

APPENDIX 7: Full Assessment Against Relevant Rules for Agrichemical Discharge Consent Application

The following sections include the full wording for relevant rules and conditions as summarised in Section 7 of the Agrichemical Discharge Consent Application. Each table separates conditions and includes a compliance statement that explains whether the conditions can be met.

Green highlighted cells = proposal complied with condition

Red highlighted cells = proposal does not comply with condition

Grey highlighted cells = condition is not relevant to proposed application

Canterbury Land and Water Regional Plan (LWRP), including Proposed Plan Change 7 (PC7)

Any additional or changes to conditions that are proposed in PC7 are underlined in the tables below.

Discharge of Agrichemical

Rule 5.22: The discharge of an agrichemical, or agrichemical equipment or container washwater, into or onto land, including the bed of a lake, river or artificial watercourse, in circumstances where a contaminant or water may enter water, or into a surface waterbody, is a permitted activity, provided the following conditions are met:		
Condition		Compliance Statement
1	The substance is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval; and	Complies – Only substances approved under the HSNO will be used, in accordance with the conditions of those approvals.
2	No mixing or diluting of an agrichemical or rinsing or cleaning of containers or equipment takes place within:	Complies – These restrictions will be complied with.
a	5 m of a surface waterbody, or a bore; or	

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	b	in the bed of a river or lake, or within the Christchurch Groundwater Protection Zone as shown on the Planning Maps, or a Community Drinking-water Protection Zone as set out in Schedule 1, unless:	
	i	the mixing or dilution takes place within a sealed, bunded system that will contain a volume of at least 110% of the largest spray tank to be filled; or	
	ii	the mixing or dilution is for a hand-held application technique or method; and	
3		If the water used for mixing or dilution is being abstracted from a surface waterbody or groundwater, a backflow prevention system is in place to prevent the agrichemical from flowing back into the source water; and	Complies – This requirement will be complied with for all takes from waterbodies. Please note that any abstraction from waterbodies will comply with the relevant permitted activity provision.
4		For discharges direct to surface water, the discharge is not:	Does not comply – Where the discharge is to weeds within artificial watercourse which smother waterways, discharge may be direct to water. Incidental spray drift is conservatively considered as a direct discharge to surface water, and may be to a river or artificial watercourse upstream of any other surface water intake.
	a	within a Community Drinking-water Protection Zone as set out in Schedule 1; or	
	b	into a river or artificial watercourse within 250 m upstream or 100 m downstream, or in a lake within 250 m, of any other surface water intake.	

The proposal does not comply with Condition 4 of Rule 5.22, the discharge of an agrichemical to land is **discretionary** under Rule 5.23.

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Vegetation Clearance

The removal of vegetation for removal of species on the Biosecurity NZ Register of Unwanted Organisms and clearance by, or on behalf of, the Canterbury Regional Council for the purposes of maintaining the flood-carrying capacity of a river is excluded from the definition of 'vegetation clearance' in the LWRP. Most of the work undertaken by CRC will meet these exclusions. Therefore any rules or conditions that refer to 'vegetation clearance' will only relate to work undertaken by CRC for other purposes such as biodiversity enhancement projects.

Rule 5.163: The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on or under the bed of a lake or river and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:		
<i>Condition</i>		<i>Compliance statement</i>
1	The activity does not prevent access to lawfully established structures, including flood protection works, or to flood control vegetation; and	Complies – The purpose of the activity is to remove weeds, which would result in improved access, despite this not being the sole intent of the works.
2	No vegetation used for flood control or bank stabilisation is disturbed, removed, damaged or destroyed without the prior written permission of the person or agency responsible for maintaining that vegetation for flood control purposes; and	Complies – CRC is the agency responsible for maintaining flood control vegetation, and the applicant for this consent.
3	No woody vegetation is disposed of in, on, over or under the bed of a lake or river other than for in situ decomposition of sprayed weeds that were growing in, on, over or under the bed; and	Complies – This is best practice and will be complied with.
4	Introduction or planting of vegetation in, on, or under the bed of any lake or river is not of a species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Regional Pest Management Plan; and	Not applicable – The application is for removal, not planting.
5	Introduction or planting of vegetation in, on, or under the bed of any river or lake listed as a high naturalness waterbody in Section 6 to 15 is only of indigenous plant species that naturally occur in the catchment; and	Not applicable – The application is for removal, not planting.

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6	Vegetation clearance in, on, or under the bed of any river or lake listed as a high naturalness waterbody in Section 6 to 15 is only of:		Not relevant for works that are excluded from the definition of ‘vegetation clearance’. For all other activities, e.g. biodiversity projects, the only reason CRC would remove vegetation in high naturalness waterbodies would be to remove non-indigenous weed species.
	a	non-indigenous species; or	
	b	indigenous species that form the understorey of plantation forest that is being harvested and a minimum 5 m set back from the river or lake is provided upon replanting (if replanting occurs); and	
7	Vegetation clearance does not occur in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive; or <u>in any Indigenous Freshwater Species Habitat; and</u>		Not relevant for works that are excluded from the definition of vegetation clearance. Works that do not meet the vegetation clearance exclusions will not occur in salmon or inanga spawning sites during the specified time periods, nor in indigenous freshwater species habitat.
8	In a flood control rating district scheme area, the introduction or planting of any plant, has the prior written permission of the person or agency responsible for maintaining that vegetation for flood control purposes; and		Complies – CRC is the agency responsible for maintaining flood control vegetation, and the applicant for this consent.
9	From 5 September 2015, and within the bed of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and Waitaki rivers, vegetation clearance or cultivation does not result in a reduction in the area or diversity of existing riverbed vegetation, unless the activity is for the purpose of the operation, maintenance, upgrade or repair of infrastructure; and		Complies – Works that do not meet the vegetation clearance exclusions will be for the purpose of enhancement projects or removing nuisance non-indigenous vegetation. Thus, removal will not reduce the area or diversity of existing vegetation.
10	Except in relation to recovery activities, or the establishment, maintenance, repair or upgrading of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed:		Complies – Spraying will not require physical disturbance of the bed, nor entry into water, so there will be no sediment discharge.
	a	50g/m3 where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m3 in which case the Schedule 5 visual clarity standards shall apply; or	
	b	100g/m3 where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the	

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		waterbody is greater than 100g/m3 in which case the Schedule 5 visual clarity standards shall apply.	
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The removal of vegetation by CRC as a result of agrichemical spraying in the bed of a river will be a **permitted activity** under Rule 5.163 of the LWRP.

Rule 5.167: The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a wetland boundary but within: <ul style="list-style-type: none"> a. 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps; or b. 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country on the Planning Maps; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:			
<i>Condition</i>		<i>Compliance statement</i>	
1	Except in relation to recovery activities, the area of bare ground resulting from vegetation clearance:	Not applicable – Spraying will not result in bare ground.	
	a does not exceed 10% of the area within the relevant riparian margin at any time; or		
	b is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or		
	c for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007; and		
2	Except in relation to recovery activities, the vegetation clearance is not on land above 900 m above sea level; and	Complies – Vegetation clearance works will not occur at elevations above 900 masl.	
3	Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed:	Not applicable – Spraying will not result in bed disturbance that will cause a discharge of suspended solids.	
	a 50g/m3 where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m3 in which case the Schedule 5 visual clarity standards shall apply; or		

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	b	100g/m3 where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m3 in which case the Schedule 5 visual clarity standards shall apply; and	
4		The felling of trees, or any part of a tree, is away from any lake, river or wetland, except where it is not practicable to do so to ensure human safety, and no logs or tree trunks are dragged through or across the bed of a lake or a permanently flowing river, or a wetland; and	Not applicable – Spraying activity does not include the felling of trees.
5		The vegetation clearance does not occur adjacent to a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive; and	Not relevant for works that are excluded from the definition of vegetation clearance. Works that do not meet the vegetation clearance exclusions will not occur in salmon or inanga spawning sites during the specified time periods, nor in indigenous freshwater species habitat.
6		The vegetation is not flood or erosion control vegetation; and	Complies – Vegetation removed for biodiversity or biosecurity purposes will not be flood or erosion control vegetation.
7		From 5 September 2015, and in the riparian margins of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki rivers, vegetation clearance or cultivation does not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 6 above are also met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.	Not relevant for works that are excluded from the definition of vegetation clearance. Works that do not meet the vegetation clearance exclusions will not occur in the listed rivers OR Vegetation clearance in the listed rivers will not result in a reduction in the area or diversity of existing riparian vegetation.

The removal of vegetation as result of spraying within the riparian margin is a **permitted activity** under Rule 5.167 of the LWRP.

<p>Rule 5.70: Within the area shown as High Soil Erosion Risk on the Planning Maps and outside any riparian margin, the use of land (excluding any works for which a building consent has been obtained from the relevant local authority) for</p> <ul style="list-style-type: none"> a. Cultivation or spraying of slopes less than 25 degrees; or b. Cultivation or spraying on slopes greater than 25 degrees; provided that, the total area sprayed or cultivated is less than 200 m2 ; or c. Vegetation clearance of species (including by spraying) listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy; or d. Hand clearance and spot spraying of vegetation; or

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<p>e. Silvicultural practices of release cutting, pruning or thinning to waste and harvesting in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007; or</p> <p>f. Earthworks within a production forest undertaken in accordance with NZ Forest Road Engineering Manual (2012); or</p> <p>g. Maintenance of existing firebreaks, roads and tracks and, during a fire emergency, construction of new firebreaks and tracks; or</p> <p>h. Construction of fences; or</p> <p>i. Construction of walking tracks no more than 1.5 m wide; or</p> <p>j. Maintenance of existing transport networks; or</p> <p>k. Earthworks and vegetation clearance associated with the establishment, repair or maintenance of pipelines, electricity lines, telecommunication lines and radio communication structures and fences; or</p> <p>l. Other earthworks where</p> <p>i. the volume is less than 10 m³ per site or per hectare (whichever is the greater); and</p> <p>ii. the maximum depth of cut or fill is 0.5 m; and</p> <p>any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:</p>		
<i>Condition</i>		<i>Compliance statement</i>
1	Any cleared areas are stabilised and where it is not put to its final use shall be revegetated within 6 months from the date of the commencement of the vegetation clearance or earthworks; and	Will comply
2	Any cultivation is across the contour of the land; and	Not applicable – this consent is not for cultivation
3	When firebreaks, roads, or tracks are constructed or maintained the maximum depth of cut or fill is 0.5 m; and	Not applicable – this consent is not for firebreaks, road, or tracks.
4	Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed:	Not applicable – Spraying will not result in bed disturbance that will cause a discharge of suspended solids.
a	50g/m ³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m ³ in which case the Schedule 5 visual clarity standards shall apply; or	
b	100g/m ³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m ³ in which case the Schedule 5 visual clarity standards shall apply; and	

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Regional Coastal Environment Plan (RCEP)

Some spraying may occur within the coastal marine area (CMA) and therefore the RCEP is relevant to this proposal. There are no permitted activity rules in the RCEP that are relevant to this proposal. Rule 7.2 is therefore relevant.

Rule 7.2: Except as provided for by Rules 7.1, 7.3, 7.4, 7.5 or 7.6, 10.27, 10.28, 10.29, 10.30, 10.31 or 10.32 the discharge of any water or any contaminant, into water, or onto or into land, in the Coastal Marine Area, is a Discretionary Activity and shall comply with the standards and terms set out below.			
<i>Condition</i>			<i>Compliance statement</i>
1	Except as specified in (2) below, the activity shall comply with the following standards and terms:		Complies – The discharge within the CMA will be limited to riverine stretches where riverine process and water quality dominate. The discharge will not affect the water quality standards in any receiving bodies, based on the nature of the discharge, nor will it result in the production of conspicuous oil or grease as specified by condition (i), a change in clarity, or an objectionable odour.
	a	The relevant water quality standards contained in the water quality classes set out in Schedule 4 shall be observed. The standards apply after reasonable mixing of any discharge of contaminants or water to water and disregard the effect of any natural perturbations that may affect the receiving water.	
	b	The discharge, (either by itself or in combination with the same, similar, or other contaminants or water), and disregarding the effect of any natural perturbations that may affect the receiving water, shall not, after reasonable mixing of the contaminant with the receiving water, give rise to any of the following effects in the receiving waters:	
	i	the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or	
	ii	within areas classified as Coastal AE water or Coastal CR water: a change in the colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 %; within any other area: a change in the colour of the receiving water by greater than five points, as measured using the Munsell	

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			Scale, or a reduction in the visual clarity of the receiving water by greater than 20 %; or	
		iii	any emission of objectionable odour.	
2	The discharge of dredged material by or on behalf of the Lyttelton Port Company within the spoil dumping grounds in Lyttelton Harbour/Whakaraupo shown in Map 5.5 is a Discretionary Activity for which no standards and terms are set by this Rule.			Not applicable – The discharge is not dredged material.

The discharge of agrichemicals in the CMA meets all the conditions of Rule 7.2 and is therefore a **Discretionary Activity**.

Waimakariri River Regional Plan (WRRP)

Discharge of Agrichemical

Rule 6.1 states: “The discharge of contaminants into surface water bodies in the Waimakariri River Catchment excluding the Styx River Catchment or onto or into land within 20 metres of surface water bodies or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering surface water bodies is a discretionary activity.”

The WRRP provides water quality standards for various states of surface waters. As discussed in the attached application, it is considered that these standards can be met. The proposal is therefore a discretionary activity under Rule 6.1 of the WRRP

Vegetation Clearance

The proposed vegetation clearance meets the definition of ‘maintenance of flood protection works’.

Rule 7.2: The following activities in, on, under, or over the bed of any river in the Waimakariri River Catchment are permitted activities:

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(a) the disturbance of the bed;		
(b) the deposition of excavated bed material, rockwork, rock used for bank protection, or cut plant material, but not including concrete blocks;		
(c) the introduction or planting of any plant or any part of any plant (whether exotic or indigenous);		
(d) the disturbance, removal, damage, or destruction of any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals;		
provided that:		
Condition		Compliance statement
i	The activity is for the purpose of:	Complies – Vegetation clearance is for the purpose of flood protection works maintenance, or for the purpose of controlling exotic vegetation and enhancing indigenous vegetation and species habitats.
1	the repair or maintenance of flood protection works;	
2	the repair or maintenance of existing transport or transmission line or other network utility infrastructure (including roads, bridges, railways, power lines, telephone lines, communication lines) located in the river bed;	
3	the establishment and maintenance of river cross-section survey sites;	
4	the control or eradication of exotic vegetation (e.g., broom, gorse, grass, lupin); or	
5	the maintenance and enhancement of indigenous vegetation, habitats of indigenous fauna, and habitat of salmon and trout;	
ii	The disturbance of the bed does not occur within 100 metres of colonies of birdlife, nesting or rearing their young in riverbed gravels from 1 September to 31 January of the following year, or physically disturb any indigenous bird's nest currently in use;	Not applicable – The works will not involve disturbance of the bed.
iii	Not applicable	Not applicable – No planting proposed.
iv	Not applicable	
v	No plant or any part of any plant, including slash, debris, prunings and thinnings, is deposited in a position where it will block or divert the river flow;	Complies – Spraying will not result in plants being deposited in the bed.
vi	Not applicable	Not applicable – No planting proposed.
vii	The activity is not located in, on, under, or over any wetland in the bed;	Complies - Spraying will not occur within wetlands within the WRRP catchment unless a separate consent is held to enable this activity.

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viii	For the purpose of maintenance and enhancement of indigenous vegetation, habitats of indigenous fauna, and habitat of salmon and trout:		Complies – Works will not disturb the bed, with spraying able to be done in a manner that avoids disturbance.
	1	the quantity of bed material disturbed is less than 10 cubic metres at any one site;	
	2	the disturbance does not occur within 5 metres of any flood protection works; and	
	3	the disturbance does not occur within 50 metres of any structure, other than flood protection works, located in the riverbed.	
ix	Not applicable		Not applicable – No rock work proposed.

The removal of vegetation will comply with all the relevant conditions and is therefore a permitted activity.

Opihi River Regional Plan (ORRP)

<p>The discharge of contaminants, other than treated or untreated human sewage, into the Opihi River or its tributaries, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering these water bodies is a discretionary activity.</p>		
Condition		Compliance statement
a	The standards contained in the water quality class below shall be observed. The standards apply after reasonable mixing of any contaminant or water with the receiving water and disregards the effect of any natural perturbations that may affect the water body.	Complies - As discussed in the attached application, it is considered that these standards can be met.
	1 The maximum cover of stream or river beds by periphyton as filamentous growths or mats (greater than 3 millimetres	

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		thick) shall not exceed 40%, as a result of any discharge of a contaminant.	
	2	Bacterial or fungal slime growths shall not be visible to the naked eye as plumose growths or mats, as a result of any discharge of a contaminant.	
	3	BOD5 of GF/C-filtered water shall not exceed 2 grams per cubic metre, as a result of any discharge of a contaminant.	
	4	The visual clarity of the water shall not be rendered so low as to be unsuitable for bathing, by the presence of contaminants.	
	5	The concentration of dissolved oxygen shall be not less than 80% of saturation concentration, as a result of any discharge of a contaminant.	
	6	Fish or other aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.	
	7	There shall be no significant adverse effect on aquatic life as a result of any discharge of a contaminant.	
	8	The natural temperature of the water shall not be changed by more than 3 ° Celsius and shall not exceed 25° Celsius, and the temperature of the water shall not adversely affect the spawning of trout or salmon during the spawning season.	
	9	The median faecal coliform concentration, based on not less than five samples taken within any 30 day period, shall not exceed 200 faecal coliforms per 100 millilitres.	

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	10	The water shall not be rendered unsuitable for treatment (equivalent to coagulation, filtration, and disinfection) for human consumption by the presence of contaminants.	
	11	The water shall not be tainted or contaminated by the presence of contaminants, so as to make it unpalatable or unsuitable for consumption by humans after treatment (equivalent to coagulation, filtration, and disinfection), or unsuitable for irrigation.	

It is considered that the discharge of agrichemicals can be managed to ensure that the water quality standards and terms in the ORRP will be met. The discharge of agrichemical is therefore a discretionary activity under Rule 1 of the ORRP.

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Summary of Rules and Activity Status

Section of RMA	Activity	Relevant Regional Plan	Relevant Rule	Activity Status
S15	Discharge to water, or land where it may enter water	LWRP	Rule 5.23	Discretionary
		WRRP	Rule 6.1	Discretionary
		ORRP	Rule 1	Discretionary
S15	Discharge to air	CARP	Rule 7.79	Restricted Discretionary
S15	Discharge to CMA	RCEP	Rule 7.2	Discretionary
S13	Vegetation Clearance	NES-FM	Regulation 46	Permitted
		LWRP	Rule 5.163	Permitted
S9	Vegetation clearance in riparian margin	LWRP	Rule 5.167	Permitted
S9	Vegetation clearance in high erosion risk areas	LWRP	Rule 5.170	Permitted

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