

36.4 DISCHARGES OR DIVERSIONS TO LAND OR WATER

Refer to Policy sets 5.1.3, 6.3.3, 30.1.3, 33.1.3, 33.3.3.

Refer to Rule sections 16.3, 16.7, 31.1.

36.4.1 Scope of Section

This section deals with discharges of contaminants or water to land or water as provided by section 15 of the Act and of diversions of land drainage water as provided by section 14. Information required with resource consent applications is detailed in Chapter 37.

36.4.2 Discharges or Diversions to Land or Water

36.4.2.1 Permitted Activities (Discharge or Diversion of Stormwater or Drainage Water)

The discharge or diversion of stormwater or drainage water into water, or onto or into land, where the stormwater or drainage water may enter water in any of the following circumstances:

1. The ~~point of~~ discharge or diversion is within any Rural Residential, Rural 1, Rural 2, Open Space, Conservation or Recreation zone; or
2. The ~~point of~~ discharge or diversion is within any Residential, Rural Residential, Rural 3, Commercial, Central Business, Mixed Business, Light Industrial, Heavy Industrial, Rural Industrial, Tourist Services or Papakainga zone, and it:
 - (a) commenced before 19 September 1998; or
 - (b) the discharge or diversion has previously been authorised by a discharge permit; or
3. The discharge or diversion is from a building in the Residential, Rural Residential or Rural 3 zone, and the site was created before 28 July 2007; or
4. The ~~point of~~ discharge or diversion is to any part of a Council-maintained stormwater drainage network that has the capacity to receive additional stormwater;

is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge or diversion does not cause or contribute to erosion of land, including the bed of any stream or drain.
- (b) Any discharge or diversion from a site or any part of a site that is for the use, storage or disposal of hazardous substances does not contain any hazardous substance that is used, stored or disposed of on the site, except where it is less than 15 milligrams per litre of total petroleum hydrocarbons.
- (c) If the site uses or stores any hazardous substance, the applicant can show that all permitted activity conditions for the use or storage of hazardous substances can be met.
- (d) The discharge or diversion does not cause or contribute to any damage caused by flooding.
- (e) The discharge or diversion does not cause or contribute to the destruction of any habitat, plant or animal in any water body or coastal water.
- (f) The discharge or diversion does not or is unlikely to cause the production of conspicuous oil or grease films, scum or foams, or floatable or suspended materials in any receiving water.

- (g) Any discharge or diversion commencing after 19 September 1998 is not into coastal waters or into any sinkhole.
- (h) The point of discharge or diversion is in the same catchment as that in which the discharge or diversion arises, except that this condition does not apply to Circumstance 3 of this rule.
- (i) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.
- (j) All stormwater and sediment control structures associated with the discharge or diversion are to be maintained in effective operational order at all times.
- (k) For any discharge or diversion first commencing after 19 September 1998, the person who discharges or diverts, or who causes the discharge or diversion to be undertaken, must advise the Council of an intention to discharge or divert, including the location and maximum capacity of the discharge structure, except that this condition does not apply to Circumstance 3 of this rule.
- (l) The person who discharges or diverts, or who causes the discharge or diversion to be undertaken, must provide such information as may be requested by the Council to show how the conditions, particularly conditions (a) [Erosion], (b) [Hazardous Substances], (d) [Flooding], (e) [Destruction of any habitat], and (f) [Oil, Grease] will be met.
- (m) Where disposal to ground or a ground soakage method of disposal is to be used in the management of stormwater, all or any part of that stormwater management system is not located on land:
- (i) that is located within the Slope Instability Risk Area;
 - (ii) where the ground infiltration rate is less than the disposal rate at the point of discharge;
 - (iii) where the groundwater level is generally less than 2 metres below natural ground level throughout the year;
 - (iv) where the predominant slope of the site is greater than 15 degrees from horizontal;
 - (v) that is closer than 20 metres to the edge of the plane created by the instability risk area at the top of a cliff face, embankment, or terrace.
 - (vi) that is closer than 20 metres to a water supply bore for the purpose of domestic water supply.
- (n) The discharge or diversion of drainage water does not cause the concentration of *E. coli* in the receiving water to be increased by more than 260 cfu *E. coli* per 100 millimetres. C27 2/10
Op 4/13
- (o) The diversion of water complies with rule 31.1.6.1 [drainage or infilling of wetlands].

[Unchanged text omitted (36.4.2.2 to 36.4.2.3 and 36.4.20)]