM
(Subclause 5.1.7)**

APPLICATION:**Office Use Only**

Application No: _____

I hereby apply for a permit to construct /alter a dam; Date Received: _____

Applicants Name: _____ Water Right No: _____

Address: _____ Fee Receipt No: _____

Telephone: _____

Property Address: _____

(If different from above)

Registered Owner of Property (If different from above) _____

1. Maximum height of dam from base to crest:(metres) _____
2. Name of watercourse on which dam is sited: _____
(if un-named, state name of nearest road)
3. Dam catchment area:(hectares) _____
4. Impounded Volume:(cubic metres) _____
5. Legal Description of land where dam is sited: _____
6. Location Plan Attached: (yes/no) _____
Sketch locality plan depicting activity points in relation to water courses, buildings, roadways, property boundaries etc (attach any detailed plans which support the application).
7. Cross Sections Attached: Show particularly the location of any pipes (and associated seepage collars) within the dam. Transverse (yes/no) _____ Longitudinal (yes/no) _____
8. Site Plan Attached: (yes/no) _____
Show particularly the location of the overflow spillway, low flow pipe, dam discharge pipe, borrow area, top water level and boundaries of impounding area.
9. Construction Information Submitted: (yes/no) _____

Declaration:

I (please print name) _____ declare that to the best of my knowledge the details submitted in this application are accurate and that I will undertake works in accordance with the approved plans and specifications and in compliance with the conditions to which the permit is subject.

Signature of Applicant or Authorised Agent: _____ Dated: _____

PERMIT:

You are hereby permitted to construct/alter a dam at or about Grid Reference _____ in conformity with the attached approved plans and specifications and subject to the conditions set out hereto.

Signed: _____ Dated: _____

Authorised Officer of Council

Note: This permit is issued pursuant to Subclause 5.1.1 of the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990. The issuing of this permit does not relieve the holder from any obligation to obtain any consent, privilege, licence, or right under any other legislative requirement

DAM PERMIT CONDITIONS

1. This permit shall be valid for a period of one year from the date of issue and shall expire after that period unless the holder of this permit has substantially exercised the permit.
2. This permit shall not be transferable.
3. The holder of this permit shall not make or cause to be made any departure from the particulars of the approved plans and specifications without first submitting revised documents detailing any such departure and obtaining the Council's consent to the same.
4. The Council or its agent shall at all reasonable times have access to the site to inspect all or any part of the works.
5. The holder of this permit shall advise the Council in writing of the commencement of the works and of the completion of the works as soon as is practicable after such commencement or completion.
6. This permit may be revoked where any condition of this permit is not complied with.

SIXTH SCHEDULE

NELSON-MARLBOROUGH REGIONAL COUNCIL
APPLICATION AND PERMIT TO MAKE OR ALTER A BORE
 (Subclause 6.1.2)

APPLICATION:

For Office Use Only

I hereby apply for a permit to make/alter a bore, _____ Date Received: _____

Permit No: _____

Applicants Name: _____ Date Issued: _____

Well No: _____

Address: _____ Proposed Use: _____

Telephone: _____ Home _____ Work _____

Name of owner of property on which work will be carried out. (If applicant is not the Owner.): _____

Address of Owner of Property: _____

Well Driller: _____ TelephoneNo: _____

Address: _____

Purpose for which bore will be used: _____

(e.g. domestic water supply, stockwater, irrigation, industrial, etc.)

Bore details

(a) Water Right No. (if applicable) _____

(b) Depth of Bore (metres) _____

(c) Diameter of Bore (millimetres) _____

(d) Date when work commences _____

(e) Method of bore construction _____

(eg dug, driven, rotary, cable tool)

(f) Legal description of land where bore is sited _____

(refer to Rate Demand or Valuation Notice)

Location of well: Please draw a diagram on the back of this form to indicate the location of the proposed or existing bore or well. The diagram should indicate (by name) adjacent boundaries, roads, and any other features that help identify the site. Distances of the bore site from these boundaries, roads etc, should also be included on the diagram. Please include a north arrow and scale.

Please provide a separate diagram of alterations if applicable.

Please indicate positions of any existing bore in the vicinity of the proposed bore.

Declaration: I (please print name) _____ declare that to the best of my knowledge the details submitted in this application are accurate.

Signature of Applicant or Authorised Agent: _____ Dated: _____

PERMIT:

You are hereby permitted to make/alter of bore at or about Grid Reference _____ in accordance with the details of the above application and subject to compliance with the conditions set out hereto.

SIGNED: _____ **DATED:** _____
 Authorised Officer of Council

Note: This permit is issued pursuant to Subclause 6.1.1 of the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990. The issuing of this permit does not relieve the holder from any obligation to obtain a Water Right pursuant to Section 21 of the Water and Soil Conservation Act 1967 or any other legislative requirement.

BORE PERMIT CONDITIONS

1. This permit shall be valid for a period of two years from the date of issue and shall expire after that period unless the permit holder has substantially exercised the permit.
2. This permit is not transferable.
3. A fully completed bore log shall be supplied to the Council by the permit holder or their agent as soon as is practicable, but not later than 3 months, following the completion of the making or altering of the bore. The bore log shall be in a form and to a standard satisfactory to the Council, and shall include:
 - (a) Copies of the results of any pump tests carried out on the bore,
 - (b) Copies of the results of any chemical analyses performed on underground water taken from the bore.
4. Work carried out during the making or altering of the bore shall be of a standard which conforms with good drilling practice.
5. The bore head casing and reticulation shall be suitably constructed and sealed to avoid ingress of floodwater and other foreign matter.
6. New bores shall be located not less than 30 metres from any septic tank or soakage field system.
7. (a) There shall be adequate facility and access for future vertical lowering of a 2cm diameter electric probe for the purpose of measuring water level, or
 (b) A facility which allows pressure readings to be taken shall be fitted to the bore in the manner prescribed by the Council.
 (c) If the bore is in an area where Council requires the metering of water taken from underground, the bore owner shall ensure that all necessary provision is made at the outlet pipe for the installation of a water meter.

BORE PERMIT SPECIAL CONDITIONS

8. There shall be adequate facility and access for future water quality sampling such as a hand operated tap-valve that is located at least 0.33 metres above ground level (unless otherwise specified by special condition) and is sourced from the direct pump outlet, before the reticulation encounters pressure tanks/reservoir/treatment plant. Where there is reticulation back pressure at the bore head, a one way valve shall be fitted for maximum efficiency and in that case, the water sampling point shall be on the bore pump side of the one way valve.
 9.
 - (a) A constant discharge test shall be performed with drawdown readings taken at observation bores.
 - (b) A step drawdown shall be performed.
 - (c) A static test, opening dynamic test and closing dynamic test shall be performed.
 - (d) Tests undertaken shall provide information of a standard suitable for the effective calculation of future well performance, of possible interference effects, and of aquifer characteristics, to the satisfaction of the Council.
 10. New bores shall be located not less than 50 metres from any existing bore that is of similar depth to the proposed bore, provided that new bores located within any area of a Council water resource management plan shall be located and operated in accordance with the requirements of that plan.
-

SEVENTH SCHEDULE**SCHEDULE OF APPLICATION FEES AND OTHER FEES**

1. **Watercourse consent fee pursuant to Subclause 7.1.3 to:**
 - (a) widen, deepen or alter the course of any watercourse... (Subclause 2.2.1);
 - (b) construct any defence against water... (Subclause 2.3.1);
 - (c) obstruct or damage or impede the maintenance of... or obstruct flow in... any watercourse, floodway or defence against water under the control of Council (Subclause 2.4.1);
 - (d) erect any structure or fence, or plant or remove vegetation within 8 metres of any watercourse or defence against water... (Subclause 2.4.2);
 - (e) deposit any materials in or upon any watercourse, floodway or defence against water... (Subclause 2.4.3);
 - (f) excavate any drain, pit or foundation etc. within 20 metres of the bank of any watercourse or defence against water under the control of Council... (Subclause 2.4.4):

\$30.00 application fee as deposit against actual and reasonable costs + GST.

2. **Gravel licence survey, inspection and supervision fee pursuant to Clause 3.2:**

\$0.45 + GST per cubic metre (plus purchase cost and royalties if applicable)

3. **Burning permit fee pursuant to Subclause 4.2.3:**

\$30.00 application fee as deposit against actual and reasonable costs + GST.

4. **Dam permit fee pursuant to Subclause 5.1.2:**

\$50.00 application fee as deposit against actual and reasonable costs + GST.

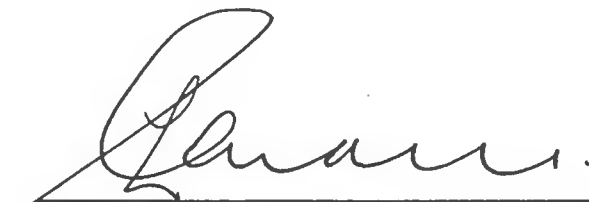
5. **Bore permit fee pursuant to Subclause 6.1.2:**

\$30.00 application fee as deposit against actual and reasonable costs + GST.

The foregoing Bylaw was made by Special Order of the Nelson-Marlborough Regional Council at a meeting of the Council held on the 16th day of October 1990 and confirmed at a meeting of the Council held on the 18th day of December 1990.

In witness whereof the Common Seal
of the Nelson-Marlborough Regional Council
was hereto affixed in the presence of





L G ARDELL
CHAIRMAN



G N MARTIN
GENERAL MANAGER



