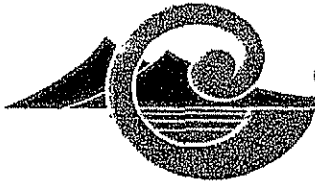




TRANSITIONAL REGIONAL PLAN

RESOURCE MANAGEMENT ACT 1991

OCTOBER 1991



CANTERBURY REGIONAL COUNCIL

TRANSITIONAL REGIONAL PLAN

I hereby certify that this is a correct copy of the Canterbury Regional Council Transitional Regional Plan approved by the Council on 20 September 1991 for public notification on 1 October 1991 in accordance with Section 376 of the Resource Management Act 1991.

R E Johnson
Chairman
Canterbury Regional Council

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TRANSITIONAL REGIONAL PLAN

1. Explanation

Section 368 of the Resource Management Act 1991 provides for certain existing instruments such as bylaws, water quality classifications to become a Transitional Regional Plan. The instruments are set out in this plan together with the type of consent required in terms of the Resource Management Act 1991 as defined in Section 369.

Under section 369, activities covered by the instruments set out in the Transitional Regional Plan are divided into three types, permitted, discretionary and non-complying. The Resource Management Act defines these activities as follows:

"Permitted activity" means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in section 108 or section 220) specified in the plan:

"Discretionary activity" means an activity which a plan specifies as being allowed only if a resource consent is obtained in respect of the activity from a consent authority, which must exercise its discretion to grant the consent in accordance with criteria specified in the plan and this Act:

"Non-complying activity" means an activity which contravenes a plan but is not a prohibited activity:

The Canterbury Regional Council also has a Transitional Regional Coastal Plan which in a similar manner includes instruments within the Coastal Marine Area (below mean high water mark spring). That part of any instrument listed in this plan which falls within the Coastal Marine Area will only have effect as part of the Transitional Regional Coastal Plan.

Under Section 367, regional councils and territorial authorities must have regard to the Operative Regional Planning Scheme comprising:

- Section 1: Overall Objectives and Settlement Distribution
- Section 2: Communications
- Section 3.1: Land and Water
- Section 1: (Aorangi)

to the extent that its provisions are not inconsistent with Part II of the Resource Management Act 1991.

2. Summary of Instruments

The instruments comprising the Transitional Regional Plan are:

- (i) Local water conservation notices under Section 20H of the Water and Soil Conservation Act 1967
- None
- (ii) Final water classifications under Section 26F of the Water and Soil Conservation Act 1967
- Part waters of the Waimakariri River Catchment and its tributaries

- (iii) Minimum flows under Section 20J of the Water and Soil Conservation Act 1967
- Ashley River mainstem
 - Lower Ashley tributaries:
 - Waikuku Stream
 - Little Ashley
 - Taranaki Creek
 - Saltwater Creek
- (iv) General authorisations notified under Section 22 of the Water and Soil Conservation Act 1967
- (a) Abstraction of Natural Water
 - (b) Diversion and Discharge of Natural Water
 - (c) Sewage Tank Effluent Discharge
 - (d) Animal Effluent Disposal on to Land
 - (e) Discharge of Land Drainage and Aquifer or Bore Test Water
 - (f) Discharge of Water Tracers
 - (g) Discharge of Cooling Waters
 - (h) Discharge of Stormwater
 - (i) Discharge of Water from Swimming Pools
 - (j) Damming of Rivers or Streams
- (v) Any bylaw made under -
- (1) Section 149 or Section 150, Soil Conservation and Rivers Control Act 1941
 - SCCB Bylaw 1981 (Conservation of Ground Cover)
 - NCCB Bylaw No.1 Watercourses 1947
 - NCCB Bylaw No.3 Burning 1989
 - SCCB Bylaw 1948 (Burning, Land Utilisation, Water Courses)
 - (2) Section 34A of the Water and Soil Conservation Act 1967
 - None

Section 4 of the Water and Soil Conservation Amendment Act 1973

 - Underground Water Bylaw 1990
 - (3) Section 50 of the Land Drainage Act 1908
 - None
 - (4) Section 24(2) or Section 55A of the Clean Air Act 1972
 - CCC - City Fires Bylaw 1991
 - CCC - Clean Air Bylaw 1990
- (vi) Notices under Section 34(2), Soil Conservation and Rivers Control Amendment Act 1959
- Port Hills
 - South Canterbury area Rivers and Coastline
- (vii) Clean Air Zone (Christchurch) Order 1977 (except Clause 55)
- Clean Air Zones (Canterbury Region) Order 1984 (except Clause 5)
 - Parts of the Clean Air Act 1972 and Clean Air (Smoke) Regulations 1975

INSTRUMENT	AREA OF REGION TO WHICH APPLIES
Water Quality Classification	Waimakariri River
Minimum Flows	Ashley River and Lower Tributaries
General Authorisations	Whole Region
Burning, and watercourse and conservation of ground cover By-Laws	Former South and North Canterbury Catchment Board areas
Underground Water By Law	Whole Region
Clean Air By Laws	Christchurch City Council
Clean Air Orders and Provisions of Clean Air Act 1972	Christchurch, Rangiora, Kaiapoi
Section 34 Notices	Port Hills South Canterbury coastal areas, rivers and watercourses

**EXISTING LEGISLATION RESOURCE
MANAGEMENT ACT 1991**

2 years

10 years

Regional Planning Scheme → Regional Policy Statement
required to be prepared

Water Quality Classification,
Minimum Flows, → Unless superseded by a Regional Plan → Reviewed
Clean Air Zone Orders and
Provisions of Clean Air Act
General Authorisations
Burning, Watercourse
Underground Water and
Clean Air Bylaws

Section 34 Notices → Expire 21 September 1993
May be replaced by a Regional Plan

CANTERBURY REGIONAL COUNCIL

GENERAL AUTHORISATION FOR THE ABSTRACTION OF NATURAL WATER

Under Section 22 of the Water and Soil Conservation Act 1967 the Canterbury Regional Council authorises the following abstractions of natural water, except geothermal water, for beneficial uses, within its region, subject to the specified conditions:

- (1) The abstraction of natural water from any surface water resource, provided that the volume abstracted shall not exceed 10 cubic metres per day, per property, at a rate not exceeding 5 litres per second, except for those abstractions permitted under (2).
- (2) The abstraction of natural water from the following surface water resources, provided that the volume abstracted shall not exceed 100 cubic metres per day, per property, at a rate not exceeding 10 litres per second:
 - (a) Waimakariri River downstream of Waimakariri River Gorge Bridge (Map Ref. L35:331-604);
 - (b) Rakaia River downstream of Rakaia River Gorge water level recorder site (Map Ref. K35:015-424) when flows in the river are greater than the minimum river flows (minimum gorge flows) set out in the National Water Conservation (Rakaia River) Order;
 - (c) Rangitata River downstream of Rangitata Diversion Race Intake (Map Ref. J36:680-144);
 - (d) Hurunui River downstream of Mandamus water level recorder site (Map Ref. M33:725-240);
 - (e) Waiau River downstream of Marble Point water level recorder site (Map Ref. N32:914-808);
 - (f) Lakes Tekapo, Pukaki, Ohau, Benmore, (excluding the protected waters covered by the Ahuriri River Conservation Order), Aviemore and Waitaki.
 - (g) The Waitaki River downstream of Lake Waitaki (Map Ref. I40:061-102).
- (3) The abstraction of natural water from any groundwater resource, provided that the volume abstracted shall not exceed 20 cubic metres per day, per property, from any bore and the abstraction bore shall be further than 50 m from any bore on a neighbouring property, or from any surface water resource, (i.e. from the riverbank of a river or stream, or the high water mark of any lake, pond or wetland) except for those abstractions permitted under (4).

Abstractions of groundwater in the West Melton/Yaldhurst area are excluded from this authorisation. The West Melton/Yaldhurst area is defined as that area bounded by Intake Road, Station Road, Hoskyns Road through to Main South Road, Carmen Road, Russley Road, Ryans Road, Guys Road and a line 1,000 metres north of, and parallel to, the Old West Coast Road.

- (4) The abstraction of natural water from any groundwater resource provided that the volume abstracted shall not exceed 100 cubic metres per day from any bore, per property, at a rate not exceeding 10 litres per second and:
 - (a) the abstraction shall occur on a property greater than 20 hectares in area; and
 - (b) there shall be a minimum separation distance of 100 metres: between any abstracting bore and bores on adjoining properties that are used to abstract groundwater, and between any abstracting bore and any surface water resource.

Abstractions of groundwater in the West Melton/Yaldhurst area are excluded from this authorisation. The West Melton/Yaldhurst area is defined as that area bounded by Intake Road, Station road, Hoskyns Road through to Main South Road, Carmen Road, Russley Road, Ryans Road, Guys Road and a line 1,000 metres north of, and parallel to, the Old West Coast Road.

- (5) The abstraction of natural water from the distribution system by members of the irrigation schemes within the areas of the irrigation schemes listed below:

Scheme	Area (ha)	Controlling Authority	Primary Water Source
Upper Waitaki and Pumped Extension	1920	Upper Waitaki Irrigation Co.	Waitaki River
Otekaieke	180	Waitaki District Council	Otekaieke River
Maerewhenua	650	Maerewhenua District Water Resource Co.	Waitaki River
Maerewhenua	413	Maerewhenua Community Irrigation Scheme	Maerewhenua River
Lower Waitaki	16000	Lower Waitaki Irrigation Co.	Waitaki River
Steward Settlement Race*	16000	Waitaki District Council	Waitaki River
Morven Glenavy	12200	Morven Glenavy Ikawai Irrigation Co.	Waitaki River
Levels Plain	3700	Level Plain Irrigation Co.	Groundwater, Opihi River
Eiffelton	2500	Eiffelton Community Group Irrigation Scheme (Inc)	Groundwater/ Drains
Greenstreet	2300	Greenstreet Irrigation Management Ltd	Ashburton River
Mayfield Hinds	34000	Mayfield Hinds Irrigation Management Ltd	Rangitata River
Valetta	7000	Valetta Irrigation Cooperative Society Ltd	Rangitata River
Ashburton-Lyndhurst	25000	Ashburton-Lyndhurst Irrigation Society	Rangitata River/ Ashburton River
South Rakaia	1055	South Rakaia Irrigation Association	Rakaia River
North Rakaia	428	North Rakaia Irrigation Association	Rakaia River
Fereday	1030	Fereday Irrigation Association	Rakaia River
Northbank	1770	Private Companies and Individuals	Rakaia River
Loburn	270	Loburn Irrigation Company	Okuku River

Glenmark	1500	Glenmark Irrigation Committee	Omihi Stream, Weka Creek, Home Creek
Balmoral	5500	Amuri Irrigation Company	Hurunui River
Waireka Downs	400	Amuri Irrigation Company	Waiau River
Waiau	17000	Amuri Irrigation Company	Waiau River

* This general authorisation only authorises abstractions from that part of the irrigation system in the Canterbury Regional Council area. Abstractions from the race in the Otago Regional Council area are authorised via the water right system, by that Council.

- (6) The abstraction of groundwater up to 100 litres per second from a single bore for aquifer or bore testing purposes provided that the abstraction shall be for a period of no longer than 72 cumulative hours once per year.
- (7) The abstraction of groundwater from any de-watering system less than 10 metres deep for construction site de-watering purposes.

CONDITION

The above authorisations are subject to the following condition:

A fish screen shall be operated and maintained on the pump suction intake of any surface water abstraction, so that fish are prevented from passing into the intake at all times.

This authorisation is effective from 28 September 1991.

Definition:

For the purposes of this general authorisation, property is defined as any area of contiguous land in one ownership, or in more than one ownership if utilised as a single operating unit, and may include a number of lots and/or titles.

Explanatory Notes:

- (1) Any existing or proposed abstraction that does not meet the above conditions is not covered by this general authorisation and must be authorised by a water permit under the Resource Management Act 1991. Before this Act came into effect on 1 October 1991, a water right would have been required under the Water & Soil Conservation Act 1967.
- (2) This general authorisation does not relieve any person or organisation from other legal requirements under any other act, bylaw or regulation.
- (3) The initial abstractions of water from the primary water source associated with the listed irrigation schemes are covered by specific water rights.
- (4) This general authorisation can be changed, in whole or part, if the public interest so requires.

- (5) This general authorisation may be modified by the Council in the event of a serious temporary shortage of water. The authorisations can be modified to apportion, restrict or suspend abstractions. (Refer to Section 329 of the Resource Management Act 1991, previously Section 24E of the Water and Soil Conservation Act 1967.)
- (7) The exercise of this general authorisation shall not deprive any person of water that is required for their individual reasonable domestic needs, the needs of any animals for drinking-water, or water for fire-fighting purposes.
- (8) Under the Resource Management Act 1991, the uses specified in this general authorisation are Permitted Activities, with the exception of clauses (3) and (4) where in a certain area, groundwater abstractions are Discretionary Activities. Proposed abstractions that do not meet the conditions of this general authorisation are Discretionary Activities, and specific water permits are required.

CANTERBURY REGIONAL COUNCIL

GENERAL AUTHORISATION FOR THE DAMMING OF RIVERS OR STREAMS

Under Section 22 of the Water and Soil Conservation Act 1967, the Canterbury Regional Council authorises the following damming of rivers and streams, within its region, subject to the specified conditions:

- (1) The damming of intermittently-flowing rivers and streams that flow only after rainfall, or during periods of wet weather, subject to the following conditions:
 - (a) The dam shall not exceed three metres in height from its lowest point to the spillway overflow level.
 - (b) The spillway overflow shall not be constructed in fill (i.e. repositioned soils).
 - (c) The potential maximum volume of impounded water shall not exceed 1,000 cubic metres.
 - (d) The dam shall not be constructed within 100 metres upstream or downstream of property boundaries nor within 500 metres immediately upstream of a dwelling or building.
 - (e) The damming shall have no detrimental effect on any domestic or stock water supply or on any public water supply.
 - (f) This authorisation shall not apply to the part of any stream which is used during the irrigation season as a distributary of an irrigation scheme.
- (2) The damming of rivers and streams, to allow the construction of drop structures, for the purpose of controlling active riverbed erosion, subject to the following condition:

The dam shall not exceed 2 metres in height from its lowest point to the overflow level.
- (3) The damming of rivers and streams by floodgates for the purpose of controlling flood events or the effects of tides, subject to the following conditions:
 - (a) The damming shall only occur as a result of flood events or the effects of tides, when the level in the receiving water exceeds the level in the discharging river or stream.
 - (b) The discharge pipe shall be less than 0.16 m² in area (e.g. a diameter less than 450 mm).
 - (c) The damming shall have been lawfully established prior to 28 September 1991.

This authorisation is effective from 28 September 1991.

Explanatory Notes:

- (1) Works associated with such dams require a consent under: Section 13 of the Resource Management Act 1991, previously Section 155 of the Soil Conservation and Rivers Control Act 1941, and bylaws made under Section 149 of that Act. An application for consent must be made to the Canterbury Regional Council. Detailed drawings of the proposed dam, and letters of consent from adjoining land owners or occupiers and the relevant Fish and Game Council who may be affected by the proposal, shall be lodged with the application. Work must not commence until Council's written approval has been received.

Any works associated with such dams must be supervised by an appointee of the Manager, Operations and Rural Services, Canterbury Regional Council, who shall give directions as necessary to ensure such are constructed in accord with sound engineering practice and in such a manner as to minimise disruption to fisheries and wildlife habitats. These procedures are set out in the Canterbury Regional Council's Engineering Environmental Manual.

- (2) Any existing or proposed dam that does not meet the above conditions is not covered by the above general authorisation and must be authorised by a water permit, under the Resource Management Act 1991. Before this Act came into effect on 1 October 1991, a water right would have been required under the Water & Soil Conservation Act 1967.
- (3) This general authorisation does not relieve any person or organisation from other legal requirements under any other act, bylaw or regulation.
- (4) No person shall exercise the rights conferred by this authorisation, so as to adversely affect any land owned or occupied by another person, without that other person's consent.
- (5) This general authorisation can be changed, in whole or part, if the public interest so requires.
- (6) ~~Under the Resource Management Act 1991, the damming of water specified in this general authorisation is a Discretionary Activity (see Section 369(4) of the Resource Management Act 1991).~~

Repealed.

See Section 369(7)