

**UNCONTROLLED**

Resource Management Act 1991

**TRANSITIONAL REGIONAL PLAN**

NELSON-MARLBOROUGH REGIONAL COUNCIL

RESOURCE MANAGEMENT ACT 1991

TRANSITIONAL REGIONAL PLAN

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**1. Introduction**

This document is a Transitional Regional Plan constituted by the Resource Management Act 1991 (the Act) and is in force in the Nelson-Marlborough region, excluding the coastal marine area, from 1 October 1991.

The plan consists of certain instruments that control or allow activities affecting natural and physical resources in the Nelson-Marlborough region, excluding the coastal marine area. A Transitional Regional Coastal Plan is constituted separately for the coastal marine area of the Nelson-Marlborough region and in force from 1 October 1991. The instruments in this Transitional Regional Plan were in force before 1 October 1991 and were made or established under the following Acts:

- The Water and Soil Conservation Act 1967
- The Soil Conservation and Rivers Control Act 1941
- The Clean Air Act 1972

The Act provides for the instruments in this plan to continue in effect until the plan is changed or reviewed. Instrument 4 (land disturbance notice) ceases to be operative on 20 September 1993 unless the plan is changed to amend this expiry date. The remainder of the Transitional Regional Plan is due for review on the tenth anniversary of its constitution.

Each instrument in this plan is reproduced in the terms of its original establishment. Each instrument is prefaced by explanatory notes that describe the instrument's original purpose and intent, its history of establishment, the effect of the Act in interpreting the instrument, and other relevant explanatory material.

## **2. Deemed final water classification**

### **Original purpose and intent**

Water classifications are designed to prevent or control the discharge of contaminants that could cause the quality of water in the classified watercourse or area to fall outside defined parameters.

The intent of the Opawa River classification is that the quality of surface water within the Opawa River Classified Area may not, as a result of any discharge, be caused to fall below the parameters set by the standards in the schedule for Class D waters. The standards must be given effect to by the Nelson-Marlborough Regional Council when applications for discharge permits are considered.

### **History of establishment**

There is one deemed final water classification area in the Nelson-Marlborough region, the Opawa River Classified Area, created by the Pollution Advisory Council under Regulation 9 of the Waters Pollution Regulations 1963.

This classification came into force on 1st May 1967 and sets a Class D classification on the Opawa River, Taylor River and Riverlands Drain and their tributaries in and about a specified area around Blenheim. This area is shown on the Pollution Advisory Council Opawa River Final Classification Map No.2515.

The classification established in 1967 was subsequently deemed to be a classification made under section 26E of the Water and Soil Conservation Act 1967 by section 25(2)(b) of the Water and Soil Conservation Amendment Act (No.2) 1971. The standards for Class D waters are defined in the Fourth Schedule to the Water and Soil Conservation Act 1967.

### **The effect of the Act**

The Act causes the Opawa River classification to become an instrument of the Transitional Regional Plan and the standards in the Class D schedule to become regional rules.

The Act deems the plan to include a regional rule as follows:

- the minimum standards of water quality referred to in the classification shall be maintained after reasonable mixing,

and include the following objective of that rule:

- the objective of this rule is to promote in the public interest the conservation and the best use of (the waters covered by the classification).

POLLUTION ADVISORY COUNCIL

FINAL CLASSIFICATION

OPAWA RIVER

Public Notice is hereby given, pursuant to regulation 9 of the Waters Pollution Regulations 1963, that the Pollution Advisory Council has made the following final classification of the Opawa River.

CLASS D WATERS:

Opawa River                    S29:328993 to S21:246006

Taylor River                    S28:247989 to S28:230985

Riverlands Drain                S29:284964 to source

All waters and tributaries flowing into the Opawa and Taylor Rivers and the Riverlands Drain between the points specified are classified as class D.

All grid coordinates refer to the South Island Division of the NZMS 1. Series - Lands and Survey Department.

Any person notified under paragraph (a) of regulation 9 referred to above and dissatisfied with any decision of the Council relating to this classification may, within a period of three months of this notice, give notice of appeal to the Secretary of the Council.

Every existing outfall from which pollutants are directly or indirectly discharged into the classified waters described above is required to be registered within three months of this notice. Applications for registration and permit are to be made to the Medical Officer of Health, Nelson, on the appropriate form (P.A.C.1 for local authorities and industries or P.A.C.2 for farms and individual dwellings). These forms are obtainable from the Office of the Medical Officer of Health, Nelson.

Failure to register an outfall discharging pollutants into the above classified waters is an offence and any person who commits such an offence shall be liable on summary conviction to a fine not exceeding £100 or, if the offence is a continuing one, to a further fine not exceeding £10 for every day during which the offence has continued.

(P E Muers)  
Secretary  
PO Box 2395  
WELLINGTON

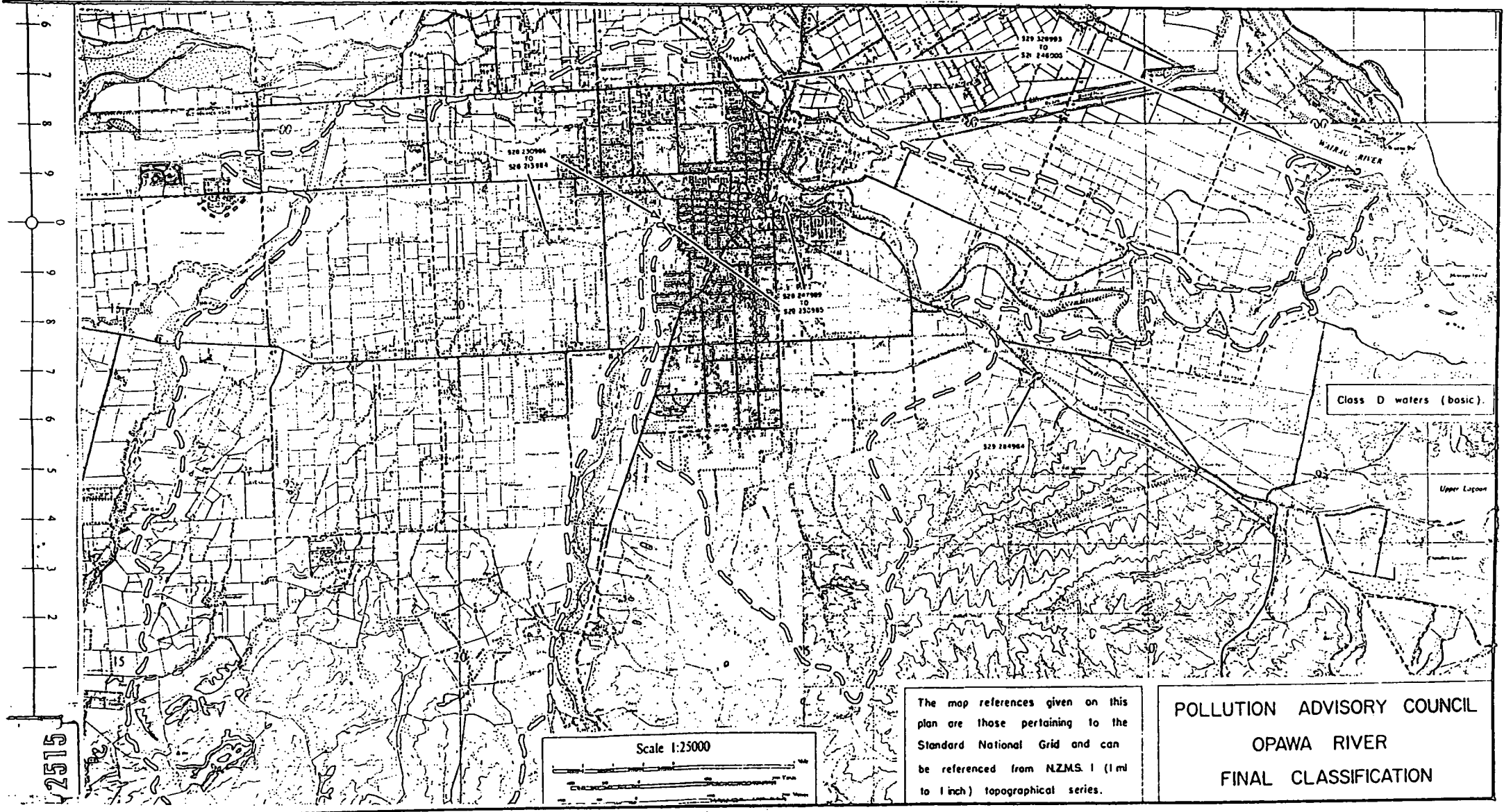
May 1967

## STANDARDS FOR CLASS D WATERS

Water and Soil Conservation Act 1967; Fourth Schedule

The quality of Class D waters shall conform to the following requirements:

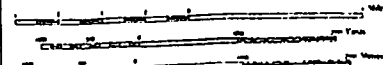
1. The natural water temperature shall not be changed by more than 3 degrees Celsius:
2. The acidity or alkalinity of the waters as measured by the pH shall be within the range of 6.0 to 9.0 except when due to natural causes:
3. The waters shall not be tainted so as to make them unpalatable nor contain toxic substances to the extent that they are unsafe for consumption by farm animals, nor shall they emit objectionable odours:
4. There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances:
5. The natural colour and clarity of the waters shall not be changed to a conspicuous extent:
6. The oxygen content in solution in the waters shall not be reduced below 5 milligrams per litre:



Class D waters (basic).

Upper Lagoon

Scale 1:25000



The map references given on this plan are those pertaining to the Standard National Grid and can be referenced from NZMS 1 (1 mi to 1 inch) topographical series.

POLLUTION ADVISORY COUNCIL  
OPAWA RIVER  
FINAL CLASSIFICATION

72515

### **3. General authorisations**

#### **Original purpose and intent**

General Authorisations (GA's) are instruments which allow or control certain water use activities, including discharges into natural water. They were established under section 22 of the Water and Soil Conservation Act 1967. They usually cover activities with minor or particular impacts on water and can authorise or restrict those activities over the whole of a defined area or region, or relate specifically to a defined water body.

#### **History of establishment**

Council's current set of 16 GA's was established under section 22(1) of the Water and Soil Conservation Act 1967 by resolution at a Council meeting on 16 October 1990, and publicly notified on 26 October 1990. It replaced a series of prior GA's set out at the end of the GA's.

#### **The effect of the Act**

Each GA is now a deemed regional rule;

- GA No's.1 to 14 are regional rules in respect of permitted activities, that means that any person within the Nelson-Marlborough region is permitted to undertake an activity provided for by the GA as of right, so long as they comply with all conditions of the GA.
- The Act modifies any general authorisation permitting damming of any river or stream by requiring that GA's providing for damming are regional rules in respect of discretionary activities. That means that a water permit will be required for any damming under Council's current GA No's.15 and 16 (as far as GA No.16 provides for damming). A water permit will require an application to the Nelson-Marlborough Regional Council on forms available at Council offices, together with the payment of an application fee as deposit against expenses. Applications may be publicly notified or not notified in accordance with the Act.

It should also be noted that GA No's. 5, 11 and 14 require the registration of the exercise of those authorisations prior to the use or activity being commenced.

#### **Explanatory guide**

The following is an explanatory guide to individual GA's:

##### **1. Take - Minor Farming**

This GA provides for water to be taken for minor day to day farm water uses which do not warrant water rights. The 10 m<sup>3</sup> per day maximum take authorised, together with the conditions set, should ensure a minimal impact on any water resource affected.

The purposes for which natural water can be taken under this GA are:

- a) Milk cooling; natural water taken to use in heat exchangers for cooling milk vats,
- b) The washing down of milking/dairy sheds, piggeries/pigsties, yards, farm equipment and farm buildings,
- c) Sheep dipping,
- d) Any other minor farming purpose.

The GA does not authorise the taking of natural water for commercial irrigation or the processing of agricultural products. The GA confers no right to discharge water, waste or water containing waste.

All discharges which affect natural water must be authorised separately either under another GA specific to the type of discharge eg. GA No. 14, or under a water right.

2. Take - Minor Supply

This GA provides for natural water to be taken for supply for any beneficial water use. The GA is a virtual extension to the right to take for domestic supply situations which, whether commercial or non-commercial, would usually have very limited effect on any water resource. The limit of 5 m<sup>3</sup> per day gives an idea of the scale envisaged. Particular note should be made of Condition 2.2 of this GA which is designed to protect other users stock and domestic supplies. For example, if the taking of natural water for a subdivision deprives any person of reasonable stock and domestic supplies, then the subdivision developer would cease to be authorised under this GA and a water right would be required.

The GA confers no right to discharge water, waste or water containing waste. All discharges which affect natural water must be authorised separately either under another GA specific to the type of discharge eg. GA No.13, or under a water right.

3. Take - Road Construction

This GA provides for any reasonable quantity needed for road construction, for example the dampening of roadways during sealing operations or for cement mixing for curbing. There is no volume limits set, it was felt that the use and conditions would be self regulating.

4. Take/Discharge - Spraying

This GA provides inducement to spray users to be more careful with spray use, in that they will be protected from prosecution for placing spray (defined in the Act as a waste) in a position where it is likely to contaminate natural water, but only if the spray user carefully adheres to the resource protecting conditions of the GA. There are no limits on the amount of natural water that can be taken. Sprayers are advised to take particular note of the specific conditions of this GA which have been designed to safeguard natural water resources.

When handling and applying sprays you should be aware of the obligations and liabilities of the Pesticides Regulations 1983 and the Toxic Substances Regulations 1983, eg. Regulation 10 of the Pesticides Regulations 1983 states: 'Every person commits an offence...who applies or causes to be applied any herbicide in such a reckless manner that damage results to any property other than the property on which he applied or intended to apply the herbicide'.

5. Take/Discharge - Aquatic Herbicides

This GA provides for the discharge of special herbicides for aquatic weed control to clean drainage channels choked with weed growth. Aquatic herbicides are also used for the control of noxious water weeds. Only carefully controlled operations using recognised aquatic weed control reagents are authorised. The user must give the Nelson-Marlborough Regional Council discharge details before discharge commences. Note must be taken of Condition 5.6 which prohibits discharges of herbicides for aquatic weed control between 1 April and 30 September each year.

6. Take/Discharge - Drilling and Aquifer Investigation

This GA provides for the taking and discharge of water during well drilling operations, aquifer testing and investigation. Any discharge must be onto land to minimise resource impacts. The GA covers water taken and used for cooling and lubrication of drilling equipment and water taken and discharged from a



bore for water quality or yield testing. Care must be taken with water discharged to ensure that no pollution of natural water takes place.

7. Take/Discharge - Alluvial Prospecting and Small Scale Alluvial Mining

This GA provides for small scale alluvial (instream) mining operations by prospectors, small scale miners and recreational miners. The main resource impacts from such operations are stream bed disturbance and contamination of water by sediment. Conditions set limits on sediment loading and the amount of water taken with respect to environmental effects. Users of this GA must be careful that sediments from their prospecting/mining operation do not exceed the criteria set in Condition 7.5 of the GA.

8. Take/Discharge - Flood Pumping Stations

This GA provides for the taking and discharge of water during the pumping of flood and drainage water. The GA applies to local authority pumping stations only.

9. Take/Use/Discharge - Small Scale Hydroelectric

This GA authorises 'domestic' scale hydroelectric schemes. There are a number of these in operation in the Marlborough Sounds. The GA is limited to those hydroelectric generators which require not greater than 25 litres of natural water per second and have a maximum output not greater than 5 kilowatt. Users should note that this GA only authorises the taking, use and discharge of water for run-of-stream type generator systems. Damming of natural water would require a separate water right if the dam and its effects exceed the criteria and conditions of GA No.15. The diversion of natural water would also require a separate water right.

10. Discharge - Stormwater/Drainage

This GA authorises all stormwater drainage discharges, except the drainage of certain wetlands. Discharges are to be by gravity only and users should note that the GA does not authorise the discharge of stormwater within urban areas. There have been no flow rate or outfall size limits set as outfall structures and drainage design criteria would be matters considered under the watercourse consent provisions of the Nelson-Marlborough Regional Council Bylaw 1990.

11. Discharge - Dye Tracers

This GA authorises the discharge of dye during flow studies using approved non-toxic dyes. This GA requires a user to supply to Council a prior written notice containing the information asked in Condition 11.2.

12. Discharge - Swimming Pool

This GA authorises the discharge of swimming pool waste water where there are no local Bylaws requiring discharge to sewage systems. For resource protection pool treatment chemicals must be neutralised prior to discharge and the rate of discharge is limited to 5 litres per second.

13. Discharge - Septic Tank Waste

This GA authorises the discharge of domestic septic tank waste via ground soakage. This is probably one of the more obvious sources of potential groundwater contamination. Septic tank systems which are well designed, installed and maintained, and have good soakage areas well above groundwater, usually provide many years of service without detrimental impact. The GA conditions are designed to induce people to be careful with their septic tank/soakage field designs and be aware of the consequences of badly maintained systems.

14. Discharge - Dairy or Piggery Waste onto Land

This GA authorises the discharge of dairy shed and piggery wastes by spraying onto land. In most instances this is more desirable than any other method of dairy shed and piggery waste disposal. Dairy shed waste is relatively innocuous if the spray system is well designed and managed. The return of dairy shed effluent to pastures effectively recycles nutrients. Piggery waste is more volatile, can smell and may have higher pathogen levels. If sprayed too heavily piggery waste can 'burn' and smother pasture. The GA conditions are designed to authorise effluent discharge in a manner to prevent any significant contamination of groundwater and to prevent the direct and indirect contamination of surface water, probably the more common fault of badly managed spray irrigation systems. Users should note the 6 millimetre per hour maximum discharge rate (equals 60 m<sup>3</sup> per hectare per hour).

15. Damming - Small Dams

This GA authorises small stock dams, weirs and the like. The maximum catchment size of 20 ha recognises the minimal water resource impact of dams in small catchments. The conditions set are designed to protect other instream values and stream users. The GA only covers the damming effect, not the taking of natural water from behind the dam.

16. Damming/Diversion - River Control

This GA authorises the small scale damming and diversions which occur during the installation of river and stream crossings or as a result of the construction of flood or erosion control works. The design and structural integrity of such works would be assessed under the watercourse consent provisions of the Nelson-Marlborough Regional Council Bylaw 1990. Normal water rights are required for major river control works. The conditions set are to protect instream values and the rights of other users.

## GENERAL AUTHORISATIONS

Pursuant to Section 22 (1) of the Water and Soil Conservation Act 1967, notice is hereby given that the Nelson-Marlborough Regional Council, at its meeting held on the 16th day of October 1990, resolved to adopt and publicly notify the following General Authorisations.

### Contents:

1. TAKE - MINOR FARMING
2. TAKE - MINOR SUPPLY
3. TAKE - ROAD CONSTRUCTION
4. TAKE/DISCHARGE - SPRAYING
5. TAKE/DISCHARGE - AQUATIC HERBICIDES
6. TAKE/DISCHARGE - DRILLING FOR AQUIFER INVESTIGATIONS
7. TAKE/DISCHARGE - ALLUVIAL PROSPECTING AND SMALL SCALE ALLUVIAL MINING
8. TAKE/DISCHARGE - FLOOD PUMPING STATIONS
9. TAKE/USE/DISCHARGE - SMALL SCALE HYDROELECTRIC
10. DISCHARGE - STORMWATER/DRAINAGE
11. DISCHARGE - DYE TRACERS
12. DISCHARGE - SWIMMING POOL
13. DISCHARGE - SEPTIC TANK WASTE
14. DISCHARGE - DAIRY OR PIGGERY WASTE ONTO LAND
15. DAMMING - SMALL DAMS
16. DAMMING/DIVERSION - RIVER CONTROL

### 1. TAKE - MINOR FARMING

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking of up to 10 cubic metres per day of natural water for the purposes of milk-cooling; washing of milking sheds, piggeries, yards, equipment and buildings; sheep-dipping and any other minor farming purpose, excluding commercial irrigation or the processing of agricultural products, subject to the following conditions:

- 1.1 That this authorisation confers no right to discharge water, waste or water containing waste.
- 1.2 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 1.3 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 1.4 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 1.5 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.

1.6 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

2. TAKE - MINOR SUPPLY

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking of up to 5 cubic metres per day of natural water for the purpose of supply for any beneficial use, subject to the following conditions:

- 2.1 That this authorisation confers no right to discharge water, waste or water containing waste.
- 2.2 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 2.3 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 2.4 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 2.5 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 2.6 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

3. TAKE - ROAD CONSTRUCTION

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking of any reasonable quantity of natural water for road construction, road reconstruction or road repair, subject to the following conditions:

- 3.1 That this authorisation confers no right to discharge water, waste or water containing waste.
- 3.2 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 3.3 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 3.4 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 3.5 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 3.6 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

#### **4. TAKE/DISCHARGE - SPRAYING**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking of natural water, and for the discharge of that water mixed with insecticides, herbicides, fungicides or pesticides that have been registered pursuant to the Pesticides Act 1979, hereinafter referred to as 'spray', for ground or aerial spraying onto land in circumstances which may result in that spray entering natural water, subject to the following conditions:

- 4.1 That the discharge of waste chemicals is not authorised.
- 4.2 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 4.3 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 4.4 That the discharge of spray shall not significantly adversely affect the suitability of water used for any other authorised use.
- 4.5 That the discharge of spray shall not significantly adversely affect any fishery or wildlife, and that all practicable measures shall be taken to minimise any adverse effect on any fishery or wildlife
- 4.6 That there shall be no discharge of spray within 5 metres of the banks of any natural waterbody or watercourse.
- 4.7 That the spray shall be prepared and applied in accordance with the manufacturer's directions.
- 4.8 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 4.9 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 4.10 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 4.11 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

Note: When spraying under this authorisation you should be aware of the restrictions and obligations in the Toxic Substances Regulations 1983 and the Pesticides Regulations 1983.

#### **5. TAKE/DISCHARGE - AQUATIC HERBICIDES**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking of natural water, and for the discharge of that water mixed with aquatic herbicides, where those herbicides have been registered by the Pesticides Board pursuant to the Pesticides Act 1979, and have distinct label claims for use over or in watercourses, or have been recognised by the Pesticides Board as being suitable for use over or in watercourses, hereinafter referred to as 'aquatic herbicide', by spraying or injection into or adjacent to constructed drains or channels for the purpose of controlling aquatic weeds, subject to the following conditions:

- 5.1 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 5.2 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 5.3 That the discharge of aquatic herbicide shall not significantly adversely affect the suitability of water used for any other authorised use.
- 5.4 That there shall be no discharge of aquatic herbicide into estuarine or seawater.
- 5.5 That the discharge of aquatic herbicide shall not significantly adversely affect any fishery or wildlife, and that all practicable measures shall be taken to minimise any adverse effect on any fishery or wildlife
- 5.6 That no discharge of aquatic herbicide shall take place in any year within the period 1 April to 30 September.
- 5.7 That any person who intends to discharge aquatic herbicide pursuant to of this authorisation shall give the Director Resource Planning of the Nelson-Marlborough Regional Council at least ten working days prior written notice of;
  - a) the location and area of the constructed drain or channel to be sprayed or injected;
  - b) the type and quantity of aquatic herbicide to be used;
  - c) the aquatic weed being targeted;
  - d) the date of commencement of the aquatic herbicide discharge;
  - e) the planned duration of the proposed aquatic herbicide discharge;
- 5.8 That the aquatic herbicide used shall be prepared and applied in accordance with the manufacturer's directions, and the recommendations of the current editions of the Ministry of Agriculture and Fisheries Aglink publications FPP607 and FPP608 "Herbicides For Aquatic Weed Control" guides 1 and 2.
- 5.9 That the discharge of aquatic herbicide shall be under the direct control of an operator duly registered under the Agricultural Chemicals (Registration of Applicators) Regulations 1971.
- 5.10 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 5.11 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 5.12 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 5.13 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

NOTE: When using aquatic herbicides under this authorisation, you should be aware of the obligations and restrictions in the following statutes and regulations: the Health Act 1956, in particular Sections 60, 61 and 62; the Freshwater Fisheries Regulations 1983; the Wildlife Regulations 1955; and the Conservation Law Reform Act 1990.

## **6. TAKE/DISCHARGE - DRILLING FOR AQUIFER INVESTIGATIONS**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking and discharge of natural water containing waste onto land in circumstances which may result in that discharge entering natural water, for drilling for aquifer investigation purposes, excluding drilling for oil investigation or hard rock mineral investigation, subject to the following conditions:

- 6.1 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 6.2 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 6.3 That the discharge shall not significantly adversely affect any fishery or wildlife and all practicable measures shall be taken to minimise any adverse effect on any fishery or wildlife.
- 6.4 That the discharge shall not significantly adversely affect the suitability of water used for any other authorised use.
- 6.5 That no person shall exercise this authorisation so as to adversely affect any land owned or occupied by another person, without that other person's consent.
- 6.6 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 6.7 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 6.8 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 6.9 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

## **7. TAKE/DISCHARGE - ALLUVIAL PROSPECTING AND SMALL SCALE ALLUVIAL MINING**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking and discharge of natural water or natural water containing sediment for alluvial prospecting and for small scale alluvial mining operations, where small scale shall mean the use of any machine with a motive power of 7.5 kilowatt (equals 10 horsepower) or less, or the use of any non-motorised manually operated device, subject to the following conditions:

- 7.1 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.

- 7.2 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 7.3 That the discharge of natural water or natural water containing sediment shall not significantly adversely affect the suitability of water used for any other authorised use.
- 7.4 That no taking or discharge under this authorisation shall take place in any year within the period 31 May to 31 August.
- 7.5 That any discharge into natural water shall not cause the visual clarity in the receiving water to change to a conspicuous degree and shall not cause greater than a 30% reduction in clarity measured by a black disc reading in the receiving water at a distance of 50 metres downstream from the discharge point, when referenced to a black disc reading measured immediately upstream from the discharge point.
- 7.6 That the rate of taking and the rate of discharge shall not exceed 50 litres per second or 20% of the measurable surface flow in the watercourse, whichever is the lesser.
- 7.7 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 7.8 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 7.9 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 7.10 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

#### **8. FLOODWATER PUMPING STATIONS:**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking, and discharge of water into any natural water by any floodwater pumping station of any local authority during flood and drainage pumping operations, subject to the following conditions:

- 8.1 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 8.2 That the discharge shall not significantly adversely affect the suitability of water used for any other authorised use.
- 8.3 That this authorisation shall not apply to the drainage of natural bodies of standing water, including swamps, bogs, marshes, ponds, or lakes.
- 8.4 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 8.5 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.



- 8.6 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 8.7 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

9. **TAKE/USE/DISCHARGE - SMALL SCALE HYDROELECTRIC:**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking, use and discharge of up to 25 litres per second of natural surface water by or for the operation of turbines or other similar devices used for the generation of electricity, where the taking and discharge is from and into the same body of water, subject to the following conditions:

- 9.1 That this authorisation confers no right to construct any dam or weir, or to divert natural water.
- 9.2 That the taking of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 9.3 That the taking of natural water under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 9.4 That the discharge shall not significantly adversely affect the suitability of water used for any other authorised use.
- 9.5 That the discharge shall not significantly adversely affect any fishery or wildlife.
- 9.6 That the generation rate of hydroelectricity produced under this authorisation is limited to not more than 5 kilowatt.
- 9.7 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 9.8 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 9.9 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 9.10 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

Note: You should be aware of obligations concerning fish passage in the Freshwater Fisheries Regulations 1983.

10. **DISCHARGE - STORMWATER/DRAINAGE**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the taking and diversion, for the purpose of disposal, of stormwater and land-drainage water, and the discharge by gravity into any natural water of that stormwater and land-drainage water, consequent upon the construction of a drain or a drainage system, provided that the discharge is substantially free of contaminants, subject to the following conditions:

- 10.1 That this authorisation shall not apply to any discharge from any catchment area that drains into or lies within any area zoned for any urban use under the relevant district scheme.
- 10.2 That any necessary consents for any diversion or other construction works shall be first obtained under the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990.
- 10.3 That the discharge shall not worsen or cause any significant erosion or inundation of land.
- 10.4 That the discharge shall not significantly adversely affect the suitability of water used for any other authorised use.
- 10.5 That the discharge shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 10.6 That this authorisation shall not apply to the drainage of naturally occurring bodies of standing water, including swamps, bogs, marshes, ponds, or lakes.
- 10.7 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 10.8 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 10.9 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 10.10 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

#### **11. DISCHARGE - DYE TRACERS**

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the discharge of chemically inert, non-radioactive dye into natural water to trace water movement, subject to the following conditions:

- 11.1 That the discharge of dye shall not significantly adversely affect the suitability of water used for any other authorised use.
- 11.2 That any person who intends to discharge dye pursuant to this authorisation shall give the Director of Resource Planning of the Nelson-Marlborough Regional Council at least ten working days prior written notice of;
  - a) the location and area of the waterbody or watercourse to be dyed;
  - b) the type and quantity of dye to be used;
  - c) the reason for the discharge of dye;
  - d) the date and time of commencement of the discharge of dye;
  - e) the planned duration of the proposed discharge of dye;

- 11.3 That the dye shall be of a chemical composition accepted as suitable for dye tracing work and shall be sufficiently diluted in the receiving water as to be harmless to aquatic life and shall cause no deterioration of water quality other than discolouration.
- 11.4 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 11.5 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 11.6 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 11.7 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

## 12. DISCHARGE - SWIMMING POOL

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the discharge of swimming pool waste water into natural water, subject to the following conditions:

- 12.1 That the rate of discharge shall not exceed 5 litres per second.
- 12.2 That the discharge shall not significantly adversely affect the suitability of water used for any other authorised use.
- 12.3 That the discharge of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values of any water body, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 12.4 That this authorisation does not apply in any area where District or City Council Bylaws require that swimming pool waste water is discharged into a sewage system.
- 12.5 That no discharge shall occur while swimming pool treatment chemicals are active in the waste water.
- 12.6 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 12.7 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 12.8 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

## 13. DISCHARGE - SEPTIC TANK WASTE:

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the discharge of waste from any domestic septic tank treating domestic sewage into the ground for disposal in circumstances which may result in that waste entering natural water, subject to the following conditions:

- 13.1 That the discharge shall not significantly adversely affect the suitability of water used for any other authorised use.
- 13.2 That there shall be no discharge of septic tank waste into surface water.
- 13.3 That the discharge shall not result in any significant contamination of groundwater.
- 13.4 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 13.5 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 13.6 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 13.7 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

- NOTE:
1. The installation of your septic tank effluent discharge system will require approval under the Plumbing and Drainage Regulations administered by your District or City Council.
  2. To ensure compliance with the above conditions, and to protect your septic tank soakage field, it is wise to have your septic tank regularly cleaned out to ensure the effective treatment of sewage prior to discharge.
  3. You are required to comply with the Bylaw requirements of your District or City Council regarding the connection of your sewage system to a reticulated sewage scheme.

#### 14. DISCHARGE - DAIRY SHED OR PIGGERY WASTE ONTO LAND

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the discharge of water containing dairy shed or piggery waste on to land or into the ground in circumstances which may result in that discharge entering natural water, subject to the following conditions:

- 14.1 That the discharge of waste shall not significantly adversely affect the suitability of water used for any other authorised use.
- 14.2 That there shall be no ponding or runoff of waste into surface water.
- 14.3 That there shall be no discharge of waste within 20 metres from any watercourse
- 14.4 That the discharge shall not result in any significant contamination of groundwater or surface water
- 14.5 That the rate of discharge shall be no greater than 6 millimetres per hour (equals 60 cubic metres per hectare per hour).
- 14.6 That any person who intends to discharge pursuant to this authorisation shall give the Director of Resource Planning of the Nelson-Marlborough Regional Council at least ten working days prior written notice of;
  - a) the type of discharge (eg. piggery, dairy shed);

- b) the location and area of land affected;
  - c) the proposed rate of discharge;
  - d) any further information as required.
- 14.7 That pursuant to Section 22(1)(a) of the Water and Soil Conservation Act 1967, this authorisation does not apply to any discharge into natural water that has been classified under Section 26E of that Act.
- 14.8 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 14.9 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 14.10 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

#### 15. DAMMING - SMALL DAMS

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the damming of any stream, subject to the following conditions:

- 15.1 That the damming of any stream under this authorisation shall not deprive any person of natural water reasonably required for that person's domestic water supply or stock drinking water requirements, or for firefighting, or any other authorised use.
- 15.2 That the damming shall not significantly adversely affect the suitability of water used for any other authorised use.
- 15.3 That the damming shall not significantly adversely affect any fishery, wildlife or recreational values, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 15.4 That this authorisation is limited to the damming of any stream draining a catchment area of no more than 20 hectare in area immediately upstream from the dam.
- 15.5 That pursuant to the first proviso of Section 22(2) of the Water and Soil Conservation Act 1967, no person shall exercise this authorisation so as to adversely affect any land owned or occupied by another person, without that other person's consent.
- 15.6 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 15.7 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 15.8 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

Note: You should be aware of obligations concerning fish passage in the Freshwater Fisheries Regulations 1983.

16. DAMMING/DIVERSION - RIVER CONTROL

Pursuant to Section 22 of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby authorises the damming of any river or stream, or the diversion of overland flow and minor proportions of instream flow:

- as a result of the installation of crossings over or through watercourses, including; culverts, bridges, fords and floodbanks, or
- as a result of the existence or repair of flood-control, or erosion-control works including; floodbanks, drainage outfalls and pumping stations, and channel-training and flood protection works,

but excluding floodgates, subject to the following conditions:

- 16.1 That consent for any such crossings or works shall be first obtained under the Nelson-Marlborough Regional Council Bylaw 1990.
- 16.2 That any diversion of natural water shall be limited to that contained within the existing flood channel of any watercourse.
- 16.3 That any damming or diversion of natural water shall not significantly adversely affect any fisheries, wildlife habitats, or recreational values, and all practicable measures shall be taken to minimise any adverse effect to fisheries, wildlife or recreational values.
- 16.4 That any damming or diversion shall not significantly adversely affect the suitability of water used for any other authorised use.
- 16.5 That no person shall dam any river or stream or divert any natural water so as to adversely affect any land owned or occupied by another person, without that other person's consent.
- 16.6 That any person who intends to exercise this authorisation shall give the Director of Resource Planning of the Nelson-Marlborough Regional Council at least ten working days prior written notice of;
  - a) the location of works;
  - b) a description of works;
  - c) the date of commencement of works;
  - d) an estimation of the duration of the damming or diversion;
  - e) evidence of consent required under 16.1;
  - f) any further information as required.
- 16.7 That this authorisation is subject to cancellation, in whole or in part, if and whenever, in the Nelson-Marlborough Regional Council's opinion the public interest so requires.
- 16.8 That this authorisation shall not relieve any person from any obligation to obtain consent under any statute or Bylaw, including the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990, other than under Section 22 of the Water and Soil Conservation Act 1967.
- 16.9 That this authorisation shall continue in force until 31st December 2000 unless, in the public interest, the Nelson-Marlborough Regional Council cancels it, in whole or in part, before that date.

Note: You should be aware of obligations concerning fish passage in the Freshwater Fisheries Regulations 1983.

## CANCELLATION OF PREVIOUS GENERAL AUTHORISATIONS

Pursuant to Section 22 (1) of the Water and Soil Conservation Act 1967, the Nelson-Marlborough Regional Council hereby cancels the following General Authorisations previously authorised:

A. by the Marlborough Regional Water Board

- A.1 Notice of 21 June 1969; authorising the extension of P.A.C. discharge permits issued by the (pre 1967) Pollution Advisory Council to discharge pollutants into Classified Waterways.
- A.2 Notice of 21 June 1969; agricultural drainage, authorises the discharge of water from agricultural drains provided the discharge does not carry pollutants or exceed 1 cusec (102.1 m<sup>3</sup>/hr).
- A.3 Notice of 21 June 1969; authorises discharge from those stormwater outlets existing as at 20th June 1969.
- A.4 Notice of 21 June 1969; authorises existing culverts and bridges in and across natural watercourses.
- A.5 Notice of 21 June 1969; authorises taking and use of water for agricultural spraying and construction work provided the use does not adversely effect (sic) an existing lawful use (includes aerial spraying).
- A.6 Notice of 21 June 1969; authorises the taking of natural water by farmers for agricultural purposes other than irrigation of pasture, crops, commercial gardens and orchards.
- A.7 Notice of 21 June 1969; authorises the taking of water for irrigation use in the Rai-Pelorus-Kaituna-Linkwater-Northbank and East Coast Region - Ure to Hapuku and Kahutara to Conway.
- A.8 Notice date unknown; authorises the discharge of stormwater from urban areas and buildings, subject to the approval of the Board under its By-Laws, authorising the discharge of stormwater from hard catchments of 1000 square metres or less and through outfalls not exceeding 100mm internal diameter.
- A.9 Notice of 23 September 1975; authorises the taking and discharge of water by the operation of pumps or other similar devices where the taking and discharge is from and into the same body of water, provided that the discharge does not cause any noticeable alteration to the quality of the receiving waters.
- A.10 Notice of February 1983; authorises the taking of water from the Fairhall River gravels for irrigation.
- A.11 Notice of March 1985; authorises the discharge of specified herbicides into watercourses.
- A.12 Notice of December 1985; authorises the taking of water from the Omaka River and its gravels.

B. by the Nelson Regional Water Board

- B.1 Notice date unknown; authorises the use of water for agricultural spraying, of insecticide, weedicide and fungicide.
- B.2 Notice date unknown; authorises the taking of water required in Dairy sheds and Piggeries.
- B.3 Notice date unknown; authorises the taking of water required for Roadmaking.
- B.4 Notice date unknown; authorises the taking of water required for Construction as defined in the Construction Act.
- B.5 Notice of July 1988; authorises unpolluted discharges that can be conveyed in a 4" (100mm) diameter pipe at a gradient of not more than 1 in 100 and not exceeding 5 000 gallons per hour
- B.6 Notice date unknown; authorises the discharge of effluent from septic tanks into the ground, for disposal by soakage, subject to each discharge system being approved by the local authority for the district.
- B.7 Notice date unknown; authorises the natural fall of minor quantities of water containing herbicides, insecticides and fungicides, on to land during properly controlled spraying operations.
- B.8 Notice date unknown; authorises the discharge of water containing waste from dairy sheds on to land for disposal by soakage, in circumstances where these wastes are unlikely to affect natural water.
- B.9 Notice of 27 November 1976; authorises the use of dye to trace water movement.
- B.10 Notice of December 1985; authorises the take, use and discharge of water for the purposes of geological and geohydrological investigations.
- B.11 Notice date unknown; authorises the take, use and discharge of water for prospecting and mining operations and for the promotion of soil conservation and river control.
- B.12 Notice date unknown; authorises the discharge of stormwater from outfalls of up to and including 300mm diameter.
- B.13 Notice of April 1989; authorises the damming of natural water.
- B.14 Notice date unknown; authorises the discharge of water containing piggery waste onto land or into the ground.



#### **4. Land disturbance (Section 34) notice**

##### **Original purpose and intent**

Land disturbance notices control activities and landuse practices which may cause or aggravate soil erosion and the deposition/transport of erosion debris in watercourses, lakes or the sea.

##### **History of establishment**

There is currently one notice established under section 34(2) of the Soil Conservation and Rivers Control Amendment Act 1959 that defines areas within which consents are required for landuse practices which may cause or aggravate soil erosion. This notice arose from a review of the Council's soil erosion controls in 1991 and was publicly notified on 20 September 1991.

This notice controls:

- Vegetation clearance (including forestry operations)
- Soil disturbance
- Tracking
- Excavating

Over the following areas:

- Separation Point Formation
- Eastern Nelson Hills including Bryant and Richmond Ranges
- Marlborough Sounds including the Pelorus and Kaituna catchments
- Wairau Northbank
- Veron and Wither Hills
- Wairau Southbank (excluding the Wairau Plain)
- Kaikoura East Coast

##### **The effect of the Act**

The Act provides that the plan includes the notice as a regional rule. The act also deems the plan to include regional rule as follows:

- no person may do or omit to do anything which the notice declares as likely to facilitate soil erosion or floods or cause deposits in watercourses, lakes or the sea, and
- The Act provides that the provisions of the notice shall cease to be operative on the expiry of 2 years from the date when the notice was notified under section 34(2) of the Soil Conservation and Rivers Control Amendment Act 1959 (ie. 2 years from 20 September 1991), unless a change is made to the Transitional Regional Plan to extend the life of those provisions.

PUBLIC NOTICE PURSUANT TO SECTION 34 OF THE SOIL CONSERVATION AND

RIVERS CONTROL AMENDMENT ACT 1959

The Nelson-Marlborough Regional Council hereby declares by Public Notice issued pursuant to Section 34 of the Soil Conservation and Rivers Control Amendment Act 1959 to apply to all persons including owners and occupiers of land and their contractors within the area of the region generally described as:-

Separation Point Formation  
Eastern Nelson Hills including Bryant and Richmond Ranges  
Marlborough Sounds including the Pelorus and Kaituna Catchments  
Wairau Northbank  
Vernon and Wither Hills  
Wairau Southbank (excluding the Wairau Plain)  
Kaikoura East Coast

and as delineated on Nelson Marlborough Regional Council Plan No S34/1877/91, that

- i) the cutting, destruction or removal of scrub, trees or undergrowth, or
- ii) the disturbance of land surfaces by the removal of soil, or
- iii) excavation or filling, or
- iv) the formation of roads, tracks or landings for any purposes -

are practices likely to facilitate soil erosion or floods or cause deposits in water courses, lakes or the sea. No person shall engage in any of the foregoing practices within the above delineated areas without the prior written consent of Council, except that:

**Consent under the Public Notice is NOT required for the following activities:**

- a) Silvicultural practices of release cutting, pruning or thinning to waste
- b) Hand clearing of scattered woody weed species
- c) Application of selective herbicides, provided that a continuous living vegetative groundcover remains.
- d) Regular maintenance of existing firebreaks, roads and tracks provided adequate culverts and cutoffs are installed to lead water safely away, and to prevent undue concentration of flow.
- e) Cultivation of flat to gently undulating arable land not exceeding a slope of 7 degrees, for pasture renewal or cropping.

**This Notice will remain in force for two years from 20 September 1991 unless sooner revoked.**

**Penalties are as provided in the Act for any contravention of this Notice.**

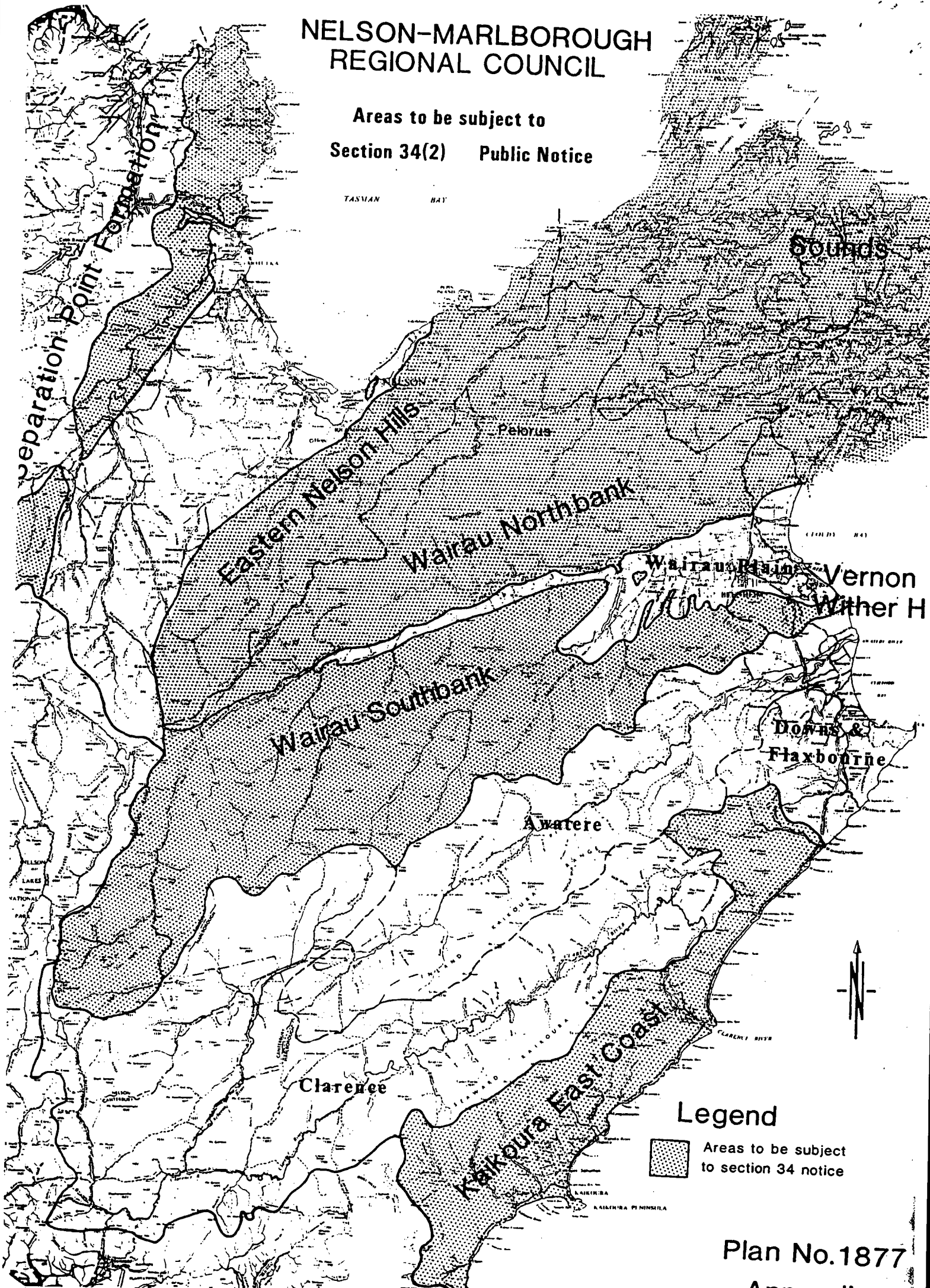
Please Note:

- (1) The regulations under the Forest and Rural Fires Act are still applicable.
- (2) Attention is drawn to the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990. (Vegetation clearance by burning is subject to this Bylaw).
- (3) Conditions of Council's General Authorisation regarding herbicide use.
- (4) Any Water Right requirements under the Water and Soil Conservation Act 1967.
- (5) A map showing the area of application of the Notice can be seen at the Council's offices at Blenheim, Nelson and Kaikoura during normal office hours.

# NELSON-MARLBOROUGH REGIONAL COUNCIL

Areas to be subject to  
Section 34(2) Public Notice

TASMAN BAY



## Legend



Areas to be subject to section 34 notice

Plan No.1877

Appendix 2

## 5. Water and Soil Bylaw 1990

### Original purpose and intent

One of the responsibilities of the Nelson-Marlborough Regional Council is the management of water, soil and gravel resources in the Nelson-Marlborough region. In carrying out this responsibility, the Council made the Nelson-Marlborough Regional Council Water and Soil Bylaw 1990.

The Bylaw is intended to serve two main purposes;

- The first is to manage and control activities affecting water and soil resources so as to protect those resources from unwise, destructive and wasteful use.
- The second is to ensure that the public are protected from hazards resulting from the unwise, destructive and wasteful use of those resources.

Put simply; to protect the resource from the public and to protect the public from the resource.

The Bylaw contains sections covering the following activities:

- Those affecting **watercourses** and defences against water (e.g. stopbanks and floodgates);
- The removal of **gravel** and other aggregate from watercourses;
- The **burning** of vegetation in specific areas;
- The design, construction, alteration, removal and repair of **dams**;
- The drilling of **bores or wells**, for extracting groundwater.

For each of the activities listed above a Regional Council consent is required.

### History of establishment

The Nelson-Marlborough Regional Council Water and Soil Bylaw 1990 was made under two Acts of Parliament; the Soil Conservation and Rivers Control Act 1941, and the Water and Soil Conservation Act 1967. The Bylaw replaces Bylaws that existed since 1945. The Bylaw first came into force on 1 April 1991.

### The effect of the Act

Provisions of the Bylaw requiring the consent of the Regional Council for certain activities are deemed to be regional rules in respect of discretionary activities. That means that a land use consent will be required for any of those activities. A land use consent will require an application to the Nelson-Marlborough Regional Council on forms available at Council offices, together with the payment of a application fee as a deposit against expenses. Applications may be publicly notified or not publicly notified, in accordance with the Act.

Although the Bylaw provides that any Bylaw consent can be cancelled by the Council if the terms or conditions of the consent have not been followed, the Act has had the effect of relegating that power to the Planning Tribunal. The Council may apply to the Planning Tribunal for an enforcement order, or issue an abatement notice requiring compliance with any conditions set on a consent.

The schedules dealing with forms for applications and permits, set out in the Second, Fourth, Fifth and Sixth Schedules of the Bylaw, are superseded by the requirements of the Act and Form 5 of the Resource Management (Forms) Regulations 1991. New forms are available at Council offices.

The schedule of application fees and other fees set out in the Seventh Schedule has been superseded by a schedule of fees and charges under the Act.

## 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

#### SCHEDULES 1 - 7

## 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 Timberlands 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 Offenses**

- 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, dispensation, 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.

**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: \_\_\_\_\_

File No: \_\_\_\_\_

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)

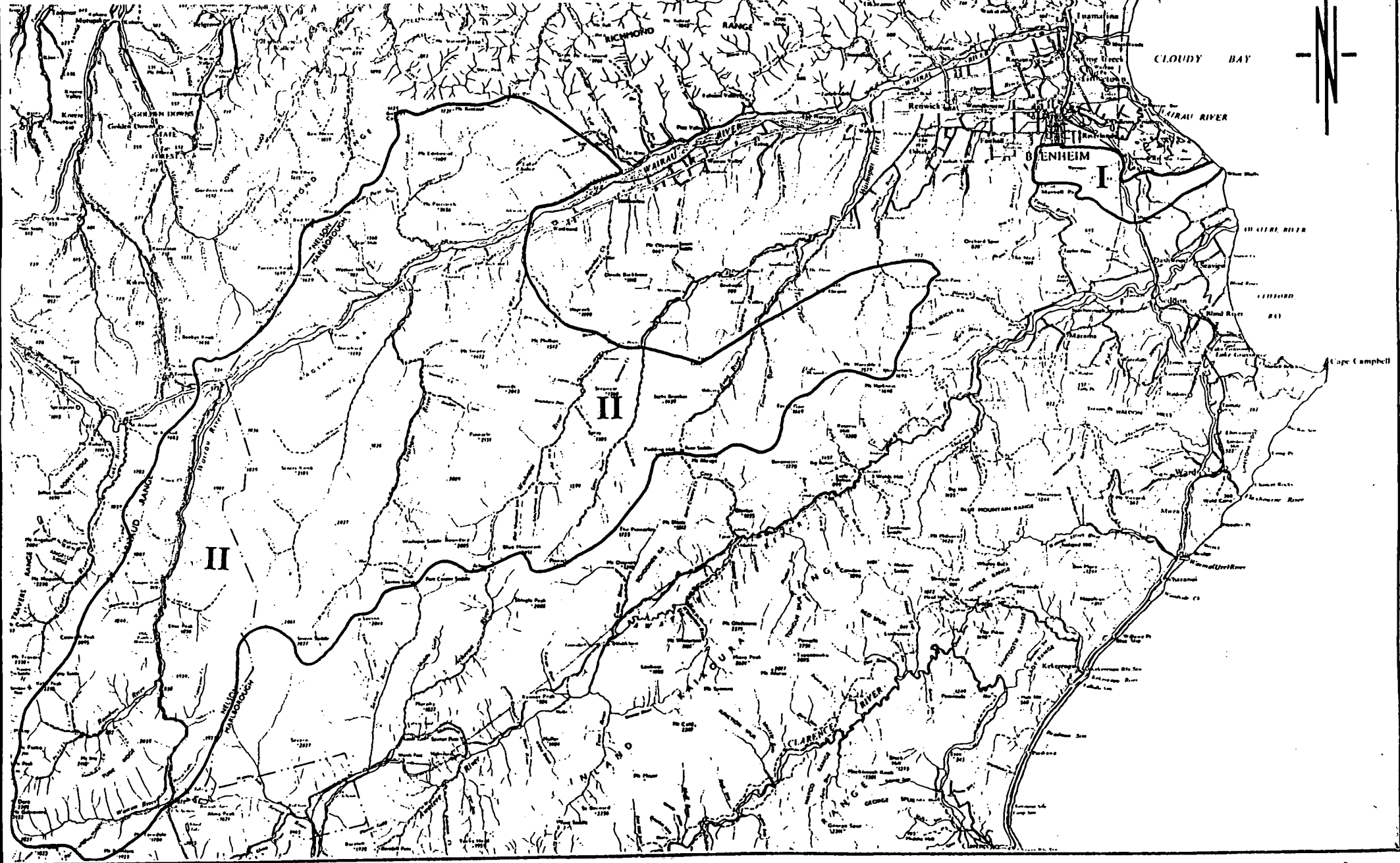
**RESTRICTED BURNING AREA 1 - Wither and Vernon Hills**

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 Areas



**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: \_\_\_\_\_

Applicants Name: \_\_\_\_\_

Permit No: \_\_\_\_\_

Address: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Well No: \_\_\_\_\_

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: \_\_\_\_\_ Telephone No: \_\_\_\_\_

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

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**L G ARDELL**  
**CHAIRMAN**

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**G N MARTIN**  
**GENERAL MANAGER**

## **6. Clean Air Act Licensing Bylaw 1976**

### **Original purpose and intent**

The intent of the Clean Air Act 1972 is to promote the conservation of air and the abatement of the air pollution. In broad terms it aims at achieving that purpose by keeping to a practical minimum the emission from premises of air pollutants and by regulating the emission of smoke. Bylaws may be made to regulate the carrying out of industrial or trade processes where there might be emissions of air contaminants.

### **History of establishment**

Clean air licences were administered by the Department of Health and territorial authorities under the Clean Air Act 1972. The Blenheim Borough Council made a Clean Air Act Licensing Bylaw under section 24(2) of the Clean Air Act 1972 by resolution in 1976. This was the only clean air licensing bylaw made in the Nelson-Marlborough region.

The area over which the Clean Air Act Licensing Bylaw 1976 applies is that of the former Blenheim Borough Council prior to its abolition and the establishment of the Marlborough District Council on 1 November 1989.

### **The effect of the Act**

Under the Act the responsibility for the control of the discharge of contaminants into air comes to Regional Councils. The provisions of the Clean Air Act Licensing Bylaw 1976 that require a consent (licence) for a scheduled process involving the discharge of contaminants into the air, are deemed to be regional rules in respect of discretionary activities. That means that a discharge permit is required from the Regional Council for any scheduled process specified or described in Part C of the Second Schedule of the Clean Air Act 1972.

It should be noted that all references to the "Licensing Authority" in the Clean Air Act Licensing Bylaw 1976 are now references to the Nelson-Marlborough Regional Council. The fees for a licence application set by clause 10B of the Clean Air (Licensing) Regulations 1973 are now superseded by the charges and fees set by the Regional Council under the Act.

The following is the wording of the bylaw established by the Blenheim Borough Council under Section 24(2) of the Clean Air Act 1972, and the Part C processes which require licensing.

CLEAN AIR ACT LICENSING BYLAW 1976

THE BLENHEIM BOROUGH COUNCIL in pursuance and exercise of the powers vested in it in that behalf by the Municipal Corporations Act 1954 the Clean Air Act 1972 and all other Acts and powers whatsoever enabling it in that behalf DOETH HEREBY MAKE AND ORDAIN by way of Special Order the following By-law.

1. THIS Bylaw shall be known as the Clean Air Act Licensing Bylaw 1976.
2. THIS Bylaw shall come into force on the 1st day of December 1976.
3. IN this Bylaw unless inconsistent with the contexts -
  - (a) "Act" means the Clean Air Act 1972
  - (b) "Scheduled Process" means any process specified or described in Part C of the Second Schedule of the Act in respect of which a licence is required by this Bylaw.
  - (c) "Licensing Authority" in the case of such a Scheduled Process carried on or proposed to be carried on in the borough means the Blenheim Borough Council.
  - (d) Words defined in Section 2 of the Clean Air Act 1972 shall when used herein have the same meaning.
4.
  - (a) No person shall carry on, establish, or extend such a Scheduled Process without a licence therefore from the Licensing Authority having first been obtained.
  - (b) Application for a licence to carry on, establish, or extend such a Scheduled Process shall be made in writing in triplicate on the prescribed form to the Licensing Authority.
  - (c) A scaled plan of the premises shall accompany the application detailing:
    - (i) The site and dimensions of related buildings.
    - (ii) Position and heights above ground level of all chimneys thereat.
    - (iii) Nature of uses of such buildings and parts thereof and appliances with which the subject matter of the Application will be associated.
    - (iv) Position of Scheduled Process or extension thereof applied for.
    - (v) Every application shall, subject as herein provided, be accompanied by the prescribed fee which on receipt shall be paid as required by the Clean Air Act 1972.
    - (vi) Full names and address and occupation of the Applicant.
  - (d) Every person making application for a Licence shall furnish such information and particulars regarding the Scheduled Process or any extension thereof as may be prescribed or as the Licensing Authority may in any particular case require for consideration in relation to the purposes of the Act.

5. (a) A Licence for any such Scheduled Process shall be issued upon or subject to such terms, conditions and restrictions as the Licensing Authority may consider necessary and on payment of the appropriate fee.
- (b) Any such licence shall expire on the 31st March following the year in which it was issued, but it may from time to time be renewed.
- (c) Where a person already holds a licence from the Licensing Authority and wishes to extend, add to or alter the Scheduled Process a further fee shall be payable for any application therefore.
6. (a) For every licence issued under the Bylaw the Licensing Authority may from time to time by resolution fix or alter any fee payable in respect of such a Licence.
7. ANY Licence issued hereunder shall upon due application under the Act of the Licensee and the person to whom it is proposed that the Licence shall be transferred, be transferrable by appropriate endorsement thereon or by issue of a new Licence and thereafter such transferee shall be deemed the holder of the Licence in accordance with the provisions of the Act. A transfer fee as the Licensing Authority shall from time to time fix by resolution shall be paid to the Licensing Authority by the transferee..
8. (a) No Licence as prescribed under this Bylaw is required for any premises carrying on deep fat frying, curing by smoking, the roasting of berries or grains, or where the only combustion process is fired by gas, where such premises are registered under the provisions of the Health (Registration of Premises) Regulations 1966.
- (b) Exemption from licensing shall not however exempt any person carrying on such a scheduled process from adopting the best practicable means to prevent any harmful effect of air pollution.
9. FOR the purposes of this Bylaw every person commits an offence:
  - (a) Who, being the occupier of any premises or any person in charge or apparently in charge of any premises where any such Scheduled Process is carried on, established or intended to be carried on, withholds information reasonably required by the Licensing Authority or any officer appointed by it under the Act;
  - (b) Who furnishes false information to the Licensing Authority or any such officer during enquiry directed to the operation of any such Scheduled Process;
  - (c) operates without a current licence any such Scheduled Process;
  - (d) Fails to notify any addition, alteration, or extension of such process, or any change or ownership of premises or appliances used in operation of any such Scheduled Process.
  - (e) Who, not having duly appealed under Section 32 of the Act or having no right of such appeal, fails to operate any such Scheduled Process according to the terms, conditions, restrictions prescribed by and applicable under this Bylaw.
10. ANY Appeal which may be made under the Act shall be made in accordance with the provisions prescribed in Section 32 thereof.
11. PRINTED copies of this Bylaw shall be kept at the office of the Licensing Authority and shall be available to persons applying for them upon payment of the current published price shown therein.

THE above Bylaw was duly made by way of Special Order passed at a Special Meeting of the Blenheim Borough Council held on the ..... day of ..... 1976 and following due public notice was confirmed at the Ordinary Meeting of the Council held on the ..... day of ..... 1976.

THE COMMON SEAL of THE MAYOR COUNCILLORS AND CITIZENS

OF THE BOROUGH OF BLENHEIM was hereunto affixed pursuant to a

Resolution of Council in the presence of:

.....  
Mayor

.....  
Town Clerk

CLEAN AIR ACT 1972

SECOND SCHEDULE : PART C

Processes requiring notification to local authorities and subject to licence pursuant to bylaws

1. Any combustion processes involving fuel burning equipment, including flaring or incineration of trade wastes or refuse, not otherwise specified or described in this Schedule which singly or in combination in any one unit can burn combustible matter having a rate of heat release exceeding (40kW).

Cl 1 amended by cl 14. SR 1987/371.

2. Any industrial or trade processes not otherwise specified or described in this Schedule for pneumatic conveying of any air polluting substance specified in the First Schedule to this Act.

Cl 2 Amended by cl 5(1). SR 1982/278.

3. Any industrial or trade processes described in clause 3 of Part A of this Schedule but having a raw material capacity less than 250 kg an hour.

- 4,5. Repealed by cl 5(2), SR 1982/278.

6. Any industrial or trade processes not otherwise specified or described in this Schedule which may separately or together discharge to the atmosphere hydrocarbons and related substances in quantity (exceeding 5 kg an hour).

Cl 6 amended by cl 5(3), SR 1982/278.

7. Any industrial or trade processes not otherwise specified or described in this Schedule or for which a lower emission limit is not specified in this Schedule but which may discharge to the atmosphere air pollutants specified in the First Schedule to this Act.

8. Any process which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials not exceeding 100 cubic metres.

9. Any industrial or trade process which is not otherwise specified or described in this Part of this Schedule and which involves wet abrasive blasting.

Cls 8 and 9 added by cl 15, SR 1987/371.