

Reply Report Tracked Changes Version of the Plan

October 2018

Purpose of this document

This document is the Proposed Regional Plan for Northland with council officer recommended changes as a result of the hearings.

Guide to recommended changes

In this document, recommended additions are shown as underlined and recommended deletions as ~~striketrough~~. The original document is the notified version. The **yellow** changes are the s42A recommended changes. The **green** changes are the officer recommended changes as a result of the hearings. Each recommended change is referenced with an endnote (yellow changes) or footnote (green changes) of one of the following:

- A submitter that gives jurisdiction for the change e.g. “Department of Conservation”. There may be other submissions that may also provide the jurisdiction but only one has been referenced.
- Consequential changes - under Schedule 1 clause 10(2)(b) of the RMA.
- Clarifications - alterations and corrections of minor effect made under Schedule 1 clause 16(2) of the RMA and the general decision making powers of clause 10, Schdule 1, RMA.

This document retains the numbering of the Proposed Regional Plan for Northland as notified. New provisions are numbered sequentially – for example a new policy appearing after Policy D.2.2 would be number D.2.2A

Karakia

He karakia ki nga Atua

Ko Rangi

Ko Papa

Ka puta

Ko Rongo

Ko Tane Mahuta

Ko Tangaroa

Ko Tumatauenga

Ko Haumietikitiki

Ko Tawhirimatea

Ko Ruamoko¹

Tokona Te Rangi ki runga

Te Papa ki raro

Ka puta Te Ira Tangata

ki Te Whai Ao

Ki Te Ao Marama

E rongo whakairia ake ki runga

Tuturu whakamaua Kia Tina! Tina! Haumie
hui e!

Taiki e! A karakia to the gods

Whakatauaki

Toitū te marae a Tane mahuta

Toitū te marae a Tangaroa

Toitū te tangata

A prayer to Māori gods

There's Rangi

There's Papa

The birth's

Of Rongo

Of Tane Mahuta

Of Tangaroa

Of Tumatauenga

Of Haumietikiki

Of Tawhirimatea

Of Ruamoko

Separate the Sky above

The Land below

In a world of light the human element is
born into

the physical world

Let peace elevate back up above

Bind us together

Let it be so!

If the land is well

If the sea is well

The people will thrive

¹ Clarification

Mihi

Ka hoki ki te tīmatanga, ko te pū, ko te weu, ko te more, ko te aka.

E takoto mai ngā atua nei ko Ranginui ko Papatūānuku, kei waenganui tonu ā rāua tamariki e noho ana, e Whakaora tonu ana. Tēnei te hono hei tūhono i a tātou, kia tūhono, kia

tūtaki, kia whiti te noho tahi e, Tihei mauri ora!

Ō tātou mate tuatini, i takoto mai ai i roto i te kōpū o te whenua, e tika ana hei poroporoaki i a rātou. āpiti hono, tātai hono, te hunga mate ki te whenua; āpiti hono, tatai hono ko te whenua ki te hunga ora.

E ngā iwi, e ngā mana, ka huri ngā mihi ki a koutou.

Ko te mahere a-rohe mo Te Tai Tokerau (te Mahere) i whakaputaina e te Kaunihera a rohe o Te Taitokerau i runga i te Ture Whakahaere Rauemi 1991 (te RMA). He pokapū a-rohe, he hau, he whenua, he wai, he mahere takutai, me nga ture me nga kaupapa here anake hei arahi i nga tukanga whakaaetanga rauemi.

Ko tenei whakatauki e tautoko ana i te hiahia o tenei mahere “Tiakina te taiao, Tiakina te iwi e”.

Te tiaki i ngā āhuatanga katoa o te tangata me te taiao kia āhei ai te tokorua te puāwai tahi mo ake tonu atu.

Tena koutou, tena koutou, tena tatou katoa.

We return to the beginning, where life itself began, and, like the development cycle of a plant, earth transformed itself into various stages of evolution.

Papatuanuku and Ranginui lay together with their children, and today continue to dwell and sustain all people. This relationship joins people and the land, it binds us and it joins us so that our co-existence will flourish. Long live this life force!

Our many deceased who lie in the belly of the land, it is right that they be appropriately eulogised. Let the deceased then be united with the earth below. So, too, let us, the

living, be united with the land above.

All peoples, all authorities, our acknowledgement goes out to you.

The Proposed Regional Plan for Northland (the Plan) was issued by Northland Regional Council in accordance with the Resource Management Act 1991 (the RMA). It is a combined regional air, land, water and coastal plan, and only contains rules and policies to guide resource consent processes.

This proverb supports the intent of the plan “Sustaining our environment, sustaining our people”.

Through looking after the needs of the environment and people, the two will continue to flourish and sustain each other.

Greetings to you, greetings to us all.

A Introduction | Timatanga Kōrero

The Proposed Regional Plan for Northland (the Plan) was issued by Northland Regional Council in accordance with the Resource Management Act 1991 (the RMA). It is a combined regional air, land, water and coastal plan, ~~and only contains rules and policies to guide resource consent processes~~⁽²⁾. It contains very little optional content such as issues, explanations, methods (other than rules) and assessment criteria.

~~It is important to note that the Plan does not include all matters that are relevant in the consideration of applications for resource consents. It contains policies that translate higher level provisions (for example, provisions in the Regional Policy Statement) with more specificity. It does not include policies that attempt to repeat or paraphrase higher level provisions. This means that the policies in the Plan must be read in conjunction with the Regional Policy Statement and national policy statements.~~⁽³⁾

~~Of relevance to the region and this Plan are the higher-level provisions within national policy statements and the Regional Policy Statement. Under the RMA, this Plan is required to give effect to these higher order documents.~~⁴

The ~~C~~council also undertakes and supports non-regulatory initiatives to maintain and enhance the quality of Northland's natural environment. These actions complement rules and policies in this ~~P~~lan.

More information about the Plan and the Section 32 Report (which includes a full explanation of the approach taken with the Plan) is available at www.nrc.govt/newregionalplan⁽⁴⁾

~~Note – the regional council has reserved its decision on including provisions in the Plan on regulating genetically modified organisms (GMOs). At the time of notification, there were still active appeals on the proposed GMO provisions in the Regional Policy Statement for Northland. The regional council want the legal and planning context to be clear before proceeding. The regional council will review whether it will proceed with a plan change to include provisions regulating GMOs once the appeals have concluded.~~⁽⁵⁾

² Transpower, EIC Whitney, para 58

B Definitions | Whakamāramatanga

Definitions have the same meaning in the singular and plural. ~~Terms defined in the Resource Management Act 1991 are not repeated. The words in this Plan have the same meaning as in the Resource Management Act 1991, unless otherwise defined in this Plan or unless the context clearly requires otherwise.~~⁽¹⁾

<i>Abrasive blasting</i>	The cleaning, smoothing, roughening, cutting or removing of part of the surface of any article by the use of an abrasive jet of sand, metal shot, or grit or other material propelled by a blast of compressed air or steam or by a wheel.
<i>Ablative paint</i>	A paint designed to create a hull coating which ablates (wears off) slowly, exposing a fresh layer of paint.
<u>Addition (in relation to a Historic Heritage Site)</u> ⁽²⁾	Mean An extension or increase in floor area, number of stories, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs and it includes 'Seismic Upgrading'. It does not include Historic Heritage Site 'Repair' or 'Maintenance'.
<i>Aerial application</i>	The application of a substance taking place from any aircraft, including remotely controlled aircraft.
<i>Aids to navigation</i>	All marks and signs in aid of marine navigation, including navigation aids and ski access lane markers. A device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic. ⁽³⁾
<i>Agrichemical</i>	Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna. This includes adjuvants (any substance designed to enhance the effectiveness, reduce drift or act as a synergist when added to any agrichemical application mixture) and animal remedies but excludes fertilisers. Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora or fauna living organisms, including agricultural compounds, adjutants and animal remedies, but excluding fertilisers, and vertebrate toxic agents and oral nutrition compounds. ⁽⁴⁾³
<i>Allocation limit</i>	See H.6 'Environmental flows and levels' ⁴ A type of freshwater quantity limit. Allocation limits set in this plan are in Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers'. ⁽⁵⁾

³ Hort NZ, Wharfe, para 8.16

⁴ Clarification.

<p><u>Alteration (in relation to a Historic Heritage Site)</u> (6)</p>	<p>Means any changes to the fabric or characteristics of a structure or building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the structure or building and it includes Seismic Upgrading'. It does not include Historic Heritage Site 'Repair' or 'Maintenance'.</p>
<p>Ambient air quality</p>	<p>The general quality of the surrounding air, reflecting the cumulative effect of all existing activities, both anthropogenic and natural.</p>
<p>Anchoring</p>	<p>Temporarily securing a vessel, raft, aircraft or floating structure with any weight or article that is removed with the vessel when it leaves the site, which is placed in or on the foreshore, seabed, land or bed of any lake, river or stream. For the purposes of this plan, securing a vessel, raft, aircraft or floating structure with a mooring or other structure that is permanently in place is not anchoring.</p>
<p>Anti-fouling</p>	<p>A coating, paint, surface treatment, surface, or device that is used on a vessel or submerged equipment to control or prevent the attachment of organisms.</p>
<p><u>Archaeological site</u>⁽⁷⁾</p>	<p>In terms of S.6 of the Heritage New Zealand Pouhere Taonga Act 2014, means any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. Modification to archaeological sites as defined above require resource consent (an authority) from Heritage New Zealand Pouhere Taonga.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <u>Under the RMA definition of Historic Heritage, the term Archaeological Site is not limited to pre-1900 activity and may include evidence of archaeological significance such as sites of later activity of heritage interest (e.g. World War 2 army camps).</u> 2. <u>Installing signs on or into pre-1900 built heritage sites may require an authority from Heritage New Zealand).</u> 3. <u>19th Century buildings and structures above and below ground are archaeological sites and may require an authority depending upon the nature of the works proposed.</u>
<p>Artificial watercourse</p>	<p>A man-made channel constructed in or over land for carrying water and includes an irrigation canal, road side drains and water tables,⁽⁸⁾ water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river, or stream or natural wetland.⁽⁹⁾</p>
<p><u>Aupouri Aquifer management unit</u>⁽¹⁰⁾</p>	<p>A groundwater quantity management unit.</p>

	Note: The management unit is as depicted in / 'Maps / Ngā mahere matawhenua'. ⁵
<i>Authorised</i>	Expressly allowed by a: <ol style="list-style-type: none"> 1. national environmental standard or other regulations, or 2. a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or 3. a resource consent.
Bank full edge	The highest point at which a river can rise without overtopping the bank⁶
<i>Beach scraping</i>	The transfer of material (generally sand) and other loose material such as stones and shells from the lower part of the foreshore (beach), usually by mechanical equipment, to re-distribute the sand to the upper beach/dune system, in order to repair or restore natural dune protection. ⁽¹¹⁾
<i>Biofouling</i>	The accumulation of aquatic organisms such as micro-organisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment.
Biogenic habitat	Habitat on the seabed created by the physical structure of living or dead organisms, or by their interactions with the seabed⁷
<i>Biosolid</i>	A sewage or sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived from industrial wastewater treatment plants.
<i>Bore</i>	A drilled ⁽¹²⁾ hole that has been constructed to provide access to groundwater or for monitoring of underground conditions, but does not include the drilling of blast holes, seismic shot holes, or similar, where the hole will be destroyed upon construction.
<i>Catchment plan</i>	A collaboratively prepared plan adopted by Northland Regional Council which sets out approaches to managing resource or environmental issues identified in one or more catchments.
Catchment-specific allocation limit⁽¹³⁾	An allocation limit that has been set for a specific river or aquifer, and can be based on:

⁵ Clarification

⁶ Whangarei District Council

⁷ Clarrification

	<ol style="list-style-type: none"> 1. the total allocation from the river or aquifer that exceeds a default allocation limit as determined under Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers', or 2. waterbody-specific information.
<i>Cleanfill material</i>	<p>Natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ol style="list-style-type: none"> 1. combustible or putrescible components apart from up to 10 percent untreated timber and up to five percent green waste by volume in each load, and 2. hazardous substances, and 3. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and 4. materials that may present a risk to human health, and liquid waste, and 5. materials containing asbestos. <p><u>It does not include the placement of overburden material as part of any quarrying activity.</u>⁽¹⁴⁾</p>
<u>Coastal aquifer</u> ⁽¹⁵⁾	<p><u>A groundwater quantity management unit.</u></p> <p><u>Note: The management unit is as depicted in I 'Maps Ngā mahere matawhenua'.</u>⁸</p>
<i>Coastal hazard riparian and foredune management area</i>	<p>Coastal hazard riparian and foredune management area is:⁽¹⁶⁾</p> <ol style="list-style-type: none"> 1. any land within a horizontal distance of 10 metres landward from the coastal marine area, or 2. the land between the coastal marine area and the bottom of the landward side of the foredune, where the land adjacent to the coastal marine area is vegetated or unvegetated sand dunes.
<i>Coastal dune restoration</i>	<p>A programme designed to return or restore a coastal environment to a more natural state, with the aim of allowing the active beach and dune system to better function as a natural system, operating by natural coastal processes. The key purpose is to improve protection against coastal hazards. Coastal dune restoration can involve all or some of the following activities: removal of exotic flora and fauna; removal of fill/spoil, rock, rubble or other introduced materials; dune re-contouring to achieve a more natural substrate and/or shape; and/or the planting of appropriate native indigenous plant species. It does not include beach scraping (as defined in the plan) or works involving hard protection structures.⁹</p>

⁸ Clarification.

⁹ Clarification

Coastal river	<p>A river in the coastal river water quantity management unit.</p> <p>Note: The management unit is shown depicted⁽¹⁷⁾ in I 'Maps /Ngā mahere matawhenua'.¹⁰</p>
Compost	<p>Any combination of solid or semi-solid vegetable and animal waste that has fully decomposed and matured to a stabilised product. For the purposes of this Plan, compost does not contain human sewage, dead animals or animal parts, other than as provided for in Rule C.6.3.3(7).¹¹</p>
Composting operation	<p>Any activity undertaken to produce compost.</p>
Community Controlled Organisation	<p>Includes but is not limited to: not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and education providers.</p>
Conspicuous change in the colour or visual clarity	<p>Means more than a 40% reduction in the colour or visual clarity above background levels in rivers, artificial watercourses and wetlands, except for lakes and coastal waters where it means more than a 20% reduction in the colour or visual clarity.¹²</p>
Constructed wetland	<p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> 1. a wetland has not occurred naturally previously, and or 2. the current wetland vegetation cover cannot be delineated as indigenous,¹³ or 3. a wetland has been previously constructed legally. <p>This does not include induced wetland, reverted wetland or wetland created for conservation purposes, for example, as a requirement of resource consent.¹⁴</p> <p>Artificial water storage facilities; detention dams; reservoirs for firefighting, irrigation, domestic or community water supply; engineered soil conservation structures including sediment traps; and roadside drainage channels are not constructed wetlands or natural wetlands.¹⁵</p> <p>Notes:</p> <p>Examples of constructed wetlands includes wetlands created and subsequently maintained principally for or in connection with:</p>

¹⁰ Clarification.

¹¹ NZ Pork, Hodgson, para 31

¹² Northland Fish and Game.

¹³ Consequential, Cathcart

¹⁴ F&G, Wilson, para 19

¹⁵ Cathcart, NZTA and others

	<p>an effluent treatment and disposal system, or</p> <p>stormwater management, or</p> <p>an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or</p> <p>other artificial wetland and water bodies including open drainage channels (that are authorised, such as those in drainage schemes), and engineered soil conservation structures.</p> <p>1. A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges.</p> <p>2. Examples of wetlands created for conservation purposes include those created as a requirement of a resource consent, land management agreement registered under the Land Transfer Act 1952 (or 2017) or protected private land (under Reserves Act 1977, Queen Elizabeth the Second National Trust Act, or Conservation Act 1987).¹⁶</p> <p>Note:</p> <p>3. "Constructed wetland" is the same as "man made wetland" in the Regional Policy Statement.</p> <p>4. The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website.</p> <p>5. The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.⁽¹⁹⁾</p>
Contaminants of concern	Contaminants that may be present in contaminated land, at concentrations that pose a potential human health risk or environmental risk, that have been identified through site investigations. ¹⁷
Contractor (in relation to agrichemical application)	Any person or organisation who, by agreement with owner, occupier or manager of any land, applies or causes to be applied any agrichemical in an agricultural, horticultural or related situation for hire or reward. It does not include an employee or an owner, occupier or manager whether a person or company . ¹⁸
Contributing catchment	<p>The catchment area necessary to calculate estimated flood flows using a recognised engineering method.</p> <p>Note: Recognised engineering methods include:</p> <p>1. Pearson and McKerchar, Flood Estimation - A Revised Design Procedure, Transactions, Vol 16, No2/CE, November 1989;</p> <p>2. Technical Memorandum 61, A Method of Estimating Design Peak Discharge, MWD, 1980; and</p>

¹⁶ F&G, legal submissions

¹⁷ Hort NZ, Wharfe, para 6.23

¹⁸ Hort NZ, Wharfe, para 8.22

	3. <u>"Estimation of Mean Annual Flood in New Zealand", George A. Griffiths and Alastair I. McKerchar, NIWA, Journal of Hydrology (NZ) 51 (2):111-120 2012.</u> ⁽²⁰⁾
<u>Core local infrastructure</u>	<u>District parks and reserves, network infrastructure and public roads maintained by local authorities.</u> ⁽²¹⁾
<u>Cultivation</u> ⁽²²⁾	<u>The disturbance of earth by machinery in preparation for planting or replanting pasture or crops, but does not include:</u> <ol style="list-style-type: none"> 1. <u>direct drilling and no till practices, or</u> 2. <u>mechanical land preparation associated with plantation forestry.</u>
<i>Dairy support cattle</i>	Dry cows and dairy replacement cattle.
<i>Dam</i>	A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, but excluding a stopbank.
<i>Dam crest</i>	The elevation of the uppermost surface of the dam excluding any curbs, parapet walls, railings or other structures that are not part of the water retaining structure.
<i>Dam height</i>	The vertical distance from the dam crest to: <ol style="list-style-type: none"> 1. in the case of a dam across a river, from the natural bed level of the river at the lowest downstream outside limit of the dam, or⁽²³⁾ 2. in the case of a dam not across a river, from the lowest elevation at the outside limit of the dam.
<u>Deep lake</u> ⁽²⁴⁾	<u>A lake with a maximum depth of greater than 10 metres.</u> ¹⁹
<i>Deep soakage system</i>	A hole excavated to utilise permeable subsoil layers or weathered rock at depth under poorly draining soils for the purpose of disposing effluent. These holes may be backfilled with material such as scoria.
<u>Default allocation limit</u> ⁽²⁵⁾	<u>An allocation limit that applies to multiple rivers or aquifers.</u>
<u>Deposition of material for beneficial purposes</u>	<u>The placement of sand, shell, shingle or other natural material (taken from within the coastal marine area) in the coastal marine area or on land, where the intended design purpose is associated with one of more of the following beneficial end uses:</u> <ol style="list-style-type: none"> 1. <u>beach replenishment or renourishment;</u>

¹⁹ Clarification.

	<p>2. environmental or ecological enhancement; or</p> <p>3. restoration or enhancement of natural coastal defences from coastal hazards.</p> <p>It excludes:</p> <ol style="list-style-type: none"> 1. deposition of dredged material or solid matter for reclamation purposes; 2. dumping (deliberate disposal) of waste or other matter; and 3. creation of hard protection structures⁽²⁶⁾
Dewatering	The removal of groundwater from an excavation that has perforated below the groundwater table in an aquifer ⁽²⁷⁾ .
<u>Demolition (in relation to a Historic Heritage Site)</u> (28)	Means to damage and demolish a building or structure resulting in complete or significant loss of heritage form and fabric. The temporary dismantling of parts of a building or structure for the purposes of 'Seismic Upgrading' does not constitute 'Demolition' or 'Partial Demolition'.
Domestic type wastewater	Wastewater originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries from residential dwellings, commercial, industrial or other premises. It does not include industrial or trade wastewater from an industrial or trade premises. ⁽²⁹⁾
<u>Dune lake with outstanding or high ecological value</u> ²⁰	<p>The following dune lakes are classified as having outstanding or high ecological values:</p> <p><u>Aupouri Peninsula</u></p> <ol style="list-style-type: none"> 1. Te Werahi Lagoon 2. Te Paki dune 3. Te Kahika 4. Morehurehu 5. Wahakari 6. Waihopo 7. Waiparera 8. Ngakapua 9. Ngatu 10. Rotorua <p><u>Karikari Peninsula</u></p> <ol style="list-style-type: none"> 11. Waiporohita <p><u>Kai Iwi lakes and north Dargaville</u></p> <ol style="list-style-type: none"> 12. Waikare 13. Taharoa 14. Kai-Iwi <p><u>Pouto Peninsula</u></p> <ol style="list-style-type: none"> 15. Karaka 16. Humuhumu 17. Mokeno 18. Rotokawau

²⁰ Consequential change to amendments to Rule C.8.2.1(1)

	<p>19. Kanono</p> <p>20. Kahuparere</p> <p><i>Note: See Paul Champion and Mary de Winton. 2012. Northland Lakes Strategy. Prepared for Northland Regional Council. NIWA Client Report No: HAM2012-121.</i></p>
Dust sensitive area	<ol style="list-style-type: none"> 1. Residential buildings and associated garden areas, and 2. school, hospital buildings and care facilities and grounds, and 3. amenity areas where people congregate including parks and reserves, and 4. community buildings and grounds, including places of worship and marae, and 5. orchards, sensitive crops and commercial growing areas, and 6. water bodies used for the supply of drinking water and for stock drinking, and 7. natural wetlands and significant areas of indigenous vegetation and species habitats of indigenous fauna as defined in the Regional Policy Statement for Northland on land, indigenous habitat areas,²¹⁽³⁰⁾ and 8. apiaries.
Earth	Any matter constituting the land, such as soil, clay, sand, or rock.
Earthworks	<p>The mechanical disturbance of the surface of the land earth⁽³¹⁾ by excavation, cutting and filling, blading, ripping, contouring, quarrying⁽³²⁾ or placing or replacing earth or cleanfill material²², but does not include:</p> <ol style="list-style-type: none"> 1. earthworks associated with a plantation forestry activity, or⁽³³⁾ 2. the placement of cleanfill material⁽³⁴⁾, or 3. cultivation land preparation⁽³⁵⁾, or 4. construction, repair, alteration or maintenance⁽³⁶⁾ of bores, or 5. the maintenance of walking and other recreational tracks and farm tracks,²³ or 6. the placement of roading aggregates during road and track works, or 7. directional drilling, boring or thrusting up to 250mm diameter, or⁽³⁷⁾ 8. digging post holes, or 9. planting trees.

²¹ Clarification

²² Clarification

²³ Landcorp Farming.

<u>Ecological complexes</u>	Interaction of species with their physical and chemical environment at densities that result in ecological functioning, including biogeochemical processes and habitat provision, that is necessary for safeguarding the life-supporting capacity of an ecosystem. ⁽⁴²⁾ ²⁴
<u>Ecological integrity</u>	Defined in the Regional Policy Statement for Northland 2016.
<i>Effectively excluded</i>	Effectively barred from access to the beds of lakes and rivers, drains, <u>natural</u> ²⁵ wetlands, and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence <u>(including a single polymer wire fence)</u> ²⁶ , or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood prone areas.
<u>Effluent</u> ⁽³⁹⁾	<u>Liquid waste or liquid containing waste solids.</u> <u>Note: In this plan, the term is used interchangeably with wastewater.</u>
<u>Ephemeral river or stream</u> ⁽⁴⁰⁾ ²⁷	<u>Stream</u> Reaches with a <u>natural bed level</u> above the water table at all times, with water only flowing during and shortly after rain events, and which do not meet the definition of an intermittently flowing river.
<i>Erosion control plan</i>	Means a <u>regional council approved</u> ⁽⁴¹⁾ plan developed by a suitably qualified professional which specifically identifies areas of gully, landslide, and earthflow erosion and measures to mitigate sediment yield from these areas <u>and meets the requirements of Appendix H.4.</u> ⁽⁴²⁾ <u>For the purposes of preparing</u> ²⁸ Erosion Control Plans, "suitably qualified professional" means a person who: 1) <u>Has at least five years experience in the management of pastoral, horticultural or arable farm systems; and</u> 2) <u>Has completed advanced training or has tertiary qualifications in soil conservation, soil science or sediment management, or</u> 3) <u>Is a Northland Regional Council Land Management Advisor</u> ⁽⁴³⁾
<u>Erosion prone land</u> ⁽⁴⁴⁾	Land defined as <u>LUC (Land Use Capability) units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1. The LUC land use capability units are generally depicted in the New Zealand Land Resource Inventory digital database and also shown in I 'I Maps I Nga mahere matawhenua'</u> ²⁹

²⁴ Kemp. Para 11 - Also not used in rules?

²⁵ Clarification.

²⁶ Federated Farmers of New Zealand.

²⁷ Clarification.

²⁸ Clarification

²⁹ Clarification.

<i>Farm wastewater</i>	All wastewater from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exit races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent, washdown water, pit washings, sediment and other solid matter, milk, milk residue, supplementary feed, molasses, detergents, sterilising agents and other residues associated with routine farming practices. It does not include horticultural wastewater. ⁽⁴⁵⁾
<i>Farm wastewater storage facilities</i>	Facilities, including ponds and tanks, for storing or treating farm wastewater , but does ³⁰ not include sumps. ⁽⁴⁶⁾
<i>Fertiliser</i> ⁽⁴⁷⁾	<p>A substance or biological compound or mix of substance or biological compounds that is described as, or held out to be for, or³¹ suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of:</p> <ol style="list-style-type: none"> 1) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or 2) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or 3) fertiliser additives; and 4) includes non-nutrient attributes of the materials used in fertiliser; <p>It does not include substances that are plant growth regulators that modify the physiological functions of plants.³²</p>
<i>Flood defence</i>	Means any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure or groyne, that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of floodwater, including floodwaters , in or out of a water body or artificial watercourse. ³³
<i>Flood hazard area</i>	<p>Land that has a one percent chance in any year of being inundated due to high river flows.</p> <p><i>Note: In catchments where the spatial extent of these areas have been mapped by the regional council, they are referred to as mapped 100-year flood hazard areas. These flood plains have been adjusted to account for projected climate change effects, including higher storm rainfall intensity. They are available to view on the regional council's website.</i></p>

³⁰ Clarification.

³¹ Clarification.

³² Clarification.

³³ New Zealand Transport Agency

<i>Fully allocated</i> ⁽⁴⁸⁾	Where the total volume of fresh water permitted by a rule in this plan and permitted and consented to be taken is equal to a catchment specific <i>allocation limit</i> or exceeds a default <i>allocation limit</i> for a river by more than 10 percent of the seven-day mean annual low flow or a default allocation limit for an aquifer by more than five percent of the annual average recharge. Catchment-specific allocation limits and default allocation limits are set in Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers'.
<i>Functional need</i>	When an activity <i>or network</i> (including structures) is dependent <i>on a particular location to operate</i> , or is required to traverse, locate or operate in a particular environment due to its technical or operational requirements, <i>on having its location in the coastal marine area to operate</i> . This excludes, but is not limited to, dwellings and guest houses, hotels, motels, cafes, restaurants and shops. ³⁴ <i>Note: This therefore excludes but is not limited to: dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</i> ^{(49) (50)}
<i>Geothermal surface feature</i>	a surface manifestation of geothermal processes or discharges, including geothermal springs, steam-fed features, geothermal mineral deposits and landforms that are remnants of geothermal processes or discharges such as hydrothermal eruption craters. ³⁵
<i>Good management practice</i>	A set of tools or practical measures promoted by an industry, sector or council to help minimise the effects of activities on the environment. ³⁶
<i>Greywater</i>	<i>Domestic type wastewater</i> from a kitchen, bath, shower, laundry, sink, other than toilet or urinal wastes. Also termed 'sullage'.
<i>Ground-based spraying</i>	Spraying taking place at ground level but does not include hand held spraying. Any method of spray application using ground based where the equipment, from which the agrichemical is emitted is on the ground but does not include excluding hand held spraying equipment. ³⁷
<i>Grounding</i>	The act of placing a vessel in contact with the land whether deliberately or unintentionally.
<i>Hand-held spraying</i>	Any spraying where the part of the spraying equipment that emits the agrichemical is held by the applicator and includes manual or motorised pumping methods. Such an application must be applied directly to the target species.

³⁴ Transpower, Whitney, para 60; NorthPower, Dines, para 4.8; NZTA, Heppelthwaite, para 8.16; Also from Draft NP Standards

³⁵ NZ geothermal Association, legal submissions, para 8

³⁶ Clarification

³⁷ Clarification

Hard protection structure	A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure that has the primary purpose of protecting property and activity from a coastal hazard, including erosion. ⁽⁵¹⁾
Hazardous substance ⁽⁵²⁾	Has the same meaning as defined in section 2 of the Hazardous Substances and New Organisms Act 1996.
High risk coastal hazard area	<p>Locations Land that has have been assessed (and mapped) as being at a relatively high risk from the effects of coastal hazards (erosion and inundation) over a planning horizon of 50 years. For coastal erosion, this likelihood corresponds to a 66% chance that coastal erosion will reach the landward extent of the setback line by 2065. For coastal inundation, the high risk coastal hazard zone is based on a 2% annual exceedance probability event for the year 2065.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. These are This land is commonly referred to as a 'Coastal Hazard 1 Zones' in district plans. 2. The extent of coastal hazard mapping by the regional council is limited to the areas covered by LIDAR survey. Mapped areas are available to view on the regional council's public website.⁽⁵³⁾³⁸
High risk industrial and-or ⁽⁵⁴⁾ trade premises	<p>An industrial or trade premises⁽⁵⁵⁾ used for any of the following purposes and which stores, uses or generates hazardous substances contaminants in the industrial or trade process⁽⁵⁶⁾ at the site which that are exposed to rain or-and can be entrained in stormwater⁽⁵⁷⁾:</p> <ol style="list-style-type: none"> 1) boat construction and maintenance, 2) port activities including dry docks, 3) commercial cement, concrete or lime manufacturing or storage, 4) chemical manufacture, formulation or bulk storage, recovery, processing or recycling, but excluding bulk storage of chemicals for on-site use by manufacturing processes not specified in 1) to 9) of this definition,³⁹ 5) fertiliser manufacture or bulk storage, 6) storage of hazardous wastes including waste dumps or dam tailings associated with mining activities, 1) petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery⁽⁵⁸⁾, or facilities for recovery, reprocessing or recycling petroleum-based materials, but excludes service stations, truck stops and refuelling facilities⁽⁵⁹⁾ that comply with the MfE Environmental Guidelines for water discharges from petroleum marketing sites in New Zealand, and⁴⁰

³⁸ Clarifications

³⁹ Fonterra, Willis, para 9.11

⁴⁰ Oil Companies, le Marquand, para 4.17

	<p>2) scrap yards including automotive dismantling, wrecking or scrap metal yards, and</p> <p>3) wood treatment or preservation (including the commercial use of anti-sapstain chemicals during milling), or bulk storage of treated timber.</p>
High risk flood hazard area	<p>Land where there is at least a 10% chance of river flooding occurring annually.</p> <p><i>Note: Within catchments where the spatial extent of these areas have been mapped by the regional council, they are referred to as mapped 10 year flood hazard areas. They are available to view on the regional council's public website.</i></p>
High sediment-yielding land	<p>Land in the Doubtless Bay, Waitangi, Mangere and Whangarei Harbour catchments identified as having high sediment yield as shown in I 'Maps Ngā mahere matawhenua'. The thresholds for High Sediment Yielding land is: land that has an estimated sediment yield of 250 tonnes / km²/ year or more in the Waitangi, Mangere and Whangarei Harbour catchments and 500 tonnes / km²/ year or more in the Doubtless Bay catchment.</p>
Highly erodible land ⁽⁶⁰⁾	<p>Land defined as land use capability units VIe17, VIe19, VIIe1 – VIIe10, VIIe1 – VIIe3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition, and also shown in Maps.</p>
Historic Heritage Area	<p>A historic heritage seascape that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in I 'Maps Ngā mahere matawhenua'.</p> <p>Note: Historic heritage areas may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.⁽⁶¹⁾</p>
Historic Heritage Site	<p>A historic heritage site that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in I 'Maps Ngā mahere matawhenua'.</p> <p>Note: Historic heritage sites may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.⁽⁶²⁾</p>
Horticulture wastewater ⁽⁶³⁾	<p>Wastewater from vegetable washing and greenhouses and which⁴¹ may include sediment and residues from the activity, but does not include animal effluent or animal products.</p>
Horticulture wastewater system ⁽⁶⁴⁾	<p>A system, including structures, pipes and facilities, for capturing, storing and treating horticulture wastewater.</p>

⁴¹ Clarification.

<i>Household waste</i>	Composed of wastes from normal household activities, including bottles, cans, food packaging, food scraps, disposable items, clothing, paper and cardboard, and garden waste that originates from private homes or apartments.
<i>Hull <u>and</u> niche areas⁽⁶⁵⁾</i>	<u>The immersed surfaces of a vessel including a</u> areas on a vessel or movable structure more susceptible to <u>biofouling</u> accumulation due to different hydrodynamic forces, susceptibility to <u>anti-fouling</u> coating wear or damage or absence of <u>anti-fouling</u> coatings. They include, but are not limited to, waterline, sea chests, bow thrusters, propeller shafts, inlet gratings, jack-up legs, moon pools, bollards, braces and dry-docking support strips. ⁽⁶⁶⁾
<i>Impervious area</i>	<p>An area with a surface that prevents or significantly retards the soakage of water into the ground, and includes:</p> <ol style="list-style-type: none"> 1. roofs, 2. paved areas and sealed or compacted parking areas or patios, 3. sealed or compacted metal roads and driveways, and 4. layers engineered to be impervious such as compacted clay. <p>Impervious areas do not include:</p> <ol style="list-style-type: none"> 1. grass and bush areas, 2. gardens and other vegetated areas, 3. porous or permeable paving and living roofs, 4. permeable artificial surfaces, fields or lawns, and 5. slatted decks.
<i>Incineration device</i>	<p>A device made from non-combustible materials designed to burn waste that:</p> <ol style="list-style-type: none"> 1. contains all embers and sparks, <u>and</u> 2. has a grate and lid or spark arrestor, <u>and</u> 3. <u>is not used to generate energy.</u>⁽⁶⁷⁾
<i><u>Indigenous vegetation</u>⁽⁶⁸⁾</i>	<u>Vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance.</u>
<i>Induced wetlands</i>	<p><u>Are</u> Wetlands that have formed naturally <u>on ecological sites</u> where wetlands did not previously exist, as a result of human activities such as construction of roads and railways bunds. <u>Does not include a constructed wetland.</u>⁴²</p> <p><u>Note: While such wetlands have not been constructed for a specific purpose, they can be considered to be artificial in many cases given they arise through physical alteration of hydrology through mechanical modification.</u>⁴³ <i>Induced wetlands are</i></p>

⁴² FF

⁴³ Clarification

	<i>a type of natural wetland. The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.</i> ⁽⁶⁹⁾
Industrial or trade wastewater ⁽⁷⁰⁾	Wastewater containing contaminants from an industrial or trade premises.
<i>In-stream</i>	Located in the bed of an continually or intermittently flowing or permanent , river or lake.
<i>In-water hull cleaning</i>	The cleaning of a vessel hull below the water level when the boat is afloat.
<i>Intermittently flowing river</i>	A river that is naturally dry at certain times of the year and has two or more of the following characteristics: <ol style="list-style-type: none"> 1. it has natural pools, 2. it has a well-defined channel, such that the bed and banks can be distinguished, 3. it contains surface water more than 48 hours after a rain event which results in river flow, 4. rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel, and 5. it appears as a blue line on topographical maps at 1:50,000 scale.
<i>Land drainage</i>	The activity of lowering the water level in the soil to achieve productive land use, to facilitate the stability of land or structures.
<i>Land drainage scheme</i>	All drainage channels or land drainage works relating to a particular land drainage system vested in a council or a group of landowners who have assumed control of the scheme pursuant to Section 517Z of the Local Government Act 1974.
<i>Land fill</i>	Class 1, 2 3 and 34 landfills as defined in <i>Technical guidelines for the disposal to land of residual waste and other material</i> (WasteMINZ, June 20132018) ⁴⁴ .
Land preparation ⁽⁷¹⁾	The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. It Land preparation ⁴⁵ includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with the activity but does not include direct drilling.
<i>Large river</i>	A river in the large river water quantity management unit.

⁴⁴ Whangarei District Council, Andrew Cavell, para 186 and David Lindsay.

⁴⁵ Clarification.

	Note: ⁴⁶ The management unit is shown depicted in I 'Maps / Ngā mahere matawhenua'.
Leachate	The liquid resulting from the percolation of matter through soil or the liquid resulting from the decomposition of material; for example, refuse (tip/landfill leachate).
Light fouling	A slime layer, and any extent of barnacles and small patches (up to 100mm in diameter) of visible macrofouling totalling less than 5% of the normally wetted hull and niche areas.
Livestock (where used in livestock exclusion provisions in this Plan) ⁴⁷	Dairy cows, dairy support cattle, beef cattle, pigs, and deer.
Livestock crossing point	A location where livestock cross a water body or artificial watercourse, a river, drain, or foreshore or seabed ⁽⁷²⁾ as part of normal farming operations. The entry and exit points are not more than 20 5 ⁽⁷³⁾ metres wide and are associated with an access track ⁽⁷⁴⁾ .
Macrofouling	Biofouling with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.
Mahinga kai	Tangata whenua taonga (treasures and/or interests) in traditional food gathering areas and other natural resource gathering areas including the places where those resources are obtained. Note: These are important for iwi and hapū identity and mana. Food gathering practices are an important aspect of the way Māori interact with the natural world. Māori use of these taonga of the natural world has always been tempered by the way Māori perceive their place in the natural world. Manaaki manuhiri is an important aspect of mahinga kai.
Maintenance (in relation to a Historic Heritage Site)	Means the ongoing protective care of a place. It does not include 'Seismic Upgrading'.
Maintenance dredging	Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of removing accumulated sediment so that the seabed is returned to previously approved (consented) levels.

⁴⁶ Clarification.

⁴⁷ Clarification.

<p><i>Marae-based aquaculture</i></p>	<p>Aquaculture with the following attributes:</p> <ol style="list-style-type: none"> 1. the purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae, and 2. the farmed kaimoana is not for sale¹; and 3. the organisations entitled to hold coastal permits for marae-based aquaculture are: <ol style="list-style-type: none"> (a) a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or (b) a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004), and 4. the area of occupation is no more than one hectare per marae, and 5. the area of occupation is within the area traditionally harvested by the marae. <p>¹ Sale includes:</p> <ol style="list-style-type: none"> 1. every method of disposition for valuable consideration, including barter, and 2. the disposition to an agent for sale on consignment, and 3. offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale, and 4. disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003), and 5. the use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations, and 6. any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities. <p><i>(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale".)</i></p>
<p><i>Marine pest</i></p>	<p>Any identified or suspected aquatic organism listed in the Northland Regional Pest Management Plan, in the Unwanted Organisms Register held by the Ministry for Primary Industries, or any aquatic organism which, if introduced, may adversely affect the environment or biological diversity, pose a threat to human health, or interfere with legitimate use or protection of natural and physical resources in the coastal environment.</p> <p><i>Note: Marine pests are sometimes referred to as invasive aquatic species or harmful aquatic organisms.</i></p>

<i>Mataitai</i>	As defined in the Fisheries (Kaimoana Customary Fishing) Regulations 1998 Act 1996. ⁴⁸
<i>Mātauranga Māori</i>	<p>In the traditional context means The knowledge, comprehension or understanding of everything visible or invisible that exists across the universe.</p> <p><u>Note:</u> This meaning is related to In a the modern context it can include as Māori research, science and technology principles and practices.</p> <p>(Sourced from: Mohi, C., 1993. Mātauranga Māori—A National Resource. A paper prepared for the Ministry of Research, Science and Technology, 1993, pp1-3.)</p>
<i>Materially damaged</i>	Means situations where damage has occurred to a habitable building from a natural hazard event to the extent that repair or replacement requires a building consent under the Building Act.
<i>Median flow</i> ⁽⁷⁵⁾	The flow in a river that is equal to or exceeded half 50% of the time over the period of analysis. ⁴⁹
<i>Microfouling / slime layer</i>	Microscopic organisms including bacteria and diatoms and the slimy substances that they produce. Biofouling comprised of only microfouling is commonly referred to as a slime layer.
<i>Minimum flow</i>	<p>See H.6 'Environmental flows and levels'.</p> <p>Minimum flows set in this in this plan are in Policy D.4.14 'Minimum flows for rivers' and Policy D.4.15 'Minimum levels for lakes and wetlands'⁽⁷⁶⁾.</p>
<i>Minimum level</i>	<p>See H.6 'Environmental flows and levels.'</p> <p>Minimum levels set in this plan are in Policy D.4.15 'Minimum levels for lakes and wetlands'⁽⁷⁷⁾.</p>
<i>Mooring</i>	<p>Any weight, pile or article placed in or on the foreshore or seabed, or bed of any lake, river or stream, to secure a vessel, raft, aircraft, or floating structure. Includes any float, wire, rope, or other device attached or connected to such a weight, pile or article. Excludes:</p> <ol style="list-style-type: none"> 1. an anchor normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage, and 2. the non-permanent laying and relaying of buoys. <p>For the purposes of this plan, moorings only include swing moorings, pile moorings and trot moorings.</p>

⁴⁸ Clarification

⁴⁹ Hort NZ, Conland, para 28

Native Indigenous dune vegetation	<p>Indigenous plant species vegetation⁽⁷⁸⁾ that grows naturally in a particular dune systems.</p> <p>Note: This varies around the region and within different parts of the dune system. On Northland foredunes, the key species are spinifex and pingao. Other species that might be found naturally on Northland's foredunes include: sand tussock, sand sedge and sand convovulus, In the more sheltered mid-dune area, there is generally a far wider range of species found naturally; there is also some overlap with the foredune area, with some species found across both zones. This includes, but is not limited to: pohuehue; sand coprosma; sand daphne; speckled sedge; Wiwi – knobby club rush; Oioi – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and ti kouka – cabbage tree.⁽⁷⁹⁾⁵⁰</p>
Natural bed level	The lowest vertical point on a river bed at a particular location. ⁽⁸⁰⁾
Natural wetland	<p>Any wetland including an induced wetland and a reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include:</p> <ol style="list-style-type: none"> 1. a constructed wetland, or 2. wet pasture, damp gully heads, or 3. areas where water temporarily ponds after rain, or 4. pasture containing patches of rushes. <p>Notes:</p> <ol style="list-style-type: none"> 1. The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website. 2. The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.⁽⁸¹⁾
Noise sensitive activity	Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care facility, care centre, lecture theatres in a tertiary education facility facilities, classrooms in an education facility, facilities and a healthcare facility facilities with an overnight stay facility. ⁽⁸²⁾ ⁵¹
Non-consumptive take	<p>A take where:</p> <ol style="list-style-type: none"> 1. Where water is used but not taken from a water body, or 2. Where water is taken from a water body and the same volume, minus any water lost by evaporation, is returned: <p>(a) to the same water body in the same sub-catchment as near as practicable to the point of abstraction or upstream of the point where the take is being assessed; and</p>

⁵⁰ Clarification

⁵¹ Clarification

	(b) at the same time as or within a timeframe as near as practicable to when the take is operating. ⁵²
<i>Obstructions</i>	Includes trees, plants, earth, stone, timber, and material of all kinds.
<i>Odour-sensitive area</i>	<ol style="list-style-type: none"> 1. Residential buildings and associated garden areas; and 2. schools, hospital buildings and care facilities and grounds; and 3. amenity areas where people congregate including parks and reserves; and 4. community buildings and grounds, including places of worship and marae.
<i>Off-stream</i>	<p>Not located in:</p> <ol style="list-style-type: none"> 1. A continually or intermittently flowing or permanent river, or 2. lake.
<i>Oil contaminants</i> ⁽⁸³⁾	Petroleum-based contaminants which have the potential to contaminate water.
<i>Operational need</i>	The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints. ⁽⁸⁴⁾
<i>Other aquifers</i> ⁽⁸⁵⁾	A water quantity management unit as depicted in I 'Maps Ngā mahere matawhenua'.
<i>Other property</i>	<ol style="list-style-type: none"> 1. Means any land or buildings, or part of any land or buildings, that are: <ol style="list-style-type: none"> a) not held under the same allotment, or b) not held under the same ownership or management⁵³, and 2. includes a road.
<i>Outdoor burning</i>	Burning that takes place outside of a building or fully enclosed indoor area but includes including in an incineration device.
<i>Outfall</i> ⁵⁴	The end point of any pipe, conduit, or drain from which a discharge enters a receiving environment.
<i>Outstanding freshwater body</i>	Has the same meaning as in the National Policy Statement for Freshwater Management.

⁵² Fonterra.

⁵³ Consequential as a result of changes to the definition of "property"

⁵⁴ Clarification.

	Note: Outstanding freshwater bodies in Northland are a shown depicted ⁽⁸⁶⁾ in I 'Maps Ngā mahere matawhenua'. ⁵⁵
Outstanding lake	Is a type of outstanding freshwater body.
Outstanding river	Is a type of outstanding freshwater body.
Overland flow path	The path taken by surface stormwater crossing a property comprising They are low points in the terrain (outside of streams rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event. ⁵⁶
<u>Partial demolition (in relation to a Historic Heritage Site)</u> ⁽⁸⁷⁾	Means to demolish Demolition of a substantial part of any building or structure. Partial demolition includes facade retention which normally involves the demolition of the rear or a substantial part of a building or structure and the retention of the front or main facade and the construction of a new building or structure behind the preserved facade. Note: The temporary dismantling of parts of a building or structure for the purposes of 'Seismic Upgrading' does not constitute 'Demolition' or 'Partial Demolition'.
Passive discharge	The movement of contaminants from contaminated land that are ⁽⁸⁸⁾ entrained in soil or groundwater from the location of a discharge to another property ⁽⁸⁹⁾ through groundwater or surface water movement or the movement of soil gas vapour ⁽⁹⁰⁾ .
Pastoral land use	Means effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those Land in pastoral cover including isolated trees, but excluding ⁽⁹¹⁾ forested areas which achieve 100% canopy closure or other woody vegetation which prevents pastoral growth.
<u>Permanently flowing river or drain</u> ⁽⁹²⁾	Rivers, streams and drains that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width and depth is measured when the river, stream or drain is at its annual fullest flow without overtopping its banks.
Pest or Pest organism	These include: 1. any unwanted living organism including microorganisms, pest agents, plants, animals and marine pests and any genetic structure that is capable of replicating itself (whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity) that may affect plants, animals, or raw primary produce, and

⁵⁵ Clarification.

⁵⁶ Clarification

	<p>2. any organism listed in the Northland Regional Pest Management Plan, or</p> <p>3. any organism listed in the Unwanted Organisms Register held by the Ministry for Primary Industries, and</p> <p>4. does not include any human being or living organism which affects only human beings; or any living organism declared not to be a pest for the purposes of the Biosecurity Act.</p>
<u>Place of Significance to Tangata Whenua</u>	<u>A place of significance to tangata whenua that has been assessed under Policy D.1.5 'Places of Significance to Tangata Whenua'.⁽⁹³⁾</u>
<u>Plantation forestry</u> ⁽⁹⁴⁾	<u>Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u>
<u>Plantation forestry activity</u> ⁽⁹⁵⁾	<u>Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u>
<u>Potentially contaminated land</u>	<p><u>Land on which either:</u></p> <p><u>a) an activity or industry described in the current edition of the Hazardous Activities and Industries List, Wellington, Ministry for the Environment (HAIL) is being undertaken on it, or</u></p> <p><u>b) an activity or industry described in the HAIL has been undertaken on it.</u></p>
<u>Poultry hatchery</u>	<u>A commercial operation where eggs are incubated and hatched in a controlled environment.⁵⁷</u>
<u>Primary Production</u>	<p><u>The growing of vegetative matter or raising of animals (including aquatic organisms) for commercial gain, and their ancillary activities</u></p> <p><u>Any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and</u></p> <p><u>a) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but</u></p> <p><u>b) does not include processing of those products.</u></p>
<u>Primary treatment</u>	The first stage of wastewater treatment involving the removal of a proportion of floatable and settleable solids and oils and grease.
<u>Property</u>	One or more allotments contained in a single certificate of title, and also includes all <u>adjacent adjoining</u> land <u>under that is in</u> the same ownership <u>or management</u> , but contained in separate certificates of title. ⁵⁸

⁵⁷ Tegal, Egg producers

⁵⁸ Clarification

<i>Potentially contaminated land</i>	The part of a site where an activity or industry described in the Ministry for the Environment's Hazardous Activities or Industries List has been or is being undertaken but excludes any site where a detailed site investigation has been completed and reported and which demonstrates that any contaminants in or on the site are at, or below, background concentrations.
<i>Public amenity area</i>	Includes any park or reserve and area set aside freely for public use, (including a track, walkway, lookout, play area, picnic area, lawn, carpark, camping area or reserve where public have unrestricted access), but excludes a road or rail reserve and any nature reserve, scientific reserve, or wildlife management area which require access permits. ⁵⁹
<i>Public stormwater network</i>	A system of stormwater pipes, open channels, devices and associated ancillary structures owned and/or operated by a local authority and used for the purpose of conveying, diverting, storing, treating, or discharging stormwater.
<i>Quarrying</i> ⁽⁹⁹⁾	A place where open surface extraction of rock material from the ground occurs, including the removal and placement of overlying earth, and the stacking, crushing, conveying, storing, depositing and treatment of the excavated material and the removal and placement of unwanted materials.
<i>Reclamation</i>	<p>The formation of permanent land located above mean high water springs that was formerly below the line of mean high water springs. Reclamation does not include:</p> <ol style="list-style-type: none"> 1. land that has arisen above the line of mean high-water springs as a result of natural processes, including accretion, or 2. any infilling where the purpose is to provide beach nourishment, or 3. structures such as breakwaters, moles, groynes or sea walls.
<i>Recognised navigational routes</i>	A safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to and from ports, and may also include recreational vessel routes, which are normally used to navigate between popular destinations.
<i>Refuse</i>	Refuse means: Anything disposed of or discarded, and includes including a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.
<i>Regionally significant infrastructure</i>	Note: See Appendix 3 of the Regional Policy Statement for Northland for a list of identified regionally significant infrastructure. Regionally significant

⁵⁹ DOC, Silver, para 22

	<i>infrastructure extends to the site-related components that enable the asset to function.</i>
<u>Repair (in relation to a Historic Heritage Site)</u> ⁽¹⁰⁰⁾	Means the restoration to good or sound condition of any existing structure or building (or any part of an existing structure or building) for the purpose of its maintenance. It does not include 'Seismic Upgrading'.
Reservoir capacity	The maximum volume of water that can be held by a dam using the dam crest level as the maximum height of the dam. <i>Note: For advice on reservoir capacity calculations, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD</i> ⁽¹⁰¹⁾
Reverted wetlands	Where A wetland that has reverted back to its natural state reverts over time. Does not include a constructed wetland. ⁶⁰ <i>Note: (for example, stock exclusion allows a wetland to revert to a previous wetland state). In this instance, the A reverted⁶¹ wetland has not been purposefully constructed by mechanical change to hydrological conditions. Reverted wetlands are a type of natural wetland. Note: The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.⁽¹⁰²⁾</i>
<u>Root stock survival water</u>	Water provided for the survival of root stock, including permanent horticultural crops (e.g. kiwifruit, avocado, stonefruit, pipfruit) and hydroponic glasshouse crops, but excluding annual crops. ⁶²
<u>Secondary containment system</u> ⁽¹⁰³⁾	A system that is specifically designed and capable of containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site and preventing those contaminants from being entrained in stormwater discharges.
Secondary treatment	The further treatment of primary treated wastewater involving anaerobic or aerobic biological or chemical or physical treatment to remove the bulk of organic contaminants.
<u>Sediment quality standard</u> ⁽¹⁰⁴⁾	See Policy D.4.4 'Coastal sediment quality standard'.
<u>Seismic Upgrading</u> ⁽¹⁰⁵⁾	Means structural works required to meet relevant earthquake prone buildings legislation and related Council policy.
Sensitive groundwater	Sensitive groundwater is groundwater is which is:

⁶⁰ FF

⁶¹ Clarification

⁶² Horticulture New Zealand, Vance Hodgson.

	<ol style="list-style-type: none"> 1. not artesian, and 2. less than 10 metres below the a source or suspected source of contamination (or a greater depth below ground surface where the geology suggests contamination may readily migrate to a greater depth; for example, clean sands or gravels, fractured basalts), and 3. currently used or is of a quality⁽¹⁰⁶⁾ appropriate for use and can yield water at a useful rate⁽¹⁰⁷⁾, or 4. where the source of contamination is less than 100 metres from a sensitive surface water body (that is, a surface water body where limited dilution is available to mitigate the impact of contaminated groundwater discharging into the surface water body).
<u>Seven-day mean annual low flow (MALF)</u> ⁽¹⁰⁸⁾	<u>The mean of the lowest average flow for any consecutive seven-day period for each year of record.</u>
<i>Sewage holding tank</i>	<p>A permanently fixed on-board sewage system which is:</p> <ol style="list-style-type: none"> 1. constructed in impermeable materials, and 2. plumbed to a toilet, and 3. incorporates a sewage tank with a discharge outlet.
<u>Shallow lake</u> ⁶³	<u>A lake with a maximum depth of equal to or less than 10 metres.</u>
<i>Significant wetland</i>	<p>A natural wetland that triggers the significance criteria in the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments". This includes natural⁽¹¹⁰⁾ wetlands comprising indigenous vegetation exceeding any of the following area thresholds:</p> <ol style="list-style-type: none"> 1. saltmarsh greater than 0.5 hectare in area, or 2. lake margins and river beds with⁶⁴ shallow water (lake margins and rivers)⁶⁵ less than two metres deep and greater than 0.5 hectare in area, or 3. swamp greater than 0.4 hectare in area, or 4. bog greater than 0.2 hectare in area, or 5. pakihi wet heathland⁽¹¹¹⁾ (including gumland and ironstone heathland) greater than 0.2 hectare in area, or

⁶³ Clarification.

⁶⁴ Clarification

⁶⁵ Clarification. Note: a wetland can be land under RMA s.9, or under RMA s.13, the bed of a river or lake i.e. area covered when either: a river is at its fullest flow without overtopping its banks; or a lake where it reaches its highest level without overtopping its margins.

	<p>6. marsh, fen, ephemeral wetlands or seepage/flush⁶⁶ greater than 0.05 hectares in area.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. <i>If there is any doubt over wetland extent use: Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand. This report is available on Landcare Research's website.</i> 2. <i>The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of this Plan regional plan.</i> 3. <i>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.⁽¹¹²⁾</i>
<i>Slime layer</i>	See microfouling .
<i>Small river</i>	<p>A river in the small river water quantity management unit.</p> <p>Note:⁶⁷ <i>The management unit is shown-depicted⁽¹¹³⁾ in I 'Maps Ngā mahere matawhenua'</i></p>
<i>Smoke-sensitive area</i>	<ol style="list-style-type: none"> 1. Residential buildings and associated garden areas, and 2. schools, hospital buildings and care facilities and grounds, and 3. amenity areas where people congregate including parks and reserves, and 4. community buildings and grounds, including places of worship and marae.
<i>Spray-sensitive area</i>	<ol style="list-style-type: none"> 1. Residential buildings and associated garden areas, and 2. schools, hospital buildings and care facilities and grounds, and 3. amenity areas where people congregate including parks and reserves, and 4. community buildings and grounds, including places of worship and marae, and 5. certified organic farms, and 6. orchards, sensitive crops and commercial growing areas, and 7. water bodies used for the supply of drinking water and for stock drinking, and 8. natural wetlands and significant areas of indigenous vegetation and species habitats of indigenous fauna as defined in the Regional Policy Statement for Northland on land indigenous habitat areas,⁶⁸⁽¹¹⁴⁾ and

⁶⁶ Clarification – redundancy.

⁶⁷ Clarification.

⁶⁸ Clarification

	9. apiaries.
<u>Suitably qualified and experienced practitioner (SQEP)</u>	<u>A suitably qualified and experienced practitioner (SQEP) is a senior or principal scientist or engineer, with a relevant tertiary qualification and at least 10 years of contaminated land experience or hold a current Site Contamination Specialist certification under the CEnvP Scheme.</u> ⁶⁹
<i>Stabilised earth</i>	Soil or earth that is protected or reinforced by measures such as vegetative or structural practices to so that it is resistant to erosion, or that is naturally stable, for example, rock faces.
<u>Stormwater</u> ⁽¹¹⁵⁾	<u>Runoff that has been intercepted, channeled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure as a result of precipitation and includes any entrained contaminants.</u>
<i>Stormwater collection system</i>	Any system designed to capture rainfall and to reticulate it within or beyond a site. <u>This includes both open and channelled drainage systems. This includes stormwater pipes, open channels, devices and associated ancillary structures used for the purpose of conveying, diverting, storing, treating, or discharging stormwater. It does not include land drainage systems (as defined in this Plan).</u> ⁷⁰⁽¹¹⁶⁾
<u>Stormwater interceptor</u> ⁽¹¹⁷⁾	<u>A system that is specifically designed and capable of:</u> <ol style="list-style-type: none"> <u>1. containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site from stormwater discharges, and</u> <u>2. in the event of stormwater contamination by a hazardous substance or other contaminant, reduce concentrations of such substances in the stormwater prior to discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life or to affect the suitability of the waters for specific defined purposes.</u>
<u>Stormwater treatment system</u> ⁽¹¹⁸⁾	<u>A system that is specifically designed to reduce concentrations of such contaminants in stormwater prior to its discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life ecosystem health or to affect the suitability of the receiving waters for specific defined purposes.</u> ⁷¹
<i>Structure (in rules relating to the coastal marine area)</i>	A building, equipment, device, pipeline or other facility which is fixed to land. It includes a structure which is fixed to another structure, which is fixed to land.

⁶⁹ Oil Companies, Proffitt, para 1.5. State as a Clause 16(2) clarification

⁷⁰ Clarification. As per the response to question 143 in the report titled "Hearing Panel S42A questions and council staff responses. Page 67.

⁷¹ Clarification. As per the answer to question 140 in the report titled "Hearing Panel S42A questions and council staff responses."

Supplementary allocation ⁽¹¹⁹⁾	Fresh water available for taking and use at times when the river is above the median flow. This water is not part of an catchment specific allocation limit or default allocation limit set in this plan.
Surface water	All water, flowing or not, above the ground. It includes water in a permanently continually or intermittently flowing river, an artificial watercourse, an overland flow path, and a lake and or wetland; water impounded by a structure such as a dam; and water that inundates land during flood events. It does not include water in any form while in a pipe, tank or cistern.
Swing mooring	A mooring that allows the secured vessel to swing 360 degrees around the mooring under the influence of wind and tide.
Tāiapure	As defined in the Fisheries Act 1996.
Taonga	Treasure, property; taonga are prized and protected as sacred possessions of a tribe. Note: The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included for example are te reo Māori (Māori language), wāhi tapu, waterways, fishing grounds and mountains.
Temporary military training	A temporary training activity undertaken for defence purposes. Note: Defence purposes are those carried out in accordance with the Defence Act 1990. ⁽¹²⁰⁾ ⁷²
Tertiary treated wastewater ⁽¹²¹⁾	Further treatment of secondary treated wastewater to further remove contaminants such as nutrients, organic matter, and micro-organisms. Note: Tertiary treatment can involve It involves ⁷⁴ processes such as adsorption, absorption, filtration, and disinfection.
Tikanga	Defined in the RMA as “Maori customary values and practices”. Note: Tikanga can be described as Lore, custom, or practices or common sense thoughts that are based on the Māori belief system. The application of tikanga is diverse and can vary depending upon when and where an event takes place. Tikanga provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment.
Urban area	means An area identified in a district plan or proposed district plan as being primarily zoned for residential, industrial, or commercial activities, together with adjoining special-purpose and open-space zones, however described, but does

⁷² Clarification

⁷³ Clarification.

⁷⁴ Clarification.

	not include an area zoned primarily for rural or rural-residential activities, however described.
<i>Vegetation clearance</i>	<p>The cutting, burning, crushing, removal⁷⁵ or destruction of native woody vegetation or native dune vegetation indigenous⁷⁶ vegetation⁽¹²²⁾, but does not include clearing:</p> <ol style="list-style-type: none"> 1. plantation forestry, or⁽¹²³⁾ 2. vegetation that is part of an understory of a plantation forest or immediately adjacent to a plantation forest⁽¹²⁴⁾, or⁷⁷ 3. hedges and amenity plants, or 4. vegetation along fences and around dams and ponds, or 5. vegetation around public network utilities networks, or⁽¹²⁵⁾ 6. vegetation that impedes or is likely to impede flood flows, or⁽¹²⁶⁾ 7. vegetation alongside for the maintenance of roads and tracks, or 8. vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.⁷⁸
<i>Vertebrate toxic agent</i>	<p>Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums, rats and mustelids. Includes vertebrate pest control products as identified (but not defined) in NZS 8409:2004 Management of Agrichemicals.</p> <p>Trade name products used to kill, control, or limit the viability of vertebrate pests such as rabbits and possums. The definition of Vertebrate Toxic Agents includes products that have a negative effect on reproduction, but it does not include attractant or repellent substances that are not toxic.⁷⁹</p>
<i>Vessel</i>	<p>Means Every description of boat or craft, whether or not it has any means of propulsion, and includes but is not limited to:</p> <ol style="list-style-type: none"> 1. a barge, lighter, raft, or other like vessel, and 2. personal watercraft (jet ski) or paddle craft, and 3. a sea plane, or hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates, and⁸⁰ 4. a submarine or other submersible.

⁷⁵ Clarification.

⁷⁶ Northland Fish and Game.

⁷⁷ Clarification.

⁷⁸ Horticulture New Zealand, Wharfe, para 11.18

⁷⁹ DOC, Fairweather, para 49.

⁸⁰ YNZ

Vessel hull anti-fouling maintenance ⁽¹²⁷⁾	The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore when the vessel is not afloat.
Wāhi tapu	<p>A sacred site.</p> <p>Note: These are defined locally by the hapū and iwi which are kaitiaki for the wāhi tapu. Typically includes burial grounds and sites of historical importance to the tribe. In order to protect particular sites from interference and desecration, some tribes will refuse to disclose the exact location to outsiders.</p>
Wastewater	Liquid waste (and liquids containing waste solids), and includes (but is not limited to) industrial and trade wastewater, farm wastewater, domestic type wastewater, and greywater. ⁽¹²⁸⁾
Waste Transfer Station	Collection and temporary storage point for refuse municipal solid waste prior to disposal at a landfill. ⁸¹
Wastewater network	A system of pipes and associated structures (including pump stations) to convey, divert, store, treat, or discharge wastewater, but does not include a wastewater treatment plant.
Water quality standard ⁽¹²⁹⁾	See Policy D.4.1, 'Water quality standards for rivers', Policy D.4.2 'Water quality standards for lakes', and Policy D.4.3 'Coastal water quality standard'.
Wet abrasive blasting	Involves The use of an abrasive such as sand, or bicarbonate of soda, which is forced out of a blasting nozzle at high pressure and where water is injected into the air stream forming what is effectively a slurry of the abrasive. ⁸²
Wetland	<p>Includes permanently or intermittently wet areas, shallow water, or and land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. See also: Constructed wetland, Induced wetland, Natural wetland, Reverted wetland, and Significant wetland. ⁸³ 2. Pakihi Wet heathlands ⁽¹³⁰⁾ (including gumland and ironstone heathlands) are wetlands because it is recognised that they are seasonally wet, consist of wetland vegetation, and are often found in mosaics with other low fertility habitat such as bogs and heathland. 3. The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'. ⁽¹³¹⁾

⁸¹ WDC, Carvell, para 170

⁸² Clarification

⁸³ FF

<p><i>Wetland enhancement</i></p>	<p>Action likely to increase the area or function of a natural wetland where there is either:</p> <ol style="list-style-type: none"> 1. a net gain of ecological values, or 2. no net loss in ecological values and benefits to either water quality or hydrological flows.
<p><u>Zone of reasonable mixing</u>⁽¹³²⁾</p>	<p>For the purpose of a discharge of contaminants permitted by a rule in this Plan, means:</p> <ol style="list-style-type: none"> 1. in relation to flowing surface water bodies, a distance downstream of the point of discharge that is the lesser of: <ol style="list-style-type: none"> a) 200 metres if the bed width of the surface water body is greater than 30 metres at the point of discharge, or b) a distance equal to seven times the bed width of the surface water body, but which must not be less than 50 metres from the point of discharge, or 2. a distance at which mixing of contaminants has occurred across the full width of the surface water body, but which must not be less than 50 metres from the point of discharge, or in relation to a lake, wetland or coastal water, a distance 20 metres from the point of discharge. a distance 20 metres from the point of discharge. <p>For the purpose of a discharge of a tracer permitted by rule C.6.9.2 'Discharge of tracers – permitted activity', the zone of reasonable mixing is the extent of the waters for which the tracer is used to define.</p> <p>For the purpose of activities that require resource consent, the zone of reasonable mixing will be determined consistent with 1) or 2) above unless the nature or scale of the discharge requires that a case-by-case basis determination is more appropriate, in which case the extent of departure from the zone defined under 1) or 2) above will be determined in accordance with policy D.4.8 'Zone of reasonable mixing'.⁸⁴</p>

C Rules | Ngā ture

Legal effect of rules

Under Section 86B of the Resource Management Act 1991 (RMA), all rules have immediate legal effect from notification of the Proposed Regional Plan.

Interpretation of rules

The rules have the force and effect of regulations in statute, which means they are legally binding. They determine whether the proposed activity can be undertaken without a resource consent (permitted activities) or whether it requires resource consent. The rules may also make some activities prohibited, which means a resource consent application cannot be made for that activity. An activity needs to comply with all relevant rules in the Regional Plan, unless the rule itself states otherwise.

If an activity is covered by more than one rule, then the more specific rule for the relevant activity, area or resource applies. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal.

Unless the rule states otherwise, all rules that regulate discharges (Section 15, RMA) apply to the whole region including the coastal marine area.

Rules in section E 'Catchments | Ngā whaitua' take precedence over other rules (whether more or less restrictive).

To make it easier to apply for resource consents and to reduce the number of separate resource consents required to undertake any particular activity, this Plan has, where practicable, adopted the concept of 'rule bundling'. Rule bundling is used in this Plan to combine several permissions which may be required under Section 9 and Sections 13 to 15 of the RMA into one rule. One application ~~for resource consent~~⁽¹⁾ can therefore be made under the bundled rule. ~~However, an application under a bundled rule would still result in separate consents being granted for each Section 9 and Sections 12 to 15 (RMA) permission required. For example a land use consent (Section 9) for works in the bed of a river, earthworks~~⁸⁵ ~~works in the bed of a river and a discharge permit (Section 15) for associated discharges.~~⁽²⁾

From time to time, central government makes regulations. These must be read in conjunction with the Plan provisions because the regulations are generally not repeated in the Plan and in most cases the regulations prevail over rules in the Plan.

Controlled and restricted discretionary activities

All controlled and restricted discretionary activities in this Plan are subject to the following matters of control (for controlled activities) and discretion (for restricted discretionary activities):

- the duration of the resource consent,
- the circumstances when the resource consent conditions are reviewed, and
- the requirement for the holder of a resource consent to supply to the consent authority information relating to the exercise of the resource consent.

Definitions

⁸⁵ Clarification

Words defined in B 'Definitions | Whakamāramatanga' look like this -example.

National Environmental Standards⁽³⁾

National environmental standards (NESs) provide a consistent approach to decision-making processes throughout the whole country or within a specific area.

NESs are prepared by central Government and can prescribe technical standards, methods (including rules) or other requirements for environmental matters. NESs define certain activities and prescribe standards to regulate those activities. In some circumstances, plan rules can be more lenient or stringent than NES rules. The circumstances when this is allowed will be identified in the NES. A standard in a NES will prevail over a rule in a plan unless a clause in that NES authorises a rule to be more lenient or stringent.

If an activity does not comply with an NES, it requires a resource consent. NESs are enforced by local authorities.

<u>National environmental standard</u>	<u>Details on which rules are more lenient or stringent than the NES</u>
<i><u>Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ)</u></i>	A rule in this Plan prevails over a standard in the NES-AQ if it is more stringent than a standard.
<i><u>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA)</u></i>	No rules in this Plan prevail over a standard in the NES-ETA.
<i><u>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF)</u></i>	A rule in this Plan prevails over a standard in the NES-PF if it is more stringent than a standard in limited circumstances. In this Plan the rules that are more stringent are: <ul style="list-style-type: none"> Rules regulating 'afforestation' in the Pouto Forestry Restriction Area (Rule E.0.4) Rules regulating 'afforestation' within 20m of outstanding Pouto Lakes (Rule E.0.5)
<i><u>Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-SHDW)</u></i>	A rule in this Plan prevails over a standard in the NES-SHDW if it is more stringent than a standard.
<i><u>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF)</u></i>	A rule in this Plan prevails over a standard in the NES-TF if it is more stringent than a standard in limited circumstances. In this Plan the rules that are more stringent are: <ul style="list-style-type: none"> Rules regulating specific telecommunication facilities in, on or over rivers and lakes (Rules: C.2.1.4; C.2.1.9; C.2.1.10; C.2.1.12; C.2.1.13; C.2.1.15; C.2.2.2; C.2.2.4; and C.2.2.5) Rules regulating earthworks associated with specific telecommunication facilities (Rules: C.8.3.1; C.8.3.2; and C.8.3.3)

C.1 Coastal activities

This is an index and guide to the rules in this section. It does not form part of the Plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

General structures

Rule	Page
C.1.1.1 'Existing structures – permitted activity'	29
C.1.1.2 'Minor structures in a Commercial Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity'	29
C.1.1.3 'Temporary coastal structure – permitted activity'	30
C.1.1.4 'Aids to navigation – permitted activity'	30
C.1.1.5 'Signs – permitted activity'	31
C.1.1.6 'Monitoring and sampling equipment – permitted activity'	31
C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure – permitted activity'	32
C.1.1.8 'Maintenance, repair or removal of hard protection structures – permitted activity'	32
C.1.1.9 'Additions and alterations to structures – permitted activity'	33
C.1.1.10 'Removal or demolition of structures - permitted activity'	33
C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity'	33
C.1.1.12 'Structures in the Whangārei City Centre Marine Zone – controlled activity'	34
C.1.1.13 'Existing structures in a Commercial Coastal Zone, Marsden Point Port Zone or Marina Zone – controlled activity'	35

<u>C.1.1.14 'Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity'</u>	35
<u>C.1.1.15 'Existing structures (other) – discretionary activity'</u>	36
<u>C.1.1.16 'Structures outside marine clarification significant areas – discretionary activity'</u>	36
<u>C.1.1.17 'Hard protection structures – discretionary activity'</u>	37
<u>C.1.1.18 'Hard protection structures for reclamations associated with regionally significant or core local infrastructure – discretionary activity'</u>	38
<u>C.1.1.19 'Hard protection structures in areas with significant values significant areas clarification – non-complying activity'</u>	38
<u>C.1.1.20 'Removal, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity'</u>	38
<u>C.1.1.21 'Structures with no functional or operational need – non-complying consequential'</u>	38
<u>C.1.1.22 'Structures within a significant marine clarification area – non-complying activity'</u>	39

Moorings and anchorage

Rule	Page
<u>C.1.2.1 'Vessels not underway – permitted activity'</u>	40
<u>C.1.2.2 'Vessels – sewage management – permitted activity'</u>	40
<u>C.1.2.3 'New swing moorings in a Mooring Zone – permitted activity'</u>	41
<u>C.1.2.4 'Existing mooring in a Mooring Zone – permitted activity'</u>	42
<u>C.1.2.1 'Vessels not underway – permitted activity'</u>	43
<u>C.1.2.2 'Vessels – sewage management – permitted activity'</u>	43
<u>C.1.2.3 'New swing moorings in a Mooring Zone – permitted activity'</u>	44

<u>C.1.2.5 'New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity'</u>	44
<u>C.1.2.4 'Existing mooring in a Mooring Zone – permitted activity'</u>	45
<u>C.1.2.5 'New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity'</u>	45
<u>C.1.2.6 'MNew moorings in significant areas – non-complying activity'</u>	46

Aquaculture

Rule	Page
Could not find copy_1977131_ID_28476	46
<u>C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity'</u>	47
<u>C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity'</u>	48
<u>C.1.3.4 'Extensions to authorised aquaculture – restricted discretionary activity'</u>	49
<u>C.1.3.5 'Re-consenting finfish aquaculture – discretionary activity'</u>	49
<u>C.1.3.6 'New aquaculture outside areas with significant values areas and development zones– discretionary activity'</u>	50
<u>C.1.3.7 'New aquaculture in an authorised area – discretionary activity'</u>	50
<u>C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity'</u>	51
<u>C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones– discretionary activity'</u>	51
<u>C.1.3.10 'Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity'</u>	52
<u>C.1.3.11 'Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying discretionary Aquaculture NZ activity'</u>	52

C.1.3.12 'Small scale and short duration aquaculture in areas with significant areas values and development zones – non-complying activity'	52
C.1.3.1	53
C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity'	54

Mangrove removal

Rule	Page
C.1.4.1 'Mangrove seedling removal – permitted activity'	55
C.1.4.1 'Mangrove seedling removal – permitted activity'	55
C.1.4.2 'Mangrove removal – controlled activity'	57
C.1.4.3 'Mangrove removal in the Whangārei cCity cCentre mMarine zZone and the Coastal Commercial Zone – restricted discretionary activity'	57
C.1.4.4 'Mangrove removal – discretionary activity'	58

Dredging and disposal

Rule	Page
C.1.5.1 'Activities on foreshore areas and use of vehicles on beaches – permitted activity'	58
C.1.5.2 'Small-scaleSampling and scientific investigation – permitted activity'	59
C.1.5.3 'Sampling and scientific investigation – permitted activity'	59
C.1.5.1 'Activities on foreshore areas and use of vehicles on beaches – permitted activity'	60
C.1.5.4 'Removal or recovery of wrecked vessels – permitted activity'	60
C.1.5.5 'Clearing of stormwater pipe outlets – permitted activity GBC Winstone'	60

C.1.5.2 'Small-scale Sampling and scientific investigation – permitted activity'	61
C.1.5.3 'Sampling and scientific investigation – permitted activity'	61
C.1.5.4 'Removal or recovery of wrecked vessels – permitted activity'	62
C.1.5.5 'Clearing of stormwater pipe outlets – permitted activity GBC Winstone'	62
C.1.5.6 'Beach scraping – restricted discretionary activity'	63
C.1.5.6 'Beach scraping – restricted discretionary activity'	63
C.1.5.7 'Disposal Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity'	64
C.1.5.8 'Other dredging and disturbance activities – non-complying'	64

Reclamations

Rule	Page
C.1.6.1 'Unlawful public road reclamation – controlled activity'	65
C.1.6.2 'Unlawful reclamation – discretionary activity'	65
C.1.6.3 'Reclamation for regionally significant infrastructure – discretionary activity'	65
C.1.6.4 'Reclamation – discretionary activity'	66
C.1.6.5 'Reclamation in areas with significant value areas – non-complying activity Clarification'	66

Marine pests

Rule	Page
C.1.7.1 'Hull biofouling – permitted activity'	67
C.1.7.2 'In-water vessel hull and niche areas and structure cleaning (development zones) – permitted activity'	67

<u>C.1.7.3 'In-water vessel hull and niche area cleaning of local barges and large vessels – controlled activity'</u>	68
<u>C.1.7.4 'Vessel anti-fouling hull maintenance on the foreshore – discretionary activity'</u>	68
<u>C.1.7.5 'In-water vessel hull and niche area cleaning – discretionary activity'</u>	68
<u>C.1.7.6 'Passive release of biofouling from vessels – discretionary activity'</u>	69
<u>C.1.7.7 'Introduction of marine pests - non-complying activity'</u>	69

C.1.1 General structures

Note: The rules in this section do not apply to moorings (refer C.1.2 Moorings) or aquaculture activities (refer C.1.3 Aquaculture).⁽⁴⁾

C.1.1.1

Existing structures – permitted activity

The following structures in the coastal marine area that:

- 1) existed at 30 June 2004, or
- 2) ~~were~~ **are** authorised,

are permitted activities:

- 3) ~~stormwater~~ outlet pipes, and⁽⁵⁾
- 4) road and railway culverts, and
- 5) bridges, and
- 6) ~~aerial and submarine telephone cables, and~~⁽⁶⁾
- 7) aerial and submarine ~~electricity line and telecommunications line structures, including any support structures power cables, and~~^{(7) (8)}
- 8) suspended and submarine pipelines, and
- 9) jetties up to 10 square metres **in area**, and⁸⁶
- 10) **hard protection structures** in the coastal marine areas within enclosed waters (refer I ‘Maps | Ngā mahere matawhenua’), and⁽⁹⁾
- 11) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and
- 12) dinghy skids used solely for private boat launching and retrieval, and
- 13) steps, and
- 14) wharves, ~~and~~ jetties, **boat ramps, concrete spillways and mooring dolphins** in the Coastal Commercial Zone **and Marsden Point Port Zone**, and^{(10) 87 88}
- 15) non-habitable buildings and structures on **and attached to** wharves and jetties in the Coastal Commercial Zone **and Marsden Point Port Zone** ⁽¹¹⁾⁽¹²⁾

provided:

- 16) the structure complies with C.1.8 ‘Coastal works general conditions’, and
- 17) the structure is not within a Marina Zone, and
- 18) the structure owner can provide, if requested by the regional council:

⁸⁶ Clarification

⁸⁷ GBC Winstone Aggregates

⁸⁸ Refining New Zealand

- a) clear written or photographic evidence the **structure** existed at 30 June 2004, or
- b) a copy of the necessary **authorisation(s) approval(s)** for the **authorisation of the structure**.⁸⁹

The RMA activities this rule covers:

- Occupation of **space in** the common marine and coastal area **with a structure** (s12(2)(a)).

C.1.1.2

Minor structures in a **Commercial Coastal Commercial Zone, **Marsden Point Port Zone** and the **Whangārei City Centre Marine Zone** – permitted activity**

A **structure** in a **Commercial Coastal Commercial Zone**, **Marsden Point Port Zone** or the Whangārei City Centre Marine Zone is a permitted activity, provided it:⁽¹⁴⁾⁽¹⁵⁾

- 1) is not **for an** aquaculture **activity activities**, and ⁽¹⁶⁾
- 2) does not exceed a five metre vertical projection above mean high water springs, and
- 3) is attached to a **structure** which is attached to the seabed or foreshore (for example, a wharf), and
- 4) does not extend beyond the horizontal footprint of an existing **structure**, and
- 5) is above mean high water springs in a vertical projection, and
- 6) does not include advertising or marketing signage, and
- 7) complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Erection or placement of **structures a structure in, on, under or over any foreshore or seabed** (s12(1)(b)).
- Occupation of **space in** the common marine and coastal area **with a structure** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c)).**
- **Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e)).**
- **Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).**

C.1.1.3

Temporary coastal structure – permitted activity

A **temporary coastal structure** in the coastal marine area is a permitted activity, provided:

- 1) it is not **an for** aquaculture **activity activities**, and ⁽¹⁸⁾

⁸⁹ Clarification

- 2) the regional council's compliance manager and the regional council's harbourmaster are given at least 10 working days notice (in writing or by email) of the start date of construction or placement of the [structure](#), and
- 3) other than for activities involving the repair or maintenance of regionally significant infrastructure, the [temporary coastal structure](#) ~~it~~ does not exceed an area of 10 square metres (excluding any anchor(s) and anchor line(s) and any temporary coastal [structure](#) being used for construction, [repair](#) or maintenance purposes), and
- 4) it does not exceed a two metre vertical projection above [mean high water springs](#) ~~the surface of the water~~ or ~~the~~ foreshore [at mean high water springs](#) (excluding any [structure](#) being used for construction or maintenance purposes), and⁽¹⁹⁾⁹⁰
- 5) it does not include advertising or marketing signage, and
- 6) [other than for temporary scaffolding, weather protection wrap or fencing associated with the repair or maintenance of regionally significant infrastructure,](#) it is not in the coastal marine area for a period exceeding a total of 30 days or part days during a 12 month period, inclusive of the placement and removal, and⁹¹
- 7) it is removed within seven days of the completion of the event or use; and
- 8) it does not prevent existing public access to and along the foreshore, and
- 9) it is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 10) it complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Erection or placement of ~~structures~~ [a structure in, on, under or over any foreshore or seabed \(s12\(1\)\(b\)\).](#)
- Occupation of ~~space in~~ the common marine and coastal area [with a structure \(s12\(2\)\(a\)\).](#)
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- [Disturbance of any foreshore or seabed, incidental to erecting or placing a structure \(s12\(1\)\(c\)\).](#)
- [Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure \(s12\(1\)\(e\)\).](#)
- [Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure \(s12\(1\)\(g\)\).](#)

C.1.1.4

Aids to navigation – permitted activity

An [aid to navigation](#) structure in the coastal marine area [is are](#)⁽²¹⁾ a permitted activity, provided it:

- 1) is owned and operated by:
 - a) the regional council or its agents, or

⁹⁰ Clarification

⁹¹ Refining NZ

- b) Northport, or
 - c) Refining NZ, or
 - d) Maritime New Zealand or its agents, and
- 2) is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
 - 3) the regional council's harbourmaster is given at least 10 working days' notice (in writing or by email) of the start date of construction or placement of the structure, and
 - 4) complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Erection or placement of structures an aid to navigation in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with an aid to navigation (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed incidental to erecting or placing an aid to navigation (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing an aid to navigation (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing an aid to navigation (s12(1)(g)).⁽²²⁾

C.1.1.5

Signs – permitted activity

A sign (including cable markers on the seafloor) in the coastal marine area, placed:⁽²³⁾

- 1) by a statutory authority central or local government agency (or their agent) directly relating to information or safety matters concerning the coastal marine area, or⁽²⁴⁾⁽²⁵⁾
- 2) to fulfil a regulatory or legislative requirement, or
- 3) by the operator of a port facility displaying information and safety material relating to the safe and efficient operation of the port facility facility in the Coastal Commercial Zone, Marsden Point Port Zone or a Marina in the Marina Zone, displaying information and safety material relating to the safe and efficient operation of the facility, or⁽²⁶⁾
- 4) on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure,

is a permitted activity, provided:

- 5) it complies with C.1.8 'Coastal works general conditions', and
- 6) if the sign is on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, then:

- a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and
- b) except for road signage installed by a road controlling authority, the sign (or any part of the sign) must not be reflective, flashing or neon, and⁽²⁷⁾
- c) the bottom of the sign must not be more than four metres above deck level, and
- d) the bottom of the sign must be at least 2.4 metres above walkways, and
- e) the total combined area of all signs (under this rule) on the structure must not exceed five square metres.

The RMA activities this rule covers:

- Erection or placement of structures a sign in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a sign (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed incidental to erecting or placing a sign (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing a sign (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a sign (s12(1)(g)).⁽²⁸⁾

C.1.1.6

Monitoring and sampling equipment – permitted activity

Monitoring or sampling equipment in the coastal marine area is a permitted activity, provided:

- 1) it is not for an aquaculture activity activities, and⁽²⁹⁾
- 2) it does not exceed a two metre vertical projection above mean high water springs the surface of the water or the foreshore, and
- 3) it does not exceed (excluding any anchor(s) and anchor line(s)):
 - a) three square metres, or
 - b) 10 square metres and is not in place for a period exceeding a total of 365 days or part days during a two year period, inclusive of the placement and removal, and
- 4) it does not obstruct access by over water to or the use of any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and⁹²
- 5) it does not prevent public access to and along the foreshore, and
- 6) any surface buoys are clearly labelled with the owner's name and a 24-hour free-phone contact number, and⁽³⁰⁾

⁹² YNZ

- 7) equipment and associated mooring and anchorage systems are marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System, and
- 8) it complies with C.1.8 'Coastal works general conditions', and
- 9) the regional council's compliance manager and the regional council's harbourmaster are given at least 10 working days' notice (in writing or by email) of each deployment of the monitoring or sampling equipment and **the notice must include**:
 - a) location details of proposed deployment(s), and
 - b) details of who is responsible for the deployment.
 - c) an image and description of the type of equipment to be deployed and its purpose, and
 - d) proposed date(s) and approximate time(s) of deployment, scheduled maintenance and retrieval, **and**

The RMA activities this rule covers:

- Erection or placement of **structures monitoring or sampling equipment in, on, under or over any foreshore or seabed** (s12(1)(b)).
- Occupation of **space in** the common marine and coastal area **with monitoring or sampling equipment** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of any foreshore or seabed incidental to erecting or placing monitoring or sampling equipment (s12(1)(c)).**
- **Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing monitoring or sampling equipment (s12(1)(e)).**
- **Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing monitoring or sampling equipment (s12(1)(g)).**⁽³¹⁾

C.1.1.7

Reconstruction, **replacement, maintenance or repair of a structure – permitted activity**

The reconstruction, **replacement**, maintenance or repair of a **structure**, or part of a **structure**, in the coastal marine area is a permitted activity, provided:⁽³²⁾

- 1) The **structure** is **authorised**, and
- 2) there is no increase in the **authorised** structure's footprint, **length, width, and height other than that resulting from routine maintenance or repair activities**, and⁽³³⁾⁹³
- 3) there is no change to the **authorised** location **and form** of the **structure**, and⁽³⁴⁾⁹⁴

⁹³ See Fonterra and Atlas Concrete – to allow for minor increases as part of a repair – Atlas, Rosser, para 34. Also TEL, Dines, Para 4.15

⁹⁴ Clarification

- 4) it is not a reconstruction of a Historic Heritage Site (refer I 'Maps [Ngā mahere matawhenua']', and
- 5) in the case of maintenance and repair of a Historic Heritage Site (refer I 'Maps [Ngā mahere matawhenua']', work shall be within scope of what is defined in this Plan as Historic Heritage Site Repair and Historic Heritage Site Maintenance and must not result in any of the following: the materials used for maintenance and repair of the structure must match the existing structure in form and appearance, and
 - a) changes to the existing surface treatment of fabric⁹⁵, painting of any previously unpainted surface, or the rendering of any previously unrendered⁹⁶ surface.
 - b) the use of abrasive or high pressure cleaning methods, such as sand or water blasting,
 - c) the affixing of scaffolding to the building or structure,
 - d) changes to the design, texture or form of the fabric,⁹⁷
 - e) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure,
 - f) the use of materials in the fabric other than those that are the same as the original or their closest equivalent most significant fabric or the closest⁹⁸
 - g) disturbance of the foreshore or seabed being undertaken where there is a registered archaeological site and controls apply⁹⁹ (35)
- 6) the reconstruction, replacement, maintenance or repair complies with C.1.8 'Coastal works general conditions'.⁽³⁶⁾

The RMA activities this rule covers:

- Reconstruction, replacement or repair of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to reconstruction, replacement or repair of structures (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to reconstruction, replacement or repair of structures (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to reconstruction, replacement or repair of structures (s12(1)(g)).⁽³⁷⁾

⁹⁵ Fabric refers to doors, windows, and exterior walls and surfaces of a building or structure. (Clarification – footnote)

⁹⁶ Rendering generally refers to the application of plastering material. (Clarification – footnote)

⁹⁷ Clarification

⁹⁸ Clarification

⁹⁹ Clarification

C.1.1.8

Maintenance, repair or removal of hard protection structures – permitted activity

The maintenance ~~and or~~ repair of an ~~authorised~~ hard protection structure or ~~the~~ removal of a hard protection structure is a permitted activity, provided:⁽³⁸⁾

- 1) the regional council's compliance manager is given at least 10 working days' ~~prior~~ notice (in writing or by email) of the ~~start date of activities involving either the use of vehicles on the foreshore or seabed; or the removal of hard protection structures, work starting~~ and¹⁰⁰
- 2) ~~where the activity is within the coastal marine area,~~ the maintenance or repair complies with C.1.8 'Coastal works general conditions', and ¹⁰¹
- 3) ~~the maintenance or repair is contained within the form of the existing authorised structure and there is no increase in the footprint, length, width, or height of the hard protection structure, other than to provide for the settlement of earthen stopbanks, and~~⁽³⁹⁾ ¹⁰²
- 4) ~~the hard protection structure is authorised~~ if it is located in the coastal marine area.⁽⁴⁰⁾

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ Maintenance, repair or removal of hard protection structures, (s9(2)).
- ~~Erection, placement, replacement, or alteration~~ Maintenance, repair or removal of hard protection structures ~~in the coastal marine area, in, on, under or over any foreshore or seabed~~ (s12(1)(b)).⁽⁴¹⁾
- ~~Occupation of space in the common marine and coastal area~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed~~ (s12(1)(c), (e) and (g)).
- ~~Disturbance of any foreshore or seabed, incidental to maintenance, repair or removal of hard protection structures~~ (s12(1)(c)).
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to maintenance, repair or removal of hard protection structures~~ (s12(1)(e)).
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to maintenance, repair or removal of hard protection structures~~ (s12(1)(g)).⁽⁴²⁾

C.1.1.9

Additions ~~and or~~ alterations to structures – permitted activity

An addition or alteration to the following structures in the coastal marine area is a permitted activity:

- 1) aerial ~~and submarine~~ telecommunications ~~line cables or aerial and submarine or~~ electricity transmission lines ~~provided, and~~:⁽⁴³⁾

¹⁰⁰ KiwiRail, Beals, para 44

¹⁰¹ Clarification

¹⁰² G & P Morrison

- a) the additions or alterations will not require additional support structures as a result in of any increase in the design voltage, and⁽⁴⁴⁾
 - b) the new or altered cables or aerial lines will not be lower in height above the foreshore or seabed, and
- 2) insulators, circuits, earth wires, earth peaks and lightning rods, and
 - 3) bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges.

provided:

- 4) the structure to be altered or added to is authorised, and
- 5) the addition or alteration complies with C.1.8 'Coastal works general conditions', and
- 6) the addition or alteration does not cause an increase in flood levels for a 1% annual exceedance probability flood event.

Note: Clause 1 of Rule C.1.1.9 relating to an increase in the design voltage does not apply to the increase in voltage in relation to an existing (as at 14 January 2010) National Grid line (existing at 14 January 2010) that forms part of the National Grid as that activity is. These activities are covered by Regulation 10 of the Resource Management (National Environmental Standards for Electricity Transmission Activities). ^{(45) 103}

The RMA activities this rule covers:

- Addition or alteration of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the addition or alteration to a structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to the addition or alteration to a structure (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the addition or alteration to a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the addition or alteration to a structure (s12(1)(g)). ⁽⁴⁶⁾

C.1.1.10

Demolition or removal or demolition of structures - permitted activity

The demolition or removal of a structure (excluding a hard protection structure) in the coastal marine area is a permitted activity, provided:^{(47) 104}

- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) the structure is not a Historic Heritage Site (refer I 'Maps Ngā mahere matawhenua').

The RMA activities this rule covers:

¹⁰³ Clarification

¹⁰⁴ Clarification

- Removal or demolition of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to the removal or demolition of a structure (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the removal or demolition of a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the removal or demolition of a structure (s12(1)(g)).⁽⁴⁸⁾

C.1.1.10A

Additions and or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone - controlled activity

Additions and or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone, that is are not a permitted activity under rule C.1.1.9 'Additions and alterations to structures – permitted activity', are is a controlled activity, provided:

- 1) the structure to be altered or added to is authorised, and
- 2) the existing structure has a functional need to be located in the coastal marine area, and
- 3) the addition or alteration is necessary for the safe or efficient operation of the commercial activity undertaken within the Zone, and
- 4) the activity complies with C.1.8 'Coastal works general conditions'.¹⁰⁵

Matters of control:

- 1) effects on natural coastal processes, including effects on shoreline stability in the vicinity.
- 2) effects on public access to and along the coastal marine area.
- 3) effects on aquatic ecosystem health.
- 4) effects on public open space and visual amenity.
- 5) height of the addition or alteration to the structure.
- 6) effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.
- 7) use of the addition or alteration to the structure.⁽⁴⁹⁾ ¹⁰⁶

The RMA activities this rule covers:

- Addition or alteration of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of the common marine and coastal area with the addition or alteration to a structure (s12(2)(a)).

¹⁰⁵ Clarification

¹⁰⁶ Clarifications

- Disturbance of any foreshore or seabed, incidental to the addition or alteration to a structure (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the addition or alteration to a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the addition or alteration to a structure (s12(1)(g)).

C.1.1.11

Structures for scientific, research, monitoring or education purposes – controlled activity

A **structure** for scientific, research, monitoring or education purposes in the coastal marine area that is not a permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', is **a** controlled activity, provided it:

- 1) does not exceed an area of 10 square metres (excluding any anchors and anchor lines), and
- 2) is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 3) ~~complies with C.1.8 'Coastal works general conditions'.~~¹⁰⁷

Matters of control:

- 1) Effects on public access **to and along the coastal marine area.**
- 2) Effects on **natural coastal** processes, including effects on shoreline stability in the vicinity.
- 3) Height of the structure above **mean high water springs or the foreshore.**
- 4) Effects on mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Nationally Significant Surfbreaks.
 - b) Regionally Significant Surfbreaks.
 - c) Outstanding Natural Features.
 - d) Areas of Outstanding Natural Character.
 - e) Significant Ecological Areas.
 - f) Historic Heritage **Sites or Areas.**
 - g) Regionally Significant Anchorages.¹⁰⁸
- 5) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

Notification:

Resource consent applications under this rule are precluded from notification (limited or public).

The RMA activities this rule covers:

¹⁰⁷ Consequential

¹⁰⁸ Clarifications

- Erection or placement of ~~structures~~ a structure for scientific, research, monitoring or education purposes in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of ~~space in~~ the common marine and coastal area with a structure for scientific, research, monitoring or education purposes (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for scientific, research, monitoring or education purposes (s12(1)(c))~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for scientific, research, monitoring or education purposes (s12(1)(e))~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure for scientific, research, monitoring or education purposes (s12(1)(g))~~⁽⁵⁰⁾

C.1.1.12

Structures in the Whangārei City Centre Marine Zone –controlled activity

A jetty, boat ramp, pontoon, walkway, board walk or viewing platform in the Whangārei City Centre Marine Zone that is not a:

- 1) permitted activity under rule C.1.1.1 'Existing structures – permitted activity'
- 2) permitted activity under rule C.1.1.2 'Minor structures in a ~~Commercial~~ Coastal ~~Commercial~~ Zone, ~~Marsden Point Port Zone~~ and the Whangārei City Centre Marine Zone – permitted activity'.

is a controlled activity, provided:

- 3) there is no restriction on public use of the ~~structure~~ and
- 4) ~~the activity complies with C.1.8 'Coastal works general conditions'~~

Matters of control:

- 1) Effects on ~~natural coastal~~ processes including effects on shoreline stability in the vicinity.¹⁰⁹
- 2) Effects on public access to and along the coastal marine area.
- 3) Effects on public open space and visual amenity.
- 4) Use of structure.
- 5) Effects on aquatic ecosystem health.
- 6) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

Notification:

Resource consent applications under this rule are precluded from notification (limited or public).

The RMA activities this rule covers:

¹⁰⁹ Clarifications

- Erection or placement of ~~structures~~ a structure in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of ~~space in~~ the common marine and coastal area ~~with a structure~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c))~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e))~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g))~~ ⁽⁵¹⁾

C.1.1.13

Existing ~~authorised~~ structures in a ~~Commercial~~ Coastal ~~Commercial~~ Zone, ~~Marsden Point Port Zone~~ or Marina Zone – controlled activity

An existing ~~authorised structure~~ in a ~~Commercial~~ Coastal ~~Commercial~~ Zone, ~~Marsden Point Port Zone~~ or Marina Zone, that is not a permitted activity under C.1.1.1 'Existing structures – permitted activity', is a controlled activity, provided:

- 1) ~~The structure complies with C.1.8 'Coastal works general conditions', and~~
- 2) if the existing ~~structure~~ is in a Marina Zone, it is associated with a marina.

Matters of control:

- 1) Effects on ~~natural coastal~~ processes including effects on shoreline stability in the vicinity. ¹¹⁰
- 2) Effects on aquatic ecosystem health.
- 3) Effects on public access to and along the coastal marine area.
- 4) Use of the structure.

Notification:

Resource consent applications under this rule are precluded from notification (limited or public).

The RMA activities this rule covers:

- ~~Erection, placement, replacement or alteration of structures, (s12(1)(b)).~~
- Occupation of ~~space in~~ the common marine and coastal area ~~with an existing authorised structure~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.13A

~~Works to a Historic Heritage Site within the scope of a historic heritage management plan - controlled restricted discretionary activity~~ ¹¹¹⁽⁵⁴⁾

¹¹⁰ Clarifications

¹¹¹ GBC Winstone

Any works to a historic heritage site that is not a permitted activity under C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure – permitted activity' or C.1.1.10 'Removal of structures- permitted activity' or demolition of a structure is a controlled restricted discretionary activity, provided:

- 1) the activity complies with C.1.8 'Coastal works general conditions', (with the exception of C.1.8(1) condition 1 which this rule supercedes), and¹¹²
- 2) the works are within the scope of a historic heritage management plan agreed with Heritage New Zealand Pouhere Taonga, and 3) the historic heritage management plan is developed by a suitably qualified and experienced professional.¹¹³

Matters of discretion control:

1. Scope of works to be undertaken.¹¹⁴
2. Effects on historic heritage values
3. Effects on public access to and along the coastal marine area.
4. Use of the structure.

The RMA activities this rule covers:

- Erection, reconstruction, placement, alteration, extension, removal, or demolition of any historic heritage site or any part of a historic heritage that is fixed in, on, under, or over any foreshore or seabed; (s12(1)(b)).
- Occupation of the common marine and coastal area with a structure (s12(2)(a)).
- Disturbance of any foreshore or seabed, incidental to the works to a historic heritage site (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the works to a historic heritage site (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the works to a historic heritage site (s12(1)(g)).

C.1.1.13B

Structures in the Marsden Point Port Zone - restricted discretionary activity⁽⁵⁶⁾

A structure in the Marsden Point Port Zone that is not a permitted activity or controlled activity in section C.1.1 of this Plan, is a restricted-discretionary activity.

Matters of discretion:

- 1) Effects on natural coastal processes including effects on shoreline stability in the vicinity.
- 2) Effects on aquatic ecosystem health.
- 3) Effects on public access to and along the coastal marine area.

¹¹² Clarification

¹¹³ GBC Winstone Aggregates

¹¹⁴ GBC Winstone

- 4) Use of the structure.
- 5) The positive effects of the activity.¹¹⁵

The RMA activities this rule covers:

- Erection or placement of a structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of the common marine and coastal area with a structure (s12(2)(a)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).

C.1.1.13C

Existing hard protection structures - discretionary activity⁽⁵⁷⁾

A hard protection structure in the coastal marine area, that is not a permitted activity under C.1.1.1 'Existing structures – permitted activity' and:

- 1) existed at 30 June 2004, or
- 2) was is authorised,

is a discretionary activity, provided:

- 3) There has been is no increase in the length, width or height-of the hard protection structure since it was authorised or to what existed at 30 June 2004.¹¹⁶

The RMA activities this rule covers:

- Occupation of the common marine and coastal area with a hard protection structure (s12(2)(a)).

C.1.1.14

Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity

In the coastal marine area a:

- 1) structure, or
- 2) replacement of a structure, or
- 3) reconstruction, maintenance or repair of a structure, or⁽⁵⁸⁾

¹¹⁵ Clarification

¹¹⁶ Clarification

- 4) ~~addition extension~~⁽⁵⁹⁾ or alteration to a ~~structure~~, or
- 5) removal of a ~~structure~~,

in a Marina Zone, Coastal Commercial Zone or the Whangārei City Centre Marine Zone that is not a ~~permitted activity, controlled activity, or non-complying activity in Section C.1.1 of this Plan:~~¹¹⁷

- ~~6) permitted activity under C.1.1.2 'Minor structures in a Commercial Coastal Zone and the Whangārei City Centre Marine Zone – permitted activity', or~~
- ~~7) controlled activity under C.1.1.12 'Structures in the Whangārei City Centre Marine Zone – controlled activity', or~~
- ~~8) controlled activity under C.1.1.13 'Existing structures in a Commercial Coastal Zone or Marina Zone – controlled activity'~~⁽⁶⁰⁾

is a discretionary activity.

The RMA activities this rule covers:

- Erection, ~~reconstruction~~, placement, ~~alteration, addition, removal or demolition~~ of a structures ~~(s12(1)(b)).~~
- Occupation ~~of space in~~ the common marine and coastal area ~~with a structure~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(c)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(e)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(g)).~~⁽⁶¹⁾

C.1.1.14A

Laying cables - discretionary activity

Laying a cable in the coastal marine area is a discretionary activity.⁽⁶²⁾

The RMA activities this rule covers:

- Erection or placement of a cable in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of the common marine and coastal area with a cable (s12(2)(a)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a cable (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a cable (s12(1)(e)).

¹¹⁷ Clarification

- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a cable (s12(1)(g)).

C.1.1.15

Existing structures (other) – discretionary activity

An existing authorised structure in the coastal marine area, that is not a permitted, or controlled activity in section C.1.1 of this Plan:⁽⁶³⁾

- 1) permitted activity under C.1.1.1 ‘Existing structures – permitted activity’, or
- 2) controlled activity under C.1.1.3 ‘Temporary coastal structure – permitted activity’
- 3) permitted activity under C.1.1.4 ‘Aids to navigation – permitted activity’, or
- 4) permitted activity under C.1.1.5 ‘Signs – permitted activity’, or
- 5) permitted activity under C.1.1.6 ‘Monitoring and sampling equipment – permitted activity’, or
- 6) permitted activity under C.1.1.7 ‘Reconstruction, replacement, maintenance or repair of a structure – permitted activity’, or
- 7) permitted activity under C.1.1.9 ‘Additions and alterations to structures – permitted activity’, or
- 8) permitted activity under C.1.1.10 ‘Removal or demolition of structures – permitted activity’, or
- 9) controlled activity under C.1.1.11 ‘Structures for scientific, research, monitoring or education purposes – controlled activity’,

is a discretionary activity.

The RMA activities this rule covers:

- Erection, placement, replacement or alteration of structures (s12(1)(b)).⁽⁶⁴⁾
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

C.1.1.16

Structures outside marine significant areas in Mooring and General Marine Zones – discretionary activity¹¹⁸

In a Mooring Zone or the General Coastal Marine Zone any structure that is not a permitted activity, controlled, activity or non-complying activity in section C.1.1 of this Plan:

- 1) permitted activity under C.1.1.1 ‘Existing structures – permitted activity’, or
- 2) permitted activity under C.1.1.3 ‘Temporary coastal structure – permitted activity’, or
- 3) permitted activity under C.1.1.4 ‘Aids to navigation – permitted activity’, or

¹¹⁸ Kemp, para 39

- 4) ~~permitted activity under C.1.1.5 'Signs – permitted activity', or~~
- 5) ~~permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', or~~
- 6) ~~permitted activity under C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure – permitted activity', or~~
- 7) ~~permitted activity under C.1.1.9 'Additions and alterations to structures – permitted activity', or~~
- 8) ~~permitted activity under C.1.1.10 'Removal or demolition of structures – permitted activity', or~~
- 9) ~~controlled activity under C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity', or~~
- 10) ~~non-complying activity under C.1.1.21 'Structures with no functional or operational need – non-complying',~~

is a discretionary activity, provided: ¹¹⁹

- 11) it is not in a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - 1) Nationally Significant Surfbreak, or
 - 2) Regionally Significant Anchorage, or
 - 3) Outstanding Natural Feature, or
 - 4) Area of Outstanding Natural Character, or
 - 5) Site or Area of Significance to Tangata Whenua, or
 - 6) Historic Heritage Area, and
- 12) there is no removal, demolition, partial demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua'), and⁽⁶⁶⁾
- 13) the structure has a functional or operational need to be located in the coastal marine area.⁽⁶⁷⁾

The RMA activities this rule covers:

- Erection, reconstruction, placement, alteration, extension, removal or demolition of a structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(e)).

¹¹⁹ Clarification

- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(g)).

C.1.1.17

Hard protection structures – discretionary activity

Any:

- 1) New hard protection structure, or
- 2) existing unauthorised hard protection structure in the coastal marine area,
- 3) or⁽⁶⁹⁾ extension or addition to a hard protection structure, or
- 4) maintenance, repair or removal of a hard protection structure.⁽⁷⁰⁾

that is not a permitted activity under C.1.1.1 'Existing structures – permitted activity', or a permitted activity under C.1.1.8 'Maintenance, repair or removal of hard protection structures – permitted activity' is a discretionary activity, provided it is not in a mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 5) Nationally Significant Surfbreak, or
- 6) Outstanding Natural Feature in the coastal marine area, or
- 7) Area of Outstanding Natural Character in the coastal marine area, or
- 8) Historic Heritage Area, or
- 9) Site or Area of Significance to Tangata Whenua.

Note: A hard protection structure directly associated with the protection of existing a reclamation for regionally significant infrastructure or core local infrastructure is excluded from this rule and is covered by C.1.1.18 'Hard protection structures for reclamations associated with regionally significant or core local infrastructure – discretionary activity'⁽⁷¹⁾

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ The placement of hard protection structures (s9(2)).⁽⁷²⁾
- Erection, placement, replacement, ~~or~~ alteration, extension, removal or demolition of a hard protection structures in, on, under or over any foreshore or seabed in the coastal marine area (s12(1)(b)).⁽⁷³⁾
- Occupation of ~~space in~~ the common marine and coastal area with a hard protection structure (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection,

reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(e)).

- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(g)).

C.1.1.18

Hard protection structures ~~for reclamations~~ associated with regionally significant or core local infrastructure – discretionary activity

A **hard protection structure** that is directly associated with the protection of existing **regionally significant infrastructure**, or **core local infrastructure**, or a **reclamation** for **regionally significant infrastructure**, is a discretionary activity **provided it is not located within a mapped** (refer I 'Maps | Ngā mahere matawhenua')⁽⁷⁴⁾

- 1) **Outstanding Natural Feature in the coastal marine area, or**
- 2) **Area of Outstanding Natural Character in the coastal marine area, or**
- 3) **Nationally Significant Surfbreak.**⁽⁷⁵⁾

The RMA activities this rule covers:

- **The construction and placement of a hard protection structure, (s9(2)).**
- **Erection, or placement, ~~replacement or alteration of structures~~ a hard protection structure in the coastal marine area in, on, under or over any foreshore or seabed** (s12(1)(b)).⁽⁷⁶⁾
- **Occupation of ~~space in~~ the common marine and coastal area with a hard protection structure** (s12(2)(a)).
- **Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure** (s12(1)(c)).
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure** (s12(1)(e)).
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure** (s12(1)(g)).

C.1.1.19

Hard protection structures in ~~areas with significant values~~ **significant areas**⁽⁷⁷⁾ – **non-complying activity**

A **hard protection structure**, including any extension or addition to an existing **hard protection structure**, that is not a:

1. discretionary activity under rule C.1.1.17 'Hard protection structures – discretionary activity', or
2. discretionary activity under rule C.1.1.18 'Hard protection structures for reclamations associated with regionally significant or core local infrastructure – discretionary activity'

is a non-complying activity.

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ The erection or placement of hard protection structures (s9(2)).
- Erection, placement, replacement, ~~or~~ alteration, extension, removal or demolition of a hard protection structures ~~in, on, under or over any foreshore or seabed in the coastal marine area~~ (s12(1)(b)).
- Occupation of space in the common marine and coastal area ~~with a hard protection structure~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(c)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(e)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(g)).~~

C.1.1.20

Removal, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity

The replacement, removal (including relocation) or demolition (including partial demolition) of a ~~mapped~~ Historic Heritage Site ~~or part of a Historic Heritage Site~~ (refer I 'Maps | Ngā mahere matawhenua'), is a non-complying activity.⁽⁸⁰⁾

The RMA activities this rule covers:

- ~~Erection, placement,~~ Replacement, ~~or~~ alteration, removal or demolition of structures historic heritage site in, on, under or over any foreshore or seabed s12(1)(b)).
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to the replacement removal, demolition or replacement of a historic heritage site (s12(1)(c)).~~

- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the replacement removal, demolition or replacement of a historic heritage site (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the replacement, removal, partial demolition, demolition or replacement of a historic heritage site(s12(1)(g)).

C.1.1.21

Structures with no functional ~~or operational~~ need – non-complying⁽⁸²⁾

Any:

- 1) New **structure**, or
- 2) existing unauthorised **structure**, or
- 3) use of a **structure**,

with no **functional need** ~~or operational need~~ to be located in the coastal marine area is a non-complying activity.⁽⁸³⁾

The RMA activities this rule covers:

- Erection, ~~or~~ placement, ~~replacement or alteration of a structure~~ **in, on, under or over any foreshore or seabed** (s12(1)(b)).
- Occupation of ~~space in~~ the common marine and coastal area **with a structure** (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- **Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c)).**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e)).**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).**
- **Use of a structure in the coastal marine area (s12(3)).**

C.1.1.22

Structures within a significant ~~marine~~⁽⁸⁶⁾ area – non-complying activity

In the coastal marine area any:

- 1) New **structure**, or
- 2) existing unauthorised **structure**, or
- 3) **temporary coastal structure**, or
- 4) replacement of a **structure**, or
- 5) addition or alteration to a **structure**, or
- 6) maintenance, removal or demolition of a **structure**,

that is in a mapped (refer to 'Maps | Ngā mahere matawhenua'):

- 7) Nationally Significant Surfbreak, or
- 8) Regionally Significant Anchorage, or
- 9) Outstanding Natural Feature in the coastal marine area, or

- 10) Area of Outstanding Natural Character in the coastal marine area, or
- 11) Historic Heritage Area, or
- 12) Site or Area of Significance to Tangata Whenua,

and is not a permitted, controlled or discretionary activity in section C.1.1 of this Plan:

- ~~13. permitted activity under C.1.1.1 'Existing structures — permitted activity', or~~
- ~~14. permitted activity under C.1.1.3 'Temporary coastal structure — permitted activity', or~~
- ~~15. permitted activity under C.1.1.4 'Aids to navigation — permitted activity', or~~
- ~~16. permitted activity under C.1.1.5 'Signs — permitted activity', or~~
- ~~17. permitted activity under C.1.1.6 'Monitoring and sampling equipment — permitted activity', or~~
- ~~18. permitted activity under C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure — permitted activity', or~~
- ~~19. permitted activity under C.1.1.9 'Additions and alterations to structures — permitted activity', or~~
- ~~20. permitted activity under C.1.1.10 'Removal or demolition of structures — permitted activity', or~~
- ~~21. controlled activity under C.1.1.11 'Structures for scientific, research, monitoring or education purposes — controlled activity', or~~
- ~~22. discretionary activity under C.1.1.15 'Existing structures (other) — discretionary activity',~~

is a non-complying activity.¹²⁰

The RMA activities this rule covers:

- Erection, ~~or~~ placement replacement, maintenance, removal, demolition of structures a structure in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).

¹²⁰ Clarification

C.1.2 Moorings and anchorage

Note: The rules in C.1.1 General structures do not apply to moorings.⁽⁸⁸⁾

C.1.2.1

Vessels not underway – permitted activity

- 1) Securing a vessel to land (seabed, foreshore or shore), or
- 2) securing a vessel to a structure, or
- 3) placing a vessel in contact with the foreshore or seabed land⁽⁸⁹⁾ (deliberately or unintentionally),

is a permitted activity, provided:

- 4) the vessel is not:
 - a) in an enclosed water (refer I 'Maps | Ngā mahere matawhenua') for more than 14 consecutive days or part days. At the conclusion of this period the vessel must leave the enclosed water and cannot return to the enclosed water within three calendar days or part days, or and does not return to that enclosed water within three calendar days or part days, or¹²¹
 - b) in the outer Bay of Islands and outer Whangaroa Harbour (refer I 'Maps | Ngā mahere matawhenua') between the 1 November and 31 March, and
 - i) the vessel is not secured or placed in one location⁽⁹⁰⁾ for longer than 14 consecutive days or part days, and
 - ii) and if it leaves that location the vessel does not return to that location within three calendar days or part days, and¹²²
- 5) any vessel secured to a structure is authorised to be secured to the structure by the structure owner or manager, and
- 6) the vessel (including its anchor) is not within 75 metres of an authorised marine farm structure.

Exclusions:

- 1) Clauses 4(a) and 4(b) and clause 6 do not apply to a vessel secured to an authorised mooring or marina berth, and
- 2) Clauses 4(a) and 4(b) above do not apply where a longer period is made necessary due to bad weather⁽⁹¹⁾, accident, or emergency.¹²³

The RMA activities this rule covers:

- Securing a vessel to the foreshore, seabed or a structure in the coastal marine area Activities contrary to a rule in a regional coastal plan (s12(3)).
- Securing a vessel located in the coastal marine area to land or a structure on land (s9(2)).

¹²¹ Clarification

¹²² Clarification

¹²³ Clarification

- Placing a vessel in contact with the foreshore or seabed (s12(3)).
- Disturbance of the foreshore or seabed incidental to securing a vessel to land or to a structure s12(1)(c).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to securing a vessel to land or to a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to a structure (s12(1)(g)).

C.1.2.2

Vessels – sewage management – permitted activity

Staying overnight on a vessel within a Marine pollution limit (refer I 'Maps Ngā mahere matawhenua') is a permitted activity provided:

- 1) The vessel is equipped with:
 - a) a sewage treatment system which is specified in Schedule 5 ~~and or~~¹²⁴ 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations 1998 and which is installed, maintained and operated in accordance with ~~the~~¹²⁵ manufacturer's instructions, or
 - b) a sewage holding tank, ~~and or~~
 - c) a portable toilet ,or
 - d) a composting toilet, and
 - 2) no person stays overnight on the vessel with a sewage holding tank or composting toilet if one or more people have already stayed overnight on board the vessel for more than 10 preceding nights (consecutive or not), and within the 10 preceding nights the vessel has not.¹²⁶
 - a) pumped out all of the sewage from the vessel's sewage holding tank at a sewage pump-out facility, or
 - b) navigated into waters seaward of the Marine pollution limit (refer I 'Maps Ngā mahere matawhenua') and disposed of all its sewage into those waters, and
- 2A) no person stays overnight on the vessel with a portable toilet, if one or more people have already stayed overnight on board the vessel for more than 10 preceding nights (consecutive or not), and within the 10 preceding nights have not legally disposed of the sewage on land.¹²⁷
- 3) upon request of the regional council, the skipper and/or owner of the vessel, keeps and provides the regional council with¹²⁸

¹²⁴ Clarification

¹²⁵ Clarification

¹²⁶ Clarification

¹²⁷ Clarification

¹²⁸ Clarification

- a) photographic evidence of the method of sewage containment, or
 - b) a copy of written evidence from a boat builder or marine engineer detailing the method of sewage containment, **and or**¹²⁹
 - c) written or electronic records detailing the location(s) of and method of sewage disposal, and
- 4) the **vessel** is not aground or secured to land or secured to a structure overnight within 500 metres from an authorised marine farm, except **for**:¹³⁰
- a) vessels associated with the operation of the marine farm, and
 - b) a vessel attached to an **authorised** moorings, **and**¹³¹
 - c) the following marine farms where anchoring up to 200 metres from the marine farm is permitted:¹³²
 - i) in the Waikare Inlet, any marine farm west of a line from 1703263mE 6092240mN to 1703691mE 6092173mN (all coordinates in NZTM2000), **and**¹³³
 - ii) **adjacent to** Stephenson Island.¹³⁴

Notes:

Also refer to the Resource Management (Marine Pollution) Regulations 1998 in relation to the following discharges:

1. *grade A or B treated sewage, or*
2. *sewage discharges near a marine farm, marine reserve or mataitai reserve.*

The RMA activities this rule covers:

- **Staying overnight on a vessel in the coastal marine area** ~~Activities contrary to a rule in a regional coastal plan~~ (s12(3)).

C.1.2.3

New swing moorings in a Mooring Zone – permitted activity

The placement of a new **swing mooring** in a Mooring Zone is a permitted activity, provided:

- 1) the Mooring Zone has space available for the new swing mooring during all weather and tidal conditions **such that to avoid** collisions with neighbouring vessels **will be avoided**, and¹³⁵
- 2) the swing **mooring** is not located in a navigation channel or fairway, and
- 3) the activity complies with C.1.8 'Coastal works general conditions', and

¹²⁹ Clarification

¹³⁰ Clarification

¹³¹ Clarification

¹³² Clarification

¹³³ Clarification

¹³⁴ Clarification

¹³⁵ Clarification

- 4) the mooring is not in **any of** the following mooring zones:¹³⁶

Table 1A Mooring Zones (New Swing Moorings)

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay
Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai

The RMA activities this rule covers:

- Erection or placement of **a mooring structures in, on, under or over the foreshore or seabed (s12(1)(b)).**
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).**
- **Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).**
- **Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g)).**

C.1.2.4

Existing mooring in a Mooring Zone –permitted activity

An existing **mooring** in a Mooring Zone and **the occupation of the common marine and coastal area by**¹³⁷ a **vessel** using the mooring is a permitted activity, provided:

- 1A) **the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and**⁽⁹⁷⁾
- 1) the activity complies with the C.1.8 'Coastal works general conditions', and
- 2) **the owner of the mooring holds a current** **a** mooring licence **for the mooring** **has been**¹³⁸ obtained from the regional council's Harbourmaster, and

¹³⁶ Clarification

¹³⁷ Clarification

¹³⁸ Clarification

- 3) the mooring is not located in a designated channel or fairway, and
- 4) there is only one vessel attached to a swing mooring at any one time (except for dingies), and
- 5) moorings in the following areas were authorised at 1 September 2017:

Table 18 Mooring Zones (existing moorings)

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay
Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai ¹³⁹

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

C.1.2.5

Existing swing mooring outside a Mooring Zone – permitted activity

An existing swing mooring outside a Mooring Zone and the occupation of the common marine and coastal area by¹⁴⁰ a vessel using the mooring is a permitted activity, provided:

- 1A) the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and⁽¹⁰⁰⁾
- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) the owner of the mooring holds a current a mooring licence for the mooring, that has been obtained from the regional council's Harbourmaster, and¹⁴¹
- 3) the mooring is the only mooring associated with a property, and⁽¹⁰¹⁾
 - a) the only mooring associated with a property, and⁽¹⁰²⁾

¹³⁹ Consequential change to C.1.2.4(1A)

¹⁴⁰ clarification

¹⁴¹ Clarification

- b) the mooring is located within a two kilometres of the property, and⁽¹⁰³⁾
- 4) on request from the regional council, the mooring owner provides evidence demonstrating how clause 3 is being complied with, and⁽¹⁰⁴⁾
- 5) there is no change in size of the existing mooring block, and
- 6) no part of the mooring or moored vessel is within the following mapped areas a mapped Regionally Significant Anchorage area (refer I 'Maps |Ngā mahere matawhenua')⁽¹⁰⁵⁾
 - a) Regionally Significant Anchorage, or
 - b) Site or Area of Significance to Tangata Whenua, or¹⁴²
 - c) Marina Zone.⁽¹⁰⁶⁾
- 7) no part of the mooring or moored vessel is within a Marina Zone (refer I 'Maps')¹⁴³

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).⁽¹⁰⁷⁾
- Use of the mooring structure (s12(3)).⁽¹⁰⁸⁾
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).⁽¹⁰⁹⁾

C.1.2.6

Relocation of a mooring by the Harbourmaster – permitted activity

The relocation of a mooring as directed by the regional council's Harbourmaster for navigation safety purposes and the efficient use of available space is a permitted activity, provided the mooring is not relocated into the following mapped areas (refer I 'Maps |Ngā mahere matawhenua'):

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Significant Ecological Area, or⁽¹¹⁰⁾¹⁴⁴
- 4) Regionally Significant Anchorage, or
- 5) Site or Area of Significance to Tangata Whenua, or
- 6) Marina zone, or
- 7) Historic Heritage Area or Historic Heritage Site.¹⁴⁵

The RMA activities this rule covers:

¹⁴² clarif

¹⁴³ Clarification

¹⁴⁴ Clarification

¹⁴⁵ CEP Services Matauwhi Limited

- Occupation of space in the common marine and coastal area with a mooring and associated vessel (s12(2)(a)). ⁽¹¹¹⁾
- Erection or placement of a mooring structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g)).

C.1.2.7

Maintenance and or repair of moorings – permitted activity

The maintenance and or repair of a mooring is a permitted activity provided:¹⁴⁶

- 1) it does not alter the position of the mooring, and
- 2) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Reconstruction or alteration of a mooring in, on, under or over the foreshore or seabed structures (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of the foreshore or seabed incidental to maintaining or repairing a mooring (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to maintaining or repairing a mooring (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to maintaining or repairing a mooring (s12(1)(g)).

C.1.2.8

New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity

¹⁴⁶ Clarification

A new swing mooring and the occupation of the common marine and coastal area by a vessel¹⁴⁷ using the mooring is a restricted discretionary activity provided:

- 1) The mooring is in one of the following mooring zones:¹⁴⁸

Table 1C Mooring Zones (limited shore base facilities)

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay
Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai Heads (North)

- 2) there is only one vessel attached to the swing mooring at any one time (except for dingies), and
- 3) the activity complies with C.1.8 'Coastal works general conditions'.

Matters of discretion

- 1) Effects on land base facilities associated with a mooring, including parking, toilet facilities, refuse disposal and dinghy storage.¹⁴⁹
- 2) The availability of space within the mooring area.
- 3) The location of the mooring.
- 4) The type, size and construction of the mooring.

The RMA activities this rule covers:

- Erection or placement of a mooring structures in, on, under or over the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).~~

¹⁴⁷ Clarification

¹⁴⁸ Clarification

¹⁴⁹ KDC, Waanderss, para 11

- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring(s12(1)(g)).

C.1.2.8A

Mooring in a Coastal Commercial Zone or the Marsden Point Port Zone - restricted discretionary activity

A mooring in a Coastal Commercial Zone or the Marsden Point Port Zone and the occupation of the common marine and coastal area by a vessel using the mooring is a restricted discretionary activity.¹⁵⁰

Matters of discretion

- 1) The availability of space within the Coastal Commercial Zone.
- 2) The location of the mooring.
- 3) The type, size and construction of the mooring.
- 4) Effects on parking, toilet facilities, refuse disposal and dinghy storage.
- 5) The positive effects of the activity.

The RMA activities this rule covers:

- Erection or placement of a mooring in, on, under or over the foreshore or seabed (s12(1)(b)).
- Occupation of the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring(s12(1)(g)).

C.1.2.9

Placement or relocation of a mooring and the occupation of space – discretionary activity

A mooring and a vessel using the mooring that is not a permitted, restricted discretionary or non complying activity in section C.1.2 of this Plan:

- 1) permitted activity under rule C.1.2.3 'New swing moorings in a Mooring Zone – permitted activity', or

¹⁵⁰ Clarification

- 2) permitted activity under rule C.1.2.4 'Existing mooring in a Mooring Zone – permitted activity', or
- 3) permitted activity under rule C.1.2.5 'Existing swing mooring outside Mooring Zone – permitted activity', or
- 4) permitted activity under rule C.1.2.6 'Relocation of a mooring by the Harbourmaster – permitted activity', or
- 5) permitted activity under rule C.1.2.7 'Maintenance and repair of moorings – permitted activity', or
- 6) restricted discretionary under rule C.1.2.8 'New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity', or
- 7) non-complying under rule C.1.2.11 'Moorings in significant areas – non-complying activity'

¹⁵¹

is a discretionary activity.

The RMA activities this rule covers:

- Erection or placement of a mooring structure in, on, under or over the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g)).

C.1.2.10

Vessels not underway and sewage management – discretionary activity

Staying overnight on a vessel within a Marine **P**ollution **L**imit (refer to 'Maps Ngā mahere matawhenua') or temporarily:¹⁵²

- 1) securing a vessel to land (seabed, foreshore or shore), or
- 2) securing a vessel to a structure (excluding authorised moorings), or
- 3) or grounding a vessel,

that is not:

¹⁵¹ Clarification

¹⁵² Clarification

- 4) a permitted activity under rule C.1.2.2 'Vessels – sewage management – permitted activity', or
- 5) a permitted activity under rule C.1.2.1 'Vessels not underway – permitted activity',

is a discretionary activity.

The RMA activities this rule covers:

- ~~Occupation of space in the common marine and coastal area by a vessel (s12(2)(a)).~~
- ~~Activities contrary to a rule in a regional coastal plans12(3)).~~
- Staying overnight on a vessel in the coastal marine area (s12(3)).
- Securing a vessel to the foreshore, seabed or a structure in the coastal marine area (s12(3)).
- Securing a vessel located in the coastal marine area to land or a structure on land (s9(2)).
- Placing a vessel in contact with the foreshore or seabed (s12(3)).
- Disturbance of the foreshore or seabed incidental to securing a vessel to land or to a structure s12(1)(c).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to securing a vessel to land or to a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to a structure (s12(1)(g)).

C.1.2.11

New moorings in significant areas – non-complying activity

A new mooring and ~~the occupation of the common marine and coastal area by a~~ vessel using the mooring in the following areas (refer to 'Maps | Ngā mahere matawhenua')¹⁵³

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Regionally Significant Anchorage, or
- 4) Areas of significance to Tangata Whenua, or⁽¹¹⁹⁾
- 5) Historic Heritage Site.⁽¹²⁰⁾

is a non-complying activity.

The RMA activities this rule covers:

- Erection or placement of a mooring structures in, on, under or over the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

¹⁵³ Clarification

- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).
 - Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).
 - Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring(s12(1)(g)).
-

C.1.3 Aquaculture

Note: The rules in section C.1.1 General structures do not apply to aquaculture activities. ⁽¹²²⁾

C.1.3.1A

Demolition or removal of structures used for aquaculture activities - permitted activity

The demolition or removal of a structure in the coastal marine area used or previously used for aquaculture activities is a permitted activity, provided the activity complies with C.1.8 'Coastal works general conditions'

The RMA activities this rule covers:

- Removal or demolition of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Disturbance of any foreshore or seabed, incidental to the removal or demolition of a structure (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the removal or demolition of a structure (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the removal or demolition of a structure (s12(1)(g)).¹⁵⁴

C.1.3.1

Re-consenting aquaculture (not finfish) – controlled activity

An application for a new coastal permit for aquaculture activities⁽¹²³⁾ to replace a coastal permit is a controlled activity, provided:

- 1) it is not finfish aquaculture, and
- 2) no part of the area of occupation is in a mapped (refer to 'Maps | Ngā mahere matawhenua'):
 - a) Significant Ecological Area, or
 - b) Outstanding Natural Feature, or
 - c) Area of Outstanding Natural Character, or
 - d) Site or Area of Significance to Tangata Whenua, and
- 3) the application is made before the one year anniversary of the coastal permit for the aquaculture activity expiring or lapsing, and
- 4) there is no change to the activities as authorised by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

Matters of control discretion⁽¹²⁴⁾:

¹⁵⁴ Clarification

- 1) ~~Effects on marine mammals, birds and benthic habitat. Measures to minimise adverse effects on reefs and biogenic habitats~~¹²⁵
- 2) ~~Effects on food (plankton) availability in the water. Management practices to minimise marine mammal and seabird interactions with the marine farm, including entanglement.~~⁽¹²⁶⁾
- 3) The risk of introducing or spreading marine pests.
- 4) ~~Lighting.~~⁽¹²⁷⁾
- 5) Noise.
- 6) Integrity of the structure.
- 7) Navigation safety, ~~including the provision of navigation warning devices and signs in accordance with maritime transport legislation.~~⁽¹²⁸⁾
- 8) The need to upgrade, replace or remove any derelict or disused structures.
- 9) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 10) ~~Effects on arising from the use of~~¹⁵⁵ public facilities and infrastructure associated with the operation of the marine farm.⁽¹²⁹⁾
- 11) ~~Effects on historic heritage.~~⁽¹³⁰⁾¹⁵⁶

Notification:

Resource consent applications under this rule are precluded from public and limited notification.

The RMA activities this rule covers:

- Occupation of ~~space in~~ the common marine and coastal area ~~with the aquaculture activities~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Reconstruction, replacement or repair of structures in, on, under or over any foreshore or seabed (s12(1)(b)).~~
- ~~Disturbance of any foreshore or seabed, incidental to reconstruction, replacement or repair of structures (s12(1)(c)).~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to reconstruction, replacement or repair of structures (s12(1)(e)).~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to reconstruction, replacement or repair of structures (s12(1)(g)).~~¹⁵⁷
- Deposition ~~of shell and other biota~~ onto the foreshore or seabed ~~incidental to the aquaculture activities~~ (s12(1)(d)).
- Discharges ~~of contaminants~~ sediment or water into water incidental to the aquaculture activities (s15(1)(a)).

¹⁵⁵ Clarrification

¹⁵⁶ Aquaculture NZ, R Turner, para 74

¹⁵⁷ Aquaculture NZ, R Turner evidence

C.1.3.2

Re-consenting aquaculture (not finfish) in a significant ~~or outstanding~~ area – restricted discretionary activity

From 1 January 2020, an application for a new coastal permit for aquaculture activities⁽¹³⁴⁾ to replace a coastal permit in a mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 1) Significant Ecological Area, or
- 2) Outstanding Natural Feature, or
- 3) Area of Outstanding Natural Character, or
- 4) Site or Area of Significance to Tangata Whenua, and

is a restricted discretionary activity, provided:

- 5) it is not finfish aquaculture, and
- 6) the application is made before the one year anniversary of the coastal permit for the aquaculture activity expiring or lapsing, and
- 7) there is no change to the activities as authorised by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

Matters of discretion:

- 1) Effects on the characteristics and qualities which make the outstanding values of mapped (refer I maps | Ngā mahere matawhenua) areas of Outstanding Natural Character and Outstanding Natural Features and significant marine ecology.⁽¹³⁵⁾

1A) Effects on mapped (refer I Maps | Ngā mahere matawhenua') Significant Ecological Areas¹⁵⁸

1B) Effects on Sites and Areas of Significance to Tangata Whenua.¹⁵⁹

- 2) ~~Effects on marine mammals, birds and benthic habitat.~~ Effects on reefs and biogenic habitat.⁽¹³⁶⁾
- 3) ~~Effects on food (plankton) availability in the water.~~ Marine mammal and seabird interactions with the marine farm, including entanglement.⁽¹³⁷⁾
- 4) The risk of introducing or spreading marine pests.
- 5) ~~Lighting.~~⁽¹³⁸⁾
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.⁽¹³⁹⁾
- 9) The need to upgrade, replace or remove any derelict or disused structures.

¹⁵⁸ Moved up the list – no change to wording

¹⁵⁹ Moved up the list – no change to wording

~~10) Effects on Sites and Areas of Significance to Tangata Whenua.~~

- 11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.

~~12) Effects on historic heritage.~~¹⁶⁰

- 13) ~~Effects on arising from the use of~~ public facilities and infrastructure associated with the operation of the marine farm.⁽¹⁴¹⁾
- 14) ~~The positive effects of the aquaculture.~~
- 15) ~~The value of the investment in the existing aquaculture activity.~~⁽¹⁴⁴⁾

Notification:

Resource consent applications under this rule are precluded from public and limited notification.

Note: This rule does not come into effect until 1 January 2020. Up until this date the relevant rules for re-consenting existing aquaculture activities⁽¹⁴⁵⁾ (not including finfish aquaculture) are as set out in the Regional Coastal Plan for Northland.

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Reconstruction, replacement or repair of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Disturbance of any foreshore or seabed, incidental to reconstruction, replacement or repair of structures (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to reconstruction, replacement or repair of structures (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to reconstruction, replacement or repair of structures (s12(1)(g)).¹⁶¹
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharges of contaminants sediment or water into water incidental to the aquaculture activities (s15(1)(a)).

C.1.3.3

Realignment of existing aquaculture – restricted discretionary activity

The realignment of the area the aquaculture activities⁽¹⁴⁷⁾ is are authorised to occupy is a restricted discretionary activity, provided:

¹⁶⁰ NZ Aquaculture on C.1.3.1

¹⁶¹ Aquaculture NZ, R Turner evidence

- 1) no part of the existing authorised area has been realigned in the last five years, and
- 2) there is no increase in the authorised area, and
- 3) a minimum of two-thirds (⅔) of the existing authorised area remains, and
- 4) the new area is no more than one-third (⅓) of the existing authorised area, and
- 5) the new area is contiguous to the existing authorised area, and
- 6) the aquaculture activity in the new area is the same as that approved for the existing authorised area.

Matters of discretion:

- 1) Effects on the characteristics and qualities which make the outstanding values of mapped (refer I maps | Ngā mahere matawhenua) areas of Outstanding Natural Character and Outstanding Natural Features and significant marine ecology. ⁽¹⁴⁸⁾
- 1A) Effects on mapped (refer I 'Maps | Ngā mahere matawhenua') Regionally Significant Anchorages and Significant Ecological Areas. ¹⁶²
- 2) Effects on Sites and Areas of Significance to Tangata Whenua.
- 3) ~~Effects on marine mammals, birds and benthic habitat.~~ Effects on reefs and biogenic habitat ⁽¹⁴⁹⁾
- 4) ~~Effects on food (plankton) availability in the water.~~ Marine mammal and seabird interactions with the marine farm, including entanglement. ⁽¹⁵⁰⁾
- 5) The risk of introducing or spreading marine pests.
- 6) Lighting. ⁽¹⁵¹⁾
- 7) Noise.
- 8) Integrity of the structure.
- 9) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation. ⁽¹⁵²⁾
- 9A) Effects on existing recreational activities. ¹⁶³
- 10) The need to upgrade, replace or remove any derelict or disused structures.
- 11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 12) Effects on historic heritage in the coastal marine area. ⁽¹⁵³⁾
- 13) ~~Effects on arising from the use of public facilities and infrastructure associated with the realignment and operation of the marine farm.~~ ⁽¹⁵⁴⁾
- 14) ~~Effects on mapped Regionally Significant Anchorages (refer I 'Maps | Ngā mahere matawhenua')~~ ⁽¹⁵⁵⁾
- 15) ~~Effects on mapped (refer I Maps) Significant Ecological Areas~~ ⁽¹⁵⁶⁾
- 16) The positive effects of the activity. ⁽¹⁵⁷⁾

¹⁶² Moved up the list and a combination of two matters into one.

¹⁶³ YNZ, legal, para 40

17) The value of the investment in the existing aquaculture activity.⁽¹⁵⁸⁾

Note:

This rule does not override the circumstances or scope for changing resource consent conditions under Section 127 (RMA) for the area of occupation.

The RMA activities this rule covers:

- Erect or place the realigned structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing the realigned structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing the realigned structure (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharges of contaminants sediment or water into water incidental to the aquaculture activities (s15(1)(a)).

C.1.3.4

Extensions to authorised aquaculture – restricted discretionary activity

An extension to an the area of aquaculture activities are authorised to occupy for aquaculture activities⁽¹⁶¹⁾ is a restricted discretionary activity, provided:

- 1) the new area is less than 25% of the existing authorised area, and
- 2) no part of the existing authorised area has been authorised in the last five years, and
- 3) the new area is contiguous to the existing authorised area, and
- 4) the aquaculture activity in the new area is the same as that approved for the existing authorised area, and
- 5) no part of the area of occupation is in a mapped (refer I 'Maps Ngā mahere matawhenua'):
 - a) Aquaculture Exclusion Area, or
 - b) Significant Ecological Area, or
 - c) Outstanding Natural Feature, or
 - d) Area of Outstanding Natural Character, or
 - e) Historic Heritage Area, or
 - f) Regionally Significant Anchorage, or
 - g) Mooring Zone, or

- h) Coastal Commercial Zone, or
- i) Site or Area of Significance to Tangata Whenua.

Matters of discretion:

- 1) Effects on adjacent mapped (refer to 'Maps | Ngā mahere matawhenua') Areas of Outstanding Natural Character, Outstanding Natural Features and Significant Ecological Areas significant marine ecology. ¹⁶⁴
- 2) ~~Effects on marine mammals, birds and benthic habitat.~~ Effects on reefs and biogenic habitat ⁽¹⁶²⁾
- 3) Effects on food (plankton) availability in the water.
- 4) The risk of introducing or spreading marine pests.
- 5) ~~Lighting.~~ Marine mammal and seabird interactions with the marine farm, including entanglement ⁽¹⁶³⁾
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation. ⁽¹⁶⁴⁾
- 8A) ~~Effects on existing recreational activities.~~ ¹⁶⁵
- 9) The need to upgrade, replace or remove any derelict or disused structures.
- 10) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 11) ~~Effects on historic heritage.~~ ⁽¹⁶⁵⁾
- 12) ~~Effects on arising from the use of~~ public facilities and infrastructure associated with the extension and operation of the marine farm. ⁽¹⁶⁶⁾
- 13) The positive effects of the activity. ⁽¹⁶⁷⁾
- 14) The value of the investment in the existing aquaculture activity. ⁽¹⁶⁸⁾

The RMA activities this rule covers:

- Erect or place the extended structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Disturbance of any foreshore or seabed, incidental to erecting or placing the extended structure (s12(1)(c)).

¹⁶⁴ Clarification

¹⁶⁵ YNZ, legal, para 40

- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing the extended structure (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharges of contaminants sediment or water into water incidental to the aquaculture activities (s15(1)(a)).

C.1.3.5

Re-consenting finfish aquaculture – discretionary activity

An application for a new coastal permit for finfish aquaculture activities⁽¹⁷¹⁾ to replace an existing, expiring or lapsing coastal permit is a discretionary activity, provided:

- 1) the application is made within one year of the coastal permit for the aquaculture activity expiring or lapsing.
- 2) there is no change to the activities as authorised by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Reconstruction, replacement or repair of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Disturbance of any foreshore or seabed, incidental to reconstruction, replacement or repair of structures (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to reconstruction, replacement or repair of structures (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to reconstruction, replacement or repair of structures (s12(1)(g)).¹⁶⁶
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.6

New aquaculture outside areas with significant values areas and development zones – discretionary activity

¹⁶⁶ Aquaculture NZ, R Turner evidence

New aquaculture activities that ~~is are~~ not a:

- 1) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or
- 2) restricted discretionary activity under rule C.1.3.4 'Extensions to authorised aquaculture – restricted discretionary activity',

~~is are~~⁽¹⁷³⁾ a discretionary activity, provided the area of occupation is not in a mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 4) Aquaculture Exclusion Area, or
- 5) Significant Ecological Area, or
- 6) Outstanding Natural Feature, or
- 7) Area of Outstanding Natural Character, or
- 8) Historic Heritage Area, or
- 9) Regionally Significant Anchorage, or
- 10) Mooring Zone, or
- 11) Coastal Commercial Zone, or
- 12) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

- Erection or placement of structures ~~for aquaculture activities in, on, under or over any foreshore or seabed~~ (s12(1)(b)).
- Occupation of ~~space in~~ the common marine and coastal area ~~with the aquaculture activities~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).~~
- Deposition ~~of shell and other biota~~ onto the foreshore or seabed ~~incidental to the aquaculture activities~~ (s12(1)(d)).
- Discharge of contaminants ~~(including feed) or water to water associated with the aquaculture activities~~ (s15(1)(a)).

C.1.3.7

New aquaculture in an authorised area – discretionary activity

New aquaculture activities⁽¹⁷⁵⁾ in an area ~~authorised for~~ aquaculture activities⁽¹⁷⁶⁾ ~~are authorised to occupy~~¹⁶⁷ is a discretionary activity.

¹⁶⁷ Clarification

The RMA activities this rule covers:

- Erection or placement of structures in the coastal marine area (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.8

New aquaculture in a Maori oyster reserve – discretionary activity

New aquaculture in a Maori oyster reserve⁽¹⁷⁸⁾ in the Kaipara Harbour, that is not a:

- 1) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or
- 2) restricted discretionary activity under rule C.1.3.4 'Extensions to authorised aquaculture – restricted discretionary activity',

is a discretionary activity, provided the aquaculture is consistent with Section 5.10 of the Deed of Settlement to Settle Te Uri o Hau Historical Claims, December 2000.

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.9

Extensions to existing aquaculture in areas with significant values areas and development zones— discretionary activity

An extension to an area of authorised aquaculture activities⁽¹⁸⁰⁾ are authorised to occupy¹⁶⁸ in a mapped (refer to 'Maps | Ngā mahere matawhenua'):

- 1) Aquaculture Exclusion Area, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) Historic Heritage Area, or
- 6) Regionally Significant Anchorage, or
- 7) Mooring Zone, or
- 8) Coastal Commercial Zone, or
- 9) Site or Area of Significance to Tangata Whenua,

is a discretionary activity, provided:

- 10) the new area is less than 25% of the existing authorised area, and
- 11) no part of the existing authorised area has been authorised in the last five years, and
- 12) the new area is contiguous to the existing authorised area, and
- 13) the aquaculture activity in the new area is the same as that approved for the existing authorised area.

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

¹⁶⁸ Clarification

C.1.3.10

Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity

New marae-based aquaculture in a mapped (refer to 'Maps | Ngā mahere matawhenua'):

- 1) Aquaculture Exclusion Area, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) Historic Heritage Area, or
- 6) Regionally Significant Anchorage, or
- 7) Mooring Zone, or
- 8) Coastal Commercial Zone,

is a discretionary activity.

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.10A

Relocation of aquaculture within the Waikare Inlet – discretionary activity

The relocation of authorised aquaculture activities⁽¹⁸⁴⁾ within the Waikare Inlet Harbour, that is not a:

- 1) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity'.

is a discretionary⁽¹⁸⁵⁾ activity, provided:

- 2) the proposed area to be occupied is no greater than the existing authorised area, and

- 3) the current space approved for occupation and the proposed space to be occupied is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN (all coordinates in NZTM2000).

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).¹⁶⁹

C.1.3.11

Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying discretionary⁽¹⁸³⁾ activity

The relocation of authorised aquaculture activities⁽¹⁸⁴⁾ within the Waikare Inlet and Parengarenga Harbour, that is not a:

- 2) restricted discretionary activity under rule C.1.3.3 ‘Realignment of existing aquaculture – restricted discretionary activity’,
- is a non-complying discretionary⁽¹⁸⁵⁾ activity, provided:
- 4) the proposed area to be occupied is no greater than the existing authorised area, and
- 5) in the Waikare Inlet, the current space approved for occupation and the proposed space to be occupied is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN (all coordinates in NZTM2000).¹⁷⁰

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

¹⁶⁹ Aquaculture NZ evidence – J Dollimore (parag 11), R Clarkson (parag 42 – 44), and D Taylor (parags 32-34)

¹⁷⁰ Consequential to addition of new rule C.1.3.10A

- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.12

Small scale and short duration aquaculture in areas with significant areas values and development zones– non-complying activity

New aquaculture activities⁽¹⁸⁷⁾ in a mapped (refer I 'Maps | Ngā mahere matawhenua')

- 1) Aquaculture Exclusion Area, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) Historic Heritage Area, or
- 6) Regionally Significant Anchorage, or
- 7) Mooring Zone, or
- 8) Coastal Commercial Zone, or
- 9) Site or Area of Significance to Tangata Whenua,

that are is not a:

- 10) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or
- 11) discretionary activity under rule C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones– discretionary activity', or
- 12) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or
- 13) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity',

are is a non-complying activity, provided:

- 14) the area of occupation (excluding the anchoring or mooring system) is less than 5000 square metres, and
- 15) the consent duration applied for is no longer than five years, and

- 16) the area of occupation has not been authorised for aquaculture activities⁽¹⁸⁸⁾ any time in the past five years preceding from the time the council receives the application under this rule, and
- 17) no part of the area of occupation is within 200 metres of an existing area authorised for aquaculture activities.⁽¹⁸⁹⁾

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.13

New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity

New aquaculture activities⁽¹⁹¹⁾ in a mapped Significant Ecological Area in the Kaipara Harbour (refer I 'Maps | Ngā mahere matawhenua') that is not a:

- 1) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or
- 2) discretionary activity under rule C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones– discretionary activity', or
- 3) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or
- 4) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity',

is a non-complying activity, provided:

5. the proposed area of occupation is north of a line from 1795913mE 5975589mN to 1707171mE 5976685mN to 1708783mE 5976638mN (all coordinates in NZTM2000).

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).

- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.14

Aquaculture in areas with significant areas values and development zones – prohibited activity

New aquaculture activities⁽¹⁹³⁾ in a mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 1) Aquaculture Exclusion Area, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) Historic Heritage Area, or
- 6) Regionally Significant Anchorage, or
- 7) Mooring Zone, or
- 8) Coastal Commercial Zone, or
- 9) Site or Area of Significance to Tangata Whenua,

that is not a restricted discretionary, discretionary or non-complying activity in section C.1.3 of this Plan:

10) restricted discretionary activity under rule C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity', or

11) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or

12) discretionary activity under rule C.1.3.5 'Re-consenting finfish aquaculture – discretionary activity', or

13) discretionary activity under rule C.1.3.7 'New aquaculture in an authorised area – discretionary activity', or

14) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or

- 15) discretionary activity under rule C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones – discretionary activity', or
- 16) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity', or
- 17) non-complying activity under rule C.1.3.11 'Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying activity', or
- 18) non-complying activity under rule C.1.3.12 'Small scale and short duration aquaculture in areas with significant values – non-complying activity', or
- 19) non-complying activity under rule " C.1.3.13 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity', "¹⁷¹

is a prohibited activity. [HYPERLINK "https://nrc.objective.com/creation/document/2379795/index.html"](https://nrc.objective.com/creation/document/2379795/index.html) [HYPERLINK "https://nrc.objective.com/creation/document/2379795/index.html"](https://nrc.objective.com/creation/document/2379795/index.html)

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.4 Mangrove removal

C.1.4.1

Mangrove seedling removal – permitted activity

Pulling or cutting mangroves within the coastal marine area or within the bed of a river, and the use of motorised machinery to transport people, tools or removed mangrove vegetation, is a ¹⁷²permitted activity provided:

1. the mangroves are unbranched and less than 60 centimetres tall, and⁽¹⁹⁵⁾

¹⁷¹ Clarification

¹⁷² DOC, Silver, para 36

2. the mangroves are not under the canopy area among the pneumatophores (aerial roots)⁽¹⁹⁶⁾ of any other existing mature mangrove, and¹⁷³
3. the removal is by hand or using hand-held tools (including motorised), and
4. the any removal by motorised hand-held tools is only undertaken not undertaken between 1 September to 28 February April and 31 July August and 31 March⁽¹⁹⁸⁾ (inclusive) to avoid disturbance¹⁷⁴ of birds during breeding, roosting and nesting periods, and
5. the activity complies with C.1.8 'Coastal works general conditions'.⁽¹⁹⁹⁾

Note: Use of vehicles and motorised machinery on the forshore to transport people, tools or removed mangrove vegetation is a permitted activity if the conditions of rule C.1.5.1 are met.¹⁷⁵

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Removal of any natural material of mangroves from the foreshore or seabed (s12(3)).
- Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).
- Discharge of sediment into water incidental to removing mangroves resulting from mangrove removal (s15(1)(a)).

C.1.4.2

Minor mangrove removal – permitted activity

The removal and pruning of mangroves within the coastal marine area or within the bed of a river necessary for the continuation of authorised activities in Table 1 'Maximum allowable area of mangrove removal' is a permitted activity, provided:

- 1) the mangrove removal or pruning does not exceed the limits in Table 1 'Maximum allowable area of mangrove removal', and
- 2) the activity complies with the mangrove removal and disturbance general conditions in the C.1.8 'Coastal works general conditions'.

Table 1 Maximum allowable area of mangrove removal

¹⁷³ MHRS, LaBonte, para 6.9

¹⁷⁴ MHRS, Dons, para 5.3

¹⁷⁵ DOC, Silver, para 36

Authorised activity	Maximum allowable area of mangrove removal
Boat ramps and jetties	<p>Restricted to <u>within</u>:</p> <ol style="list-style-type: none"> 1. <u>the footprint of the structure, and</u> 2. <u>five metres 5m 10 metres around of</u> the footprint of the structure, and¹⁷⁶ 3. a <u>five metre</u> wide access channel between the structure and the nearest permanently navigable <u>coastal</u> waters.⁽²⁰¹⁾
Wharves, and marina berths	<p>Restricted to:</p> <ol style="list-style-type: none"> 1. <u>the footprint of the structure, and</u> 2. <u>10 metres of within 10 metres around</u> ⁽²⁰²⁾ the footprint of the structure, and 3. A <u>five-metre wide</u> access channel between the structure and the nearest permanently navigable <u>coastal</u> waters.
<p>Stormwater <u>Authorised pipe</u> outlets ⁽²⁰³⁾</p> <p>(also refer to C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity')</p>	<p>Restricted to:</p> <ol style="list-style-type: none"> 1. five-metres <u>either side</u> of the stormwater <u>authorised pipe</u> outlet, and 2. the <u>lineal</u> extent of the clearance is limited to that required¹⁷⁷ to create a free-draining path from the stormwater <u>authorised pipe</u> outlet to <u>coastal water the sea</u>.
<p>Artificial watercourses <u>s and rivers</u></p> <p>(A)Also refer to:</p> <p>C.1.5.7 'Clearing artificial water courses– permitted activity', C.1.5.8 'Clearing tidal stream mouths – permitted activity', <u>and</u> C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity')'⁽²⁰⁴⁾</p>	<p>Restricted to:</p> <ol style="list-style-type: none"> 1. <u>the active channel or drain area, and</u> ⁽²⁰⁵⁾ 2. five metres <u>from each either</u> side of the artificial watercourse, and 3. the extent of the clearance is limited to that required to create a free-draining flow path <u>to coastal water</u>, and 4. sites where the adjacent <u>or upstream</u> ⁽²⁰⁶⁾ land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed, <u>and</u> 5. <u>not exceeding an area of 200 m² within a mapped (refer Maps Nga mahere matawhenua) Significant Ecological Area or Outstanding Natural Character Area, and</u> ⁽²⁰⁷⁾
Roads, railway lines and bridges	<p>Restricted to:</p> <ol style="list-style-type: none"> 1. five metres <u>from</u> either side of the edge of the formed road, railway line or bridge, or one metre

¹⁷⁶ Kemp, para 50 and to be consistent with the next row

¹⁷⁷ WDC, Carvell, para 82

Authorised activity	Maximum allowable area of mangrove removal
	<p>from the base of the batter slope (whichever is the greater), or</p> <p>2. removal or pruning of mangroves to achieve maintenance of sight clearance lines for road safety at all road intersections, roundabouts and horizontal curves must be undertaken in accordance with <i>Guide to Road Design Part 3: Geometric Design. 2nd Edition</i> (Austroads, 2010).</p>
Electricity transmission structures	Restricted to within four metres of the footprint of the structure. ⁽²⁰⁸⁾
Electricity transmission lines and cables	Restricted to within two metres either side of the of the vertical projection of the line on the ground and not exceeding an area of 200 m ² . ⁽²⁰⁹⁾
Suspended telecommunication and power lines	Restricted to within four metres either side of the vertical projection of the cable on the ground.
All other structures and farm fencing	Restricted to within one metre of the footprint of the structure.

Note: This rule does not cover activities authorised by Rule C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity' ⁽²¹⁰⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).~~
- ~~Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).~~
- ~~Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).~~
- ~~Removal of any natural material of mangroves~~ from the foreshore or seabed (s12(3)).
- ~~Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).~~
- Discharge of sediment into water incidental to removing mangroves ~~resulting from mangrove removal~~ (s15(1)(a)).

C.1.4.3

Mangrove removal – controlled activity

The removal and pruning of mangroves within the coastal marine area or within the bed of a river to:

- 1) provide a single track of no greater than five metres wide where no other alternative publicly accessible track exists, and only to the extent necessary to provide public access to a marae, urupa or public land located outside of the coastal marine area, or
- 2) maintain existing navigable channels present at the date this Plan becomes operative, or
- 3) improve the use of private land where the area of removal and pruning is wholly within a freehold title and involves an area no greater than 500 square metres,

that is not a permitted activity in section C.1.4 of this Plan, or:

- ~~4) a permitted activity under rule C.1.4.1 'Mangrove seedling removal – permitted activity', or~~
- ~~5) a permitted activity under rule C.1.4.2 'Minor mangrove removal – permitted activity',~~
- 4) is an application to re-consent activities to remove or prune mangroves, that is made before the expiry of the existing resource consent and where there is no change to the activities as authorised by the existing resource consent, ¹⁷⁸

is a controlled activity, provided the total area of mangroves removed is less than:

- 1) 200 square metres if the activity is located within a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Significant Ecological Area, or
 - b) Outstanding Natural Character Area, and
- 2) 500 square metres in all other areas ⁽²¹²⁾ other than where clause 4) applies ¹⁷⁹.

Matters of control:

- 1) Method, timing and extent of activities.
- 2) Effects on natural systems and indigenous biodiversity aquatic ecosystem health. ¹⁸⁰
- 2A) Effects on birds classified as Threatened or At Risk under the New Zealand Threat Classification System, including as identified in mapped Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua'). ¹⁸¹
- 3) Navigation and safety.
- 4) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Historic Area or Site.
 - b) Site or Area of Significance to Tangata Whenua.
 - c) Area of Outstanding Natural Character.
 - d) Significant Ecological Area.
 - e) Significant Bird Area. ¹⁸²
 - f) Outstanding Natural Feature.
 - g) Outstanding Natural Landscape. ⁽²¹³⁾

¹⁷⁸ MHRs's request for a special 'zoning' within Mangawhai Harbour

¹⁷⁹ Consequential to new clause 4

¹⁸⁰ Clarrification

¹⁸¹ Clarrification

¹⁸² Consequence of new clause 2A.

5) Adverse Effects on tangata whenua cultural values⁽²¹⁴⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Removal of any natural material of mangroves from the foreshore or seabed (s12(3)).
- Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).
- Discharge of sediment into water incidental to removing mangroves resulting from mangrove removal (s15(1)(a)).

C.1.4.4

Mangrove removal in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone— restricted discretionary activity

The removal and pruning of mangroves in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone⁽²¹⁶⁾ that is not a permitted or controlled activity in section C.1.4 of this Plan:

- 1) a permitted activity under rule C.1.4.1 'Mangrove seedling removal—permitted activity', or
- 2) a permitted activity under rule C.1.4.2 'Minor mangrove removal—permitted activity', or
- 3) a controlled activity under rule C.1.4.3 'Mangrove removal—controlled activity'

is a restricted discretionary activity.

Matters of discretion:

- 1) Effects on natural systems and indigenous biodiversity in the coastal marine area or the bed of a river, including where it affects the ability of tangata whenua to carry out cultural and traditional activities.
- 2) Effects on navigation and safety.
- 3) Effects on visual amenity values.
- 4) Effects on indigenous biodiversity where it affects the ability of tangata whenua to carry out cultural and traditional activities.¹⁸³
- 5) Effects on historic heritage in the coastal marine area.⁽²¹⁷⁾

¹⁸³ Consequential, incorporated into clause (1).

6) The positive effects of the activity. ⁽²¹⁸⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Removal of any natural material of mangroves from the foreshore or seabed (s12(3)).
- Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).
- Discharge of sediment into water incidental to removing mangroves resulting from mangrove removal (s15(1)(a)).

C.1.4.5

Mangrove removal – discretionary activity

The removal and pruning of mangroves that is not a permitted, controlled, or restricted discretionary activity in section C.1.4 of this Plan:

- 1) permitted activity under rule C.1.4.1 'Mangrove seedling removal – permitted activity', or
- 2) permitted activity under rule C.1.4.2 'Minor mangrove seedling removal – permitted activity', or
- 3) controlled activity under rule C.1.4.3 'Mangrove removal – controlled activity', or
- 4) restricted discretionary activity under rule C.1.4.4 'Mangrove removal in the Whangārei city centre marine zone – restricted discretionary activity'.

is a discretionary activity.

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Removal of any natural material of mangroves from the foreshore or seabed (s12(3)).

- Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).
- Discharge of sediment into water incidental to removing mangroves resulting from mangrove removal (s15(1)(a)).

C.1.4.6

Mangrove removal – Non-complying activity

The removal or pruning of mangroves that is not and involves an area greater than 200 square metres in any mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 1) Significant Ecological Area, or
- 2) Site or Area of Significance to Tangata Whenua, or
- 3) Area of Outstanding Natural Character in the coastal marine area,

is a non-complying activity. ⁽²²³⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Removal of mangroves from the foreshore or seabed (s12(3)).
- Discharge of sediment into water incidental to removing mangroves (s15(1)(a)).

C.1.5 Dredging, disturbance and disposal

C.1.5.1

Activities on foreshore areas and use of vehicles on beaches – permitted activity

Any recreational activity on the foreshore as well as the and any disturbance of the foreshore or seabed by the use of vehicles is a permitted activity, provided: ⁽²²⁵⁾

- 1) apart from emergency services vehicles providing an emergency response, there is no disturbance of or damage to seagrass meadows within mapped Significant Ecological Areas (refer I 'Maps | Ngā mahere matawhenua') and outside these areas, there is no destruction of shellfish beds or indigenous vegetation, and ⁽²²⁶⁾⁽²²⁷⁾

- 2) the activity does not involve the exclusive occupation of space in the coastal marine area, and
- 3) vehicles must ensure minimal disturbance of the foreshore and seabed, and
- 4) apart from emergency services vehicles providing an emergency response, there is no disturbance of or damage to indigenous or migratory bird nesting or roosting sites, and⁽²²⁸⁾⁽²²⁹⁾
- 5) there is no disturbance of or damage to a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 6) there is no disturbance of or damage to a mapped Historic Heritage area (refer I 'Maps | Ngā mahere matawhenua'), and⁽²³⁰⁾
- 7) apart from emergency services vehicles providing an emergency response, vehicles access to the foreshore is only via authorised access points, and⁽²³¹⁾
- 8) the activity complies with C.1.8 'Coastal works general conditions', and
- 9) apart from emergency services vehicles providing an emergency response, vehicles do not drive over pipi and or cockle beds.⁽²³²⁾⁽²³³⁾ 184

Note: District councils may also have bylaws that control (including prohibit) the use of vehicles on beaches. Compliance with those provisions is also required.⁽²³⁴⁾

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed resulting from an activity on the foreshore and the use of a vehicle on the foreshore or seabed (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from an activity on the foreshore and the use of a vehicle on the foreshore or seabed (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from an activity on the foreshore and the use of a vehicle on the foreshore or seabed (s12(1)(g)).

C.1.5.2

Small-scale Sampling and scientific investigation – permitted activity

Small-scale Sampling and scientific investigation in the coastal marine area, including any removal of sand, shingle, shell or other natural material is a permitted activity provided:

- 1) in a mapped Site or Area of Significance to Tangata Whenua or a mapped Historic Heritage Area (refer I 'Maps | Ngā mahere matawhenua'), no more than 0.2 cubic metres of sand, shingle, shell or other natural material is removed in any 24 hour period, and⁽²³⁶⁾
- 2) in all other areas, no more than one cubic metre of sand, shingle, shell or other natural material is removed in any 24 hour period, and⁽²³⁷⁾

- 3) the head size of any drilling equipment used does not exceed 250 millimetres in diameter, and
- 4) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- ~~Disturbance of any foreshore or seabed resulting from sampling and scientific investigation (s12(1)(c)).~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from sampling and scientific investigation (s12(1)(e)).~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from sampling and scientific investigation (s12(1)(g)).~~
- ~~Removal of sand, shingle, shell or other natural material from the coastal marine area (s12(2)(b)).~~

C.1.5.3

~~Sampling and scientific investigation – permitted activity~~

~~Sampling and scientific investigation in the coastal marine area, including any removal of sand, shingle, shell or other natural material is a permitted activity provided:~~

1. ~~no more than one cubic metre of sand, shingle, shell or other natural material is removed in any 24 hour period, and~~
2. ~~the head size of any drilling equipment used does not exceed 250 millimetres in diameter, and~~
3. ~~the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer 'Maps'), and~~
4. ~~the activity complies with C.1.8 'Coastal works general conditions'.~~ ⁽²³⁹⁾

~~The RMA activities this rule covers:~~

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~

C.1.5.4

Removal of nuisance marine plant debris – permitted activity

The removal of nuisance marine plant debris washed onto a beach where it restricts safe and legally established public walking access to and or along a beach, or the safe use of is significantly

adversely affecting amenity or access to and use of the beach, is a permitted activity, provided:⁽²⁴⁰⁾ 185

1. the regional council's compliance manager is notified (in writing or by email) at least 24 hours before the start of any removal, and
2. if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua'), the relevant tangata whenua are notified at least 24 hours before the start of any removal, and⁽²⁴¹⁾
3. if the activity occurs within a Significant Bird Area (refer to 'Maps | Ngā mahere matawhenua') between the months of 1 September- 01 August to 31 March to 28 February, a person with expertise in bird ecology needs to be is on-site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity shall ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and⁽²⁴²⁾
4. there is no disturbance of indigenous or migratory bird nesting sites, and⁽²⁴³⁾
5. there is no destruction of intertidal shellfish beds, and⁽²⁴⁴⁾
6. removed marine plant debris is disposed of outside of the coastal marine area and at a location authorised to take such material, and
7. the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Disturbance of any foreshore or seabed incidental to the removal of nuisance marine plant debris (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to the removal of nuisance marine plant debris (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage incidental to the removal of nuisance marine plant debris (s12(1)(g)).

C.1.5.5

Removal or recovery of wrecked vessels – permitted activity

The removal or recovery of a wrecked vessel is a permitted activity provided:

- 1) the regional council's Harbourmaster is notified (in writing or by email) at least 24 hours before the start of any removal or recovery, and

¹⁸⁵ Clarification

¹⁸⁶ Consequential - MHRS

- 2) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), the relevant Tangata Whenua are notified at least 24 hours before the start of any removal, and⁽²⁴⁵⁾
- 3) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Disturbance of any foreshore or seabed incidental to the removal of wrecked vessels (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to the removal of wrecked vessels (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage incidental to the removal of wrecked vessels (s12(1)(g)).

C.1.5.6

Clearing of ~~stormwater~~ pipe outlets – permitted activity⁽²⁴⁶⁾

Clearing material ~~(excluding mangroves)~~ from a ~~stormwater~~ pipe outlet is a permitted activity, provided:⁽²⁴⁷⁾⁽²⁴⁸⁾

1A) any removal of mangroves complies with the requirements of rule C.1.4.1 'Mangrove seedling removal – permitted activity', and⁽²⁴⁹⁾

- 1) the extent of the clearance is limited to that required to create a free-draining path from the ~~stormwater~~ outlet to ~~coastal water~~ the sea at mean low water springs, and¹⁸⁷
- 2) if the activity occurs in a Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua') between ~~the months of 1 September- 31 August to 31 March to 28 February,~~ a person with expertise in bird ecology ~~needs to be is~~ on-site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and⁽²⁵⁰⁾
188
- 3) ~~there is no disturbance of indigenous or migratory bird nesting sites, and⁽²⁵¹⁾~~
- 4) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 5) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and⁽²⁵²⁾
- 6) the regional council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and

¹⁸⁷ Clarification

¹⁸⁸ Consequential - MHRS

6A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua'), the relevant tangata whenua are notified at least three working days prior to work being undertaken, and⁽²⁵³⁾

7) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- Disturbance of any foreshore or seabed resulting from the clearing of material from a pipe outlet (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the clearing of material from a pipe outlet ((s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the clearing of material from a pipe outlet ((s12(1)(g)).
- Deposition of material cleared from a pipe outlet onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants sediment into water incidental to the clearing of material from a pipe outlet (s15(1)(a)).

C.1.5.7

Clearing artificial water courses – permitted activity

Clearing material (excluding mangroves) from an artificial water course is a permitted activity provided:

- 1) the original profile (width and depth) of the artificial water course is not exceeded, and
- 2) all material (except sediment) is removed from the coastal marine area, and
- 3) the regional council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and

3A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua'), the relevant tangata whenua are notified at least three working days prior to work being undertaken, and²⁵⁵⁾

- 4) sediment disposed of in the coastal marine area:
 - a) is deposited no more than 10 metres either side of the artificial water course, and
 - b) is not placed in individual sediment piles do not exceed 25 square metres in area or 300 millimetres in height, and¹⁸⁹
 - c) does not dam tidal water or stormwater outlets, and
- 5) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

¹⁸⁹ Clarification

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- Disturbance of any foreshore or seabed resulting from the clearing of material (excluding mangroves) from an artificial water course (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the clearing of material (excluding mangroves) from an artificial water course ((s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the clearing of material (excluding mangroves) from an artificial water course (s12(1)(g)).
- Deposition of material cleared (excluding mangroves) from an artificial water course onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Discharge of ~~contaminants~~ sediment into water incidental to the clearing of material (excluding mangroves) from an artificial water course (s15(1)(a)).

C.1.5.8

Clearing tidal stream mouths – permitted activity

Clearing material(excluding mangroves) from a tidal stream mouth is a permitted activity, provided:

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to coastal water ~~the sea~~ at mean low water springs, and
- 2) the clearance is for the purpose of avoiding flooding of adjacent land¹⁹⁰ or ~~for~~ releasing impounded water which is stagnant or ~~poses~~ a contact recreation health risk, and¹⁹⁰
- 3) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 4) if the activity occurs in a Significant Bird Area (refer I 'Maps Ngā mahere matawhenua' ~~between the months of 1 September- 01 August to 31 March to 28~~ February, a person with expertise in bird ecology ~~needs to be is~~ on-site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and⁽²⁵⁷⁾ ¹⁹¹
- 5) ~~there is no disturbance of indigenous or migratory bird nesting sites~~, and⁽²⁵⁸⁾
- 6) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and ⁽²⁵⁹⁾
- 7) the regional council's compliance manager:

¹⁹⁰ Clarification

¹⁹¹ Consequential - MHRS

a) ~~is satisfied the clearance meets the purpose of Condition 2 and has provided written confirmation accordingly, or~~¹⁹²

b) is provided a written statement from a chartered professional engineer or the Northland District Health Board outlining the need for the clearance in accordance with Condition 2, at least two working days before the start of work, and

7A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua'), the relevant Tangata Whenua are notified at least two working days before the start of work, and

8) the activity complies with the coastal marine area general conditions C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- ~~Disturbance of any foreshore or seabed resulting from the clearing of material (excluding mangroves) from a tidal stream mouth (s12(1)(c)).~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the clearing of material (excluding mangroves) from a tidal stream mouth (s12(1)(e)).~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the clearing of material (excluding mangroves) from a tidal stream mouth ((s12(1)(g)).~~
- ~~Deposition of material cleared (excluding mangroves) from a tidal stream mouth onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d))~~
- ~~Discharge of contaminants sediment into water incidental to the clearing of material (excluding mangroves) from a tidal stream mouth (s15(1)(a)).~~

C.1.5.9

Burial of dead animals – permitted activity

Burying a dead animal (including marine mammals) washed up on the foreshore is a permitted activity, provided:

- 1) the activity complies with the coastal marine area general conditions C.1.8 'Coastal works general conditions', and
- 2) where practicable, burial does not occur within 100 metres of a tidal stream mouth, and
- 3) where practicable, adverse effects on indigenous vegetation are minimised.¹⁹³

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ The burial of a dead animal (including a marine mammal) washed up on the foreshore (s9(2)).

¹⁹² Clarification

¹⁹³ DOC, legeal, para 28. Is really too vague, but include nevertheless

- Disturbance of any foreshore or seabed resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(g)).
- Deposition of material onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).

C.1.5.10

Maintenance dredging – controlled activity

Maintenance dredging (excluding disposal of dredge spoil) is a controlled activity. ⁽²⁶²⁾

Matters of control:

- 1) The method used to carry out the activity.
- 2) The timing of the activity in relation to tides, seasons or other activities occurring in the area to be dredged.
- 3) Effects on natural coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of disturbance, deposition and discharge associated with the dredging activity, and ⁽²⁶³⁾
- 5) Effects on indigenous biodiversity and aquatic ecosystems health in the coastal marine area, and

5A) Effects on birds classified as Threatened or At Risk under the New Zealand Threat Classification System, including as identified in mapped Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua').

- 6) Navigation and safety (including requiring notification to the regional council's Harbourmaster and Maritime New Zealand), and
- 7) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Nationally Significant Surf Break and Regionally Significant Surf break.
 - b) Outstanding Natural Feature.
 - c) Area of Outstanding Natural Character.
 - d) Historic Heritage Area or Site.
 - e) Site or Area of Significance to Tangata Whenua.
 - f) Significant Ecological Area.

g) ~~Significant Bird Area.~~¹⁹⁴

8) Effects on tangata whenua and their taonga.⁽²⁶⁴⁾

Notification:

Resource consent applications under this rule are precluded from notification (limited or public).

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed resulting from maintenance dredging (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from maintenance dredging (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from maintenance dredging (s12(1)(g)).
- Discharge of contaminants sediment into water incidental to maintenance dredging (s15(1)(a)).

C.1.5.11

Beach scraping – restricted discretionary activity

The disturbance of and deposition on the foreshore or seabed for beach scraping is a restricted discretionary activity.

Matters of discretion:

- 1) Volume and depth of material removed and deposited.
- 2) Methods used to carry out the activity.
- 3) Effects on natural coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of the disturbance and deposition and associated with the activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystems health.¹⁹⁵

5A) Effects on birds classified as Threatened or At Risk under the New Zealand Threat Classification System, including as identified in mapped Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua').

5B) Effects on tangata whenua and their taonga.⁽²⁶⁶⁾

- 6) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Nationally Significant Surf Break and Regionally Significant Surf break.
 - b) Outstanding Natural Feature.

¹⁹⁴ Consequential - MHRS

¹⁹⁵ Clarifications

- c) Area of Outstanding Natural Character.
- d) Historic Heritage Area or Site.
- e) Site or Area of Significance to Tangata Whenua.
- f) Significant Ecological Area.
- g) Significant Bird Area.¹⁹⁶

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed resulting from beach scraping (s12(1)(c)).
- Deposition of material on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from beach scraping (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from beach scraping (s12(1)(g)).
- Discharge of contaminants sediment into water incidental to beach scraping (s15(1)(a)).

C.5.1.11A

Discharge and deposition of material for beneficial purposes - restricted discretionary activity

Discharge and deposition of material for beneficial purposes is a restricted discretionary activity, provided:⁽²⁶⁸⁾

- 1) Within the coastal marine area, the deposited material is not waste or other matter (as listed in Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998), which is dumped from a ship, aircraft or offshore installation.

Matters of discretion:

- 1) Volume and location of material to be deposited.
- 2) Methods used to carry out the activity and timing of the activity.
- 3) Effects on natural coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of on the foreshore and seabed associated with the deposition activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystem health.¹⁹⁷

5A) Effects on birds classified as Threatened or At Risk under the New Zealand Threat Classification System, including as identified in mapped Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua').

- 6) Effects on tangata whenua and their taonga.

¹⁹⁶ Consequential - MHRS

¹⁹⁷ Clarification

7) Effects on existing uses and activities undertaken in the area of deposition.

8) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):

- a) Nationally Significant Surf Break and Regionally Significant Surf break.
- b) Outstanding Natural Feature.
- c) Area of Outstanding Natural Character.
- d) Historic Heritage Area or Site.
- e) Site or Area of Significance to Tangata Whenua.
- f) Significant Ecological Area.
- g) ~~Significant Bird Area.~~¹⁹⁸

The RMA activities this rule covers:

- Deposition of material for beneficial purposes (s9(2)).
- Deposition of material for beneficial purposes on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Discharge of sediment into water incidental to depositing material for beneficial purposes (s15(1)(a)).

C.1.5.12

Dredging, deposition and disturbance activities – discretionary activity

The damage, destruction or disturbance of, or deposition onto the foreshore or seabed, that is not a permitted or controlled activity in section C.1.5 of this Plan¹⁹⁹

- ~~1) permitted activity under rule C.1.5.2 'Small-scale Sampling and scientific investigation – permitted activity', or~~
- ~~2) permitted activity under rule C.1.5.4 'Removal of nuisance plant debris – permitted activity', or~~
- ~~3) permitted activity under rule C.1.5.5 'Removal or recovery of wrecked vessels – permitted activity', or~~
- ~~4) permitted activity under rule C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity', or~~
- ~~5) permitted activity under rule C.1.5.7 'Clearing of artificial water courses – permitted activity', or~~
- ~~6) permitted activity under rule C.1.5.8 'Clearing tidal stream mouths – permitted activity', or~~
- ~~7) permitted activity under rule C.1.5.9 'Burial of dead animals – permitted activity', or~~
- ~~8) controlled activity under rule C.1.5.10 'Maintenance dredging – controlled activity', or~~

¹⁹⁸ Consequential - MHRS

¹⁹⁹ Clarification

is a discretionary activity, provided it is not in a mapped (refer to 'Maps Ngā mahere matawhenua')

- 9) Nationally Significant Surfbreak, or
- 10) Outstanding Natural Feature, or
- 11) Area of Outstanding Natural Character, or
- 12) Historic Heritage Area or Site, or⁽²⁷¹⁾
- 13) Significant Ecological Area, or
- 14) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Disturbance of any foreshore or seabed (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage (s12(1)(g)).
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Discharge of ~~contaminants~~ sediment into water incidental to any destruction, damage or disturbance of any foreshore or seabed (s15(1)(a)).

C.1.5.13

Disposal Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity

The disposal dumping (deliberate disposal) of the following waste from a ship, aircraft or offshore installation in the coastal marine area is a discretionary activity:⁽²⁷³⁾

- 1) dredged material, and or
- 2) sewage sludge, and or
- 3) fish processing waste from an onshore facility, and or
- 4) vessels, platforms and other man-made structures, and or
- 5) inert, inorganic geological materials, and or (such as rocks, gravel or clay)
- 6) organic materials of natural origin, and or²⁰⁰
- 7) bulky items consisting mainly of iron, steel and concrete.

²⁰⁰ Clarification

Notes:

1) This rule repeats the requirements of Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998, which specifies that these activities must be treated as a discretionary activity in a regional coastal plan. It therefore is included for convenience and information purposes.

2) Applications to dump (deliberately dispose) material in the coastal marine area must include an assessment undertaken in accordance with Schedule 3 to the Resource Management (Marine Pollution) Regulations 1998.

The RMA activities this rule covers:

- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Restrictions on dumping and incineration of waste and other matter in the coastal marine area (s15A).

C.1.5.14

Other dredging and disturbance activities – non-complying

The damage, destruction or disturbance of the foreshore or seabed that is not a:

- 1) discretionary activity under rule C.1.5.12 'Dredging, deposition and disturbance activities – discretionary activity', or
- 2) discretionary activity under rule C.1.5.13 'Disposal Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity'

is a non-complying activity.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
 - ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
 - ~~Discharge of contaminants (s15(1)(a)).~~
 - Disturbance of any foreshore or seabed (s12(1)(c))
 - Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat (s12(1)(e)).
 - Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage (s12(1)(g)).
 - Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
 - Discharge of contaminants sediment into water incidental to any destruction, damage or disturbance of any foreshore or seabed (s15(1)(a)).
-

C.1.6 Reclamations

C.1.6.1

Unlawful public road reclamation – controlled activity

An unlawful [reclamation](#) in the coastal marine area used for a public road and in a legal road reserve, existing at 1 September 2017, is a controlled activity.

Matters of control:

- 1) ~~The method used to carry out the activity~~ The effects of any remedial works necessary to mitigate adverse effects. ⁽²⁷⁵⁾
- 2) Effects on coastal ~~natural~~ processes, including effects on shoreline stability in the vicinity of the site.
- 3) Effects on tangata whenua and their taonga. ²⁰¹

Notification:

Resource consent applications under this rule are precluded from notification (limited or public).

The RMA activities this rule covers:

- Reclamation ~~ing or draining of any~~ foreshore or seabed (s12(1)(a)).

C.1.6.2

Unlawful reclamation – discretionary activity

An unlawful [reclamation](#) in the coastal marine area, that:

- 1) existed at 1 September 2017, and
- 2) is not a controlled activity under rule C.1.6.1 ‘Unlawful public road reclamation – controlled activity’,

is a discretionary activity, (refer I ‘Maps Ngā mahere matawhenua’):

The RMA activities this rule covers:

- Reclamation ~~ing or draining of any~~ foreshore or seabed (s12(1)(a)).

C.1.6.3

Reclamation for regionally significant infrastructure – discretionary activity

A [reclamation](#) in the coastal marine area necessary for [regionally significant infrastructure](#), that is not a discretionary activity under rule C.1.6.2 ‘Unlawful reclamation – discretionary activity’, is a discretionary activity, provided it is not within a mapped (refer I ‘Maps Ngā mahere matawhenua’):

- 1) Significant Ecological Area, or
- 2) Outstanding Natural Feature, or

²⁰¹ Clarification

3) Area of Outstanding Natural Character.⁽²⁷⁶⁾

The RMA activities this rule covers:

- Reclamation or draining of any foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).
- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
- Disturbance of any foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, as a result of reclaiming the foreshore or seabed (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, as a result of reclaiming the foreshore or seabed (s12(1)(g)).
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(d)).
- Discharge of sediment or water into water incidental to reclaiming the foreshore or seabed (s15(1)(a)).
- Discharge of sediment and water onto land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, incidental to reclaiming the foreshore or seabed (s15(1)(a)).

C.1.6.4

Reclamation – discretionary activity

A reclamation in the coastal marine area, that is not a:

- 1) discretionary activity under rule C.1.6.2 ‘Unlawful reclamation – discretionary activity’, or
- 2) discretionary activity under rule C.1.6.3 ‘Reclamation for regionally significant infrastructure – discretionary activity’,

is a discretionary activity, provided it is not in a mapped (refer to ‘Maps Ngā mahere matawhenua’):

- 1) Nationally Significant Surf Break, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) Historic Heritage Area or Site, or⁽²⁷⁸⁾

- 6) Site or Area of Significance to Tangata Whenua, or
- 7) Regionally Significant Anchorage.

The RMA activities this rule covers:

- Reclamation ~~ing or draining of any~~ foreshore or seabed (s12(1)(a)).
- ~~Erection or placement of structures (s12(1)(b)).~~
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- ~~Disturbance of any foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(c)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, as a result of reclaiming the foreshore or seabed (s12(1)(e)).~~
- ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, as a result of reclaiming the foreshore or seabed (s12(1)(g)).~~
- ~~Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(d)).~~
- Discharge of ~~contaminants~~ sediment or water into water incidental to reclaiming the ~~foreshore or seabed foreshore~~ (s15(1)(a)).
- Discharge of sediment and water onto land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, incidental to reclaiming the foreshore or seabed foreshore (s15(1)(a)).

C.1.6.5

Reclamation in ~~areas with significant value areas~~ – non-complying activity⁽²⁸⁰⁾

A **reclamation** that is not a:

- 1) discretionary activity under rule C.1.6.4 'Reclamation – discretionary activity', **or**
- 2) **discretionary activity under rule** C.1.6.3 'Reclamation for regionally significant infrastructure – discretionary activity'

is a non-complying activity.

The RMA activities this rule covers:

- Reclamation ~~ing or draining of any~~ foreshore or seabed (s12(1)(a)).
- ~~Erection or placement of structures (s12(1)(b)).~~
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
 - ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
 - ~~Discharge of contaminants (s15(1)(a)).~~
 - ~~Disturbance of any foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(c)).~~
 - ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, as a result of reclaiming the foreshore or seabed (s12(1)(e)).~~
 - ~~Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, as a result of reclaiming the foreshore or seabed (s12(1)(g)).~~
 - ~~Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(d)).~~
 - ~~Discharge of contaminants sediment or water into water incidental to reclaiming the foreshore or seabed foreshore (s15(1)(a)).~~
 - ~~Discharge of sediment and water onto land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, incidental to reclaiming the foreshore or seabed foreshore (s15(1)(a)).~~
-

C.1.7 Marine pests

C.1.7.1

Hull biofouling—permitted activity

~~The navigation, mooring or anchoring of a vessel or the relocation or placement of a structure with biofouling on the hull and niche areas of a vessel, is a permitted activity, provided:~~⁽²⁵⁾

- ~~1) The biofouling is does not contain known or is not likely to contain, any marine pest, and or~~
- ~~2) The biofouling on the hull and niche areas on any vessel does not exceed light fouling when it enters:~~
 - ~~a) a Marine Pathways Place (refer I 'Maps') except if the vessel is entering the same Marine Pathways Place the vessel was last in, and~~
 - ~~b) Northland, except if the vessel is entering Northland within the Kaipara Harbour and the biofouling on the hull and niche areas of the vessel did not exceed light fouling the last time the vessel entered the Kaipara Harbour; or~~
- ~~3) the activity is authorised or is as a consequence of, an 'exemption' or a 'notice of direction' under the Biosecurity Act 1993.~~⁽²⁶⁾

Note: The Marine Pathway Plan for Northland limits biofouling to light fouling on vessels entering Northland or moving between Marine Pathways Places, unless authorised by an exemption under the Biosecurity Act 1993.²⁰²

The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3) and 13(2))
- Navigation, mooring or anchoring of a vessel with biofouling on the hull and niche areas in the coastal marine area (s12(3)).
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s12(1)(b)).
- Mooring or anchoring of a vessel with biofouling on the hull and niche areas, on the bed of a river (s9(2)).
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s13(1)(a)).
- Discharge of biofouling and incidental antifoul into water from vessel hull and niche areas or structures (s15(1)(a)).
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a)).

Note: Further guidance on vessel hull, niche area and structure cleaning can be found in the 'Anti-Fouling and In-Water Guidelines, June 2013' developed jointly by the Australian and New Zealand Governments.²⁰³

C.1.7.2

In-water cleaning of vessel hull and niche areas and or structures cleaning (development zones) – permitted activity²⁰⁴

The discharge of contaminants from in-water cleaning of vessel hull and niche areas or structures in-water cleaning, is a permitted activity, provided:⁽²⁸⁷⁾

- 1) The vessel or structure has not been in foreign territorial waters, unless since arrival in New Zealand the vessel it⁽²⁸⁸⁾ has been removed from the water and hull cleaned, and
- 2) there is only light fouling on the vessel hull and/or hull niche areas, and⁽²⁸⁹⁾
- 3) the discharge is in a Commercial Coastal Zone, Marina Zone, within 50 metres of a Mooring Zone or from a consented grid, and⁽²⁹⁰⁾
- 4) the discharge from any vessel cleaning is not located undertaken within 50 metres of²⁰⁵ a Significant Ecological Area (refer I 'Maps | Ngā mahere matawhenua')²⁰⁶, and
- 5) any the⁽²⁹²⁾ vessel is not longer than 25 metres measured at the water line, with ablative biocidal anti-fouling or²⁰⁷ a barge, and

²⁰² DOC, Hucker, para 46; MPI, Walls, para 15

²⁰³ MPI, Walls, para 41

²⁰⁴ Clarification

²⁰⁵ DOC, Hucker, para, 59

²⁰⁶ Clarification

²⁰⁷ DOC, Hucker, para, 55 and Appendix 1

- 5A) there is only light fouling or barnacles²⁰⁸ on the vessel hull, and hull niche areas, or structure, and⁽²⁹⁴⁾²⁰⁹
- 5B) the discharge from any in-water cleaning of the vessel or structure is undertaken in a Commercial Coastal Commercial Zone, a Marina Zone, a Mooring Zone, a consented grid (inter-tidal poles),²¹⁰ or within 50 metres of a Mooring Zone, and⁽²⁹⁵⁾²¹¹
- 6) the non-abrasive cleaning methods will does not compromise are used so that existing anti-fouling is not damaged, and⁽²⁹⁶⁾
- 7) if any marine pest is found then:
- all cleaning must ceases, and
 - the regional council's biosecurity manager and the Ministry for Primary Industries must be are notified immediately, and²¹²
 - cleaning may does not resume continue until notified to do so until notification to do so is obtained from the by regional council's biosecurity manager and the Ministry for Primary Industries.²¹³

The RMA activities this rule covers:

- Discharge of contaminants to water (s15B(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of in-water cleaning of vessel hull and niche areas or structures (s12(1)(d)).
- Introduce or plant any marine pest in, on, under or over any foreshore or seabed 12(1)(f).
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river as a result of in-water cleaning of vessel hull and niche areas or structures (s13(2)).
- Discharge of contaminants into water from in-water cleaning of vessel hull and niche areas or structures (s15(1)(a)).
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a)).

C.1.7.3

In-water cleaning of other vessel hull and niche areas, structures and cleaning of local barges and large vessels²¹⁴ – controlled activity

²⁰⁸ Clarification

²⁰⁹ DOC and MPI and lay submitters (re grid)

²¹⁰ Correction - 'Consented grid' carried forward from clause 3) re-ordering

²¹¹ Mangouni Cruising Club

²¹² MPI, Walls, para 57

²¹³ DOC, Hucker and MPI, Walls

²¹⁴ Consequential

The discharge of contaminants from in-water cleaning of a vessel hull and niche areas in-water cleaning or structures that cannot comply with rule C.1.7.2 of and any barge, or vessel longer than 25 metres measured at the water line, with ablative biocidal anti-fouling,²¹⁵ is a controlled activity, provided:

- 1) The vessel, structure or barge²¹⁶ has not been in foreign territorial waters, unless since arrival in New Zealand it the vessel has been removed from the water and hull²¹⁷ cleaned, and
- 2) the cleaning is undertaken activity is located in a Commercial Coastal Commercial Zone, a Marina or within 50 metres of a Mooring Zone (refer I Maps Ngā mahere matawhenua) or from²¹⁸ a consented grid, and
- 3) the cleaning is not undertaken discharge is not located²¹⁹ within 50 metres of a Significant Ecological Area (refer I 'Maps Ngā mahere matawhenua').²²⁰

Matters of control:

- 1) Measures to avoid introduction or spread of marine pests.
- 2) The method used to carry out the activity.
- 3) Effects on natural coastal processes, in the vicinity of the site.
- 4) The timing of the activity in relation to tides, seasons²²¹ or other activities.
- 5) Effects of disturbance, deposition and discharge associated with the activity.
- 6) Effects on indigenous biodiversity and aquatic ecosystems health²²¹.
- 7) Navigation and safety (including notification to the regional council's Harbourmaster and Maritime New Zealand).
- 8) capture and removal of fouling and anti-fouling debris.⁽²⁹⁹⁾

The RMA activities this rule covers:

- Discharge of contaminants to water (s15B(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of in-water cleaning of vessel hull and niche areas (s12(1)(d)).
- Introduce or plant any marine pest in, on, under or over any foreshore or seabed 12(1)(f).
- In-water cleaning of vessel hull and niche areas in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river as a result of in-water cleaning of vessel hull and niche areas (s13(2)).
- Discharge of contaminants into water from in-water cleaning of biofouling on vessel hull and niche areas (s15(1)(a)).

²¹⁵ Consequential

²¹⁶

²¹⁷ Consequential

²¹⁸ Consequential

²¹⁹ Consequential

²²⁰ DOC, Hucker

²²¹ Consequential

- Discharge of a harmful substance from a ship into water (s15B(1)(a)).

C.1.7.4

Vessel **anti-fouling hull** maintenance on the foreshore – discretionary activity

The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull **anti-fouling maintenance**⁽³⁰¹⁾ on the foreshore is a discretionary activity.

The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3)).
- Discharge of contaminants to water (s15(1)(a) and s15B(1)(a)).
- The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore (s12(3)).
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of the cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore (s12(1)(d)).
- Discharge of contaminants 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 water, resulting from the cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull (s15(1)(b)).
- Discharge of a harmful substance from a ship onto or into land (s15B(1)(a)).

C.1.7.5

In-water vessel hull and niche area cleaning – discretionary activity

The deposition and/or discharge of contaminants from **in-water cleaning of vessel hull and niche areas, or structures**⁽³⁰³⁾ or barges **in-water cleaning** that is not a permitted or controlled activity in section C.1.7 of this Plan:

- 1) ~~permitted activity under rule C.1.7.2 'In-water vessel hull and niche areas and structure cleaning (development zones) – permitted activity', or~~
- 2) ~~controlled activity under rule C.1.7.3 'In-water vessel hull and niche area cleaning of local barges and large vessels – controlled activity',²²²~~

is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants to water (s15B(1)(a)).
- Deposition of contaminant onto foreshore or seabed (s12(1)(d)).
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of **in-water cleaning of vessel hull and niche areas** or structures (s12(1)(d)).
- Introduce or plant any marine pest in, on, under or over any foreshore or seabed (s12(1)(f)).

²²² Clarification

- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river as a result of in-water cleaning of vessel hull and niche areas or structures (s13(2)).
- Discharge of contaminants into water from in-water cleaning of vessel hull and niche areas or structures (s15(1)(a)).
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a)).

C.1.7.6

Passive release of biofouling from vessels – discretionary activity

The navigation, mooring or anchoring of a vessel, or the relocation or placement of a structure with biofouling on the hull and or niche areas, and the ⁽¹⁰²⁾discharge of contaminants through the passive release of biofouling from a vessel hull and or niche areas, that is not a is a discretionary activity, unless it is:

- 1) a permitted activity under rule C.1.7.1 'Hull biofouling – permitted activity', or
- 2) authorised by an 'exemption' or 'notice of direction' under the Biosecurity Act 1993.

is a discretionary activity⁽¹⁰²⁾

Note: The Marine Pathway Plan for Northland limits biofouling to light fouling on vessels entering Northland or moving between Marine Pathways Places, unless authorised by an exemption under the Biosecurity Act 1993.

The RMA activities this rule covers²²³

- No person may do an activity that contravenes a regional rule (s12(3) and 13(2))
- Navigation, mooring or anchoring of a vessel with biofouling on the hull and niche areas in the coastal marine area (s12(3))
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s12(1)(b)).
- Introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f).
- Mooring or anchoring of a vessel with biofouling on the hull and niche areas, on the bed of a river (s9(2)).
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s13(1)(a)).
- Discharge of biofouling and incidental antifoul into water from vessel hull and niche areas or structures (s15(1)(a)).
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a)).

C.1.7.7

Introduction of marine pests - non-complying activity

²²³ DOC, Hucker, para 50; MPI, Walls, para 15

Introducing any marine pest into coastal waters that is not a:

- 1) discretionary activity under rule C.1.7.5 'In-water vessel hull and niche area cleaning – discretionary activity'
- 2) discretionary activity under rule C.1.7.6 'Passive release of biofouling from vessels – discretionary activity'

is a non-complying activity unless controlled in this plan by passive biofouling discharge rules. ⁽³⁰⁹⁾

The RMA activities this rule covers:

- Discharge of contaminants to water 15(1)(a) and 15B(1)(a).
- Deposit any substance a marine pest, in, on, or and under any foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d).
- Discharge a marine pest into water (s15(1)(a).
- Introduce or plant any marine pest in, on, and under or over any foreshore or seabed 12(1)(f) and 12(3)(a).
- Introduce a marine pest into coastal waters (s12(3)).

C.1.8 Coastal works general conditions

General conditions apply for to activities, when referred to in the rules of section C.1. in the coastal marine area that apply when specified in a permitted or controlled activity rule. ⁽³¹¹⁾

Structures and disturbance

Note: It's unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand. It's possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. If any archaeological evidence is found, it's a legal requirement to stop work and contact Heritage New Zealand.

Note: Work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project may could modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.

- 1) The activity must not alter, damage or destroy a Historic Heritage Site. ²²⁴

1A) Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the regional council's monitoring manager upon request. ²²⁵

- 2) Structures must at all times:

- a) be maintained in good order and repair, and

²²⁴ KiwiRail

²²⁵ Kaipara District Council

- b) except for culverts, not impede fish passage between fresh water and coastal water. For culverts, there must be is no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to the coastal water marine area, except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and⁽³¹²⁾ 226
 - c) not cause a hazard to navigation.
- 3) Maintenance, alteration or addition to a **structure** must not result in a weakening of the structural integrity or strength of the **structure**.
 - 4) Restrictions on public access along and through the coastal marine area beyond the footprint of the **structure**, during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternate access route or controlled access is provided.
 - 5) Disturbance **activities**, construction, alteration, **or** addition, maintenance or removal **activities of structures** must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. The exceptions to this are:
 - a) ~~(this excludes~~ the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event~~), and~~
 - b) maintenance of regionally significant infrastructure, where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the regionally significant infrastructure, and⁽³¹³⁾ 227
 - c) the removal of nuisance marine plant debris under rule C.1.5.4.⁽³¹⁴⁾
 - 6) Upon the completion of a new structure, the **structure** owner must notify in writing (including a scale plan of the completed works) the regional council's monitoring manager.
 - 7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. Additionally, vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks (e.g oil). Refuelling must shall not be carried out in the coastal marine area and for the duration of the activity, no vehicles or equipment machinery shall is to be left in a position where it could come into contact with coastal water.⁽³¹⁵⁾
 - 8) There must be no damage to shellfish beds ~~and no disturbance or damage to seagrass meadows~~ in mapped Significant Ecological Areas (refer I 'Maps | Ngā mahere matawhenua') ~~and no damage to saltmarsh or seagrass meadows,~~ except as necessary for the installation of an aid to navigation under rule C.1.1.4.²²⁸
 - 9) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Area of Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) Site or Area of Significance to Tangata Whenua, or

²²⁶ Clarification

²²⁷

²²⁸ Minister of Conservation

d) Significant Ecological Area.

9A. There must be ~~is~~ no disturbance of indigenous or migratory bird nesting or roosting sites.⁽³¹⁷⁾

10) Outside of outstanding natural character, outstanding natural feature or significant signification ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.²²⁹

11) The structure or activity must not:

- a) cause permanent scouring or erosion or scour of banks, or²³⁰
- b) cause or exacerbate flooding of any neighbouring other⁽³¹⁸⁾ property, or
- c) materially reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).²³¹

12) Discharges must not result in a coastal water quality standard in D.4.3 'Coastal water quality standards' to be exceeded or further exceeded.⁽³¹⁹⁾

13) Any discharges of sediment to water from any activity must not:

- a) occur for more than five consecutive days, and for more than 12 hours per day, or
- b) ~~cause any conspicuous change in the colour of water in the receiving water or any change in horizontal visibility greater than 30% (after reasonable mixing) for more than 24 hours after the completion of the activity. cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:~~
 - i) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - ii) any conspicuous change in the colour or visual clarity, or
 - iii) an emission of objectionable odour, or
 - iv) a significant adverse effect on aquatic ecosystem health life.

Mangrove removal and pruning

14) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.

15) Mangrove vegetation removal must avoid creating protruding stumps must be avoided, by cutting mangrove trunks close to ground the bed or foreshore.

16) The activity must not disturb or damage areas of seagrass, saltmarsh, or other⁽³²⁰⁾ natural wetland.

17) There must be no disturbance of indigenous or migratory bird nesting sites.⁽³²¹⁾

18) There must be no equipment refuelling on the foreshore or river bed unless undertaken in a contained area.⁽³²²⁾

19) Chemical herbicides must not be used.

²²⁹ Clarification

²³⁰ Whangarei District Council

²³¹ Whangarei District Council

- 20) Access to removal and pruning areas must use existing open areas or paths **where these exist** and, where practicable, avoid disturbance of shellfish beds, soft sand and mud.
- 21) The regional council's compliance manager must be notified (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken, when:
- a) more than 200 square metres of pruning or removal is proposed in any one year, or
 - b) the activity is located in a **mapped Significant Bird Area**²³², Significant Ecological Area or Area of Outstanding Natural Character (refer to 'Maps [Ngā mahere matawhenua]').

Lighting

- 22) All lighting (excluding navigation lighting) associated with activities in the coastal marine area must not by reason of its direction, colour or intensity, create:
- a) a hazard to navigation and safety, or a hazard to traffic safety, wharves, ramps and adjacent roads, or
 - b) a nuisance to other users of the surrounding coastal marine area or adjacent land.

Noise

- 23) Noise ~~from non-port and wharf related activities within the coastal commercial zone or from any activity located outside the Coastal Commercial Zone but~~ within the coastal marine area **(except for construction noise and noise from helicopters)** must comply with the **Table 2** following noise standards **at the notional boundary of any noise sensitive activity:**
- a) ~~the activity must not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and~~
 - b) ~~between the hours of 7.00am and 11.00pm, the noise level (LAeq) measured within the notional boundary of any dwelling must not exceed 55dB, and~~
 - c) ~~between the hours of 11.00pm and 7.00am, the noise level (LAeq) measured within the notional boundary of any dwelling must not exceed 45dB and the , and~~

Table 2 Noise Limits

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _A Fmax
700 to 1900 hours	55 db	Not applicable
1900 to 2200 hours	50 db	Not applicable
2200 to 0700 hours the next day	45 db	75 db
0700 to 2200 hours	55 db	Not applicable
2200 to 0700 hours	45 db	75db

²³² Consequential

- d) noise must be measured in accordance with NZS 68012:2008 Acoustics – Measurement of Environmental Sound⁽³²⁴⁾ and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise, and
- e) construction activities shall be managed in accordance with, and meet the noise limits set out with in Tables 3 and 4 below NZS 6803:1999 Acoustics – Construction Noise, and

Table 3 –Upper limits for construction noise received in residential zones and dwellings in rural areas - from NZS 6803:1999 Acoustics – Construction Noise

<u>Time of week</u>	<u>Time period</u>	<u>Duration of work</u>					
		<u>Typical duration</u>		<u>Short-term duration</u>		<u>Long-term duration</u>	
		<u>(dBA)</u>		<u>(dBA)</u>		<u>(dBA)</u>	
		<u>Leq</u>	<u>Lmax</u>	<u>Leq</u>	<u>L max</u>	<u>Leq</u>	<u>Lmax</u>
<u>Weekdays</u>	<u>0630- 0730</u>	60	75	65	75	55	75
	<u>0730- 1800</u>	75	90	80	95	70	85
	<u>1800- 2000</u>	70	85	75	90	65	80
	<u>2000- 0630</u>	45	75	45	75	45	75
<u>Saturdays</u>	<u>0630- 0730</u>	45	75	45	75	45	75
	<u>0730- 1800</u>	75	90	80	95	70	85
	<u>1800- 2000</u>	45	75	45	75	45	75
	<u>2000- 0630</u>	45	75	45	75	45	75
<u>Sundays and public holidays</u>	<u>0630- 0730</u>	45	75	45	75	45	75
	<u>0730- 1800</u>	55	85	55	85	55	85
	<u>1800- 2000</u>	45	75	45	75	45	75
	<u>2000- 0630</u>	45	75	45	75	45	75

Table 4- Upper limits for construction noise received in industrial or commercial areas for all of the year - from NZS 6803:1999 Acoustics – Construction Noise

<u>Time period</u>	<u>Duration of work</u>		
	<u>Typical duration</u>	<u>Short-term duration</u>	<u>Long-term duration</u>
	<u>Leq (dBA)</u>	<u>Leq (dBA)</u>	<u>Leq (dBA)</u>
<u>0730- 1800</u>	<u>75</u>	<u>80</u>	<u>70</u>
<u>1800- 0730</u>	<u>80</u>	<u>85</u>	<u>75</u>

- f) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in NZS 6807:1994 Noise management and land use planning for from helicopter landing areas.⁽³²⁵⁾
- 24) Conditions 23(a) to and (b)(c) above The Table 2 and Condition 23(f) noise limits do not apply to the following:

- a) noise generated by navigational aids, safety signals, warning devices, and emergency pressure relief valves, and
 - b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage, and
 - c) commercial firework displays.
- 25) Condition 23(a) and (b) above The Table 2 and Condition 23(f) noise limits does not apply to temporary military training activities. Noise generated by emission as a result of temporary military training must meet the following:⁽³²⁸⁾
- a) for weapons firing and/or the use of explosives:
 - i) notice must be provided to the regional council at least five working days prior to the commencement of the activity, and
 - ii) the activity must comply with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: 500 metres from 7:00am to 7:00pm, and 1250 metres from 7:00pm to 7:00am, and
 - iii) where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: 95dBC from 7:00am to 7:00pm, and 85dBC from 7:00pm to 7:00am, and
 - b) mobile noise sources must comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to ‘construction noise’ taken to refer to mobile noise sources and
- Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, and earthmoving equipment, and*
- c) fixed (stationary) noise sources must comply with the noise limits set out in the Table 5 below when measured at the notional boundary of any building housing a noise sensitive activity. *Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.*

Table 5 Noise limits – Temporary military training

<u>Time (Monday to Sunday)</u>	<u>L_{Aeq} (15 min)</u>	<u>L_{AFmax}</u>
<u>0700 to 1900 hours</u>	<u>55 db</u>	<u>Not applicable</u>
<u>1900 to 2200 hours</u>	<u>50 db</u>	<u>Not applicable</u>
<u>2200 to 0700 hours the next day</u>	<u>45 db</u>	<u>75 db</u>

- 26) Noise from port related activities located in the Coastal Commercial Zone must comply with the following noise standards:

- a) the activity must not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and
 - b) noise must be measured in accordance with the requirements of NZS 6801:2008 — *Acoustics — Measurement of environmental sound* and NZS 6809:1999 — portnoise management and land use planning.⁽³²⁹⁾
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C.2 Activities in the beds of lakes and rivers and in wetlands

This is an index and guide to the rules in this section. It does not form part of the plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

Note: The Department of Conservation must be notified of the intention to erect or place any structure likely to impede fish passage. This includes, culverts, fords, dam or diversion structures (Part VI of the Freshwater Fisheries Regulations 1983). ⁽³³⁰⁾

Activities in the beds of lakes and rivers

Rule	Page
C.2.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity'	75
C.2.1.2 'Extraction of material from rivers – permitted activity'	75
C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity'	76
C.2.1.4 'Existing authorised structures – permitted activity'	76
C.2.1.5 'Maintenance or repair of authorised flood defence – permitted activity'	77
C.2.1.6 'Existing vessel launching and retrieval structures – permitted activity'	77
C.2.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity'	77
C.2.1.7 'Fish passage structures – permitted activity'	78
C.2.1.8 'Demolition and removal of existing structures – permitted activity'	78
C.2.1.2 'Extraction of material from rivers – permitted activity'	78
C.2.1.9 'Minor river bank protection works – permitted activity'	80
C.2.1.10 'Freshwater structures – controlled activity'	81
C.2.1.5 'Maintenance or repair of authorised flood defence – permitted activity'	81

<u>C.2.1.11 'New flood defence – discretionary activity'</u>	82
<u>C.2.1.12 'Structures in a significant area - non-complying activity'</u>	82
<u>C.2.1.13 'Removal, demolition or replacement of a Historic Heritage Site or part of a Historic Heritage Site – non-complying activity'</u>	83
<u>C.2.1.14 'New flood defence in significant areas – non-complying activity'</u>	83

Activities affecting wetlands

Rule	Page
<u>C.2.2.1 'Wetland management maintenance and enhancement – permitted activity Northland Fish and Game'</u>	84
<u>C.2.2.2 'Structures in wetlands – permitted activity'</u>	84
<u>C.2.2.3 'Constructed wetland alteration– permitted activity'</u>	84
<u>C.2.2.1 'Wetland management maintenance and enhancement – permitted activity Northland Fish and Game'</u>	85
<u>C.2.2.2 'Structures in wetlands – permitted activity'</u>	85

C.2.1 Activities in the beds of lakes and rivers

C.2.1.1

Introduction or planting of plants in rivers and lakes – permitted activity

The ~~deliberate~~ ⁽³³¹⁾ introduction or planting of any plant in a ~~continually or intermittently flowing~~ ²³³ river or lake is a permitted activity, provided:

- 1) the activity does not involve ~~deliberate~~ ⁽³³²⁾ introduction or planting of:
 - a) a ~~pest organism~~, or
 - b) an exotic aquatic plant except watercress (*Rorippa nasturtium-aquaticum*), or
 - ba) ~~black alder (*Alnus glutinosa*)~~, or
 - bb) ~~the following willow species or hybrids involving:~~
 - e i) crack willow (*Salix fragilis*), or
 - e ii) grey willow (*Salix caprea*), or
 - e-iii) weeping willow (*Salix babylonica*), ~~or and~~
 - f) ~~black alder (*Alnus glutinosa*)~~, and ⁽³³³⁾
2. ~~the existing vegetation and~~ the bed of the water body is not disturbed to a depth or extent greater than that required to undertake the activity, and
 - 2A ~~Any indigenous vegetation damage, destruction, disturbance or removal is limited to the minimum extent necessary, and~~
3. the planted species are managed by the land owner or occupier to ensure that they do not create an obstruction to the free flow of water or spread to other properties, and
4. there is no ~~more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream erosion of the bed or banks of the river or lake~~ ²³⁴ as a result of the planting, and
5. the activity ~~must not dam or divert water in a way that causes flooding or ponding on any other property does not cause adverse flooding effects on upstream, downstream or adjacent properties~~ ²³⁵, and
6. the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, ~~and~~
7. ~~the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area (refer I 'Maps | Ngā mahere matawhenua'), and~~

²³³ Consequential. Following introduction of ephemeral stream definition

²³⁴ From S42A answers to clarify NZTA query: See Para. 168.3 - Hearing Panel S42A questions and council staff responses. Hearings for the Proposed Regional Plan for Northland. Date: 17/08/2018.

²³⁵ From S42A answers to clarify NZTA query: See Para. 168.3 - Hearing Panel S42A questions and council staff responses. Hearings for the Proposed Regional Plan for Northland. Date: 17/08/2018.

8. the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'). ⁽³³⁴⁾

The RMA activities this rule covers:

- Introducing plants to the bed of a lake or river and associated disturbance (s13(1)(b and c)).
- Introduction or planting any plant in, on, or under the bed of a river or lake (s13(1)(c))
- Disturbance of the bed of a river or lake incidental to introducing or planting any plant in, on, or under the bed of a river or lake (s13(1)(b)). ⁽³³⁵⁾

C.2.1.2

Extraction of material from rivers – permitted activity

The extraction of sand, gravel or rock from a river for private use is a permitted activity, provided:

- 1) the total volume extracted from a river does not exceed 100 cubic metres in any 12 month period, and
- 2) the regional council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 3) there is no refuelling of equipment on any area of the river bed, and
- 4) on completion of the activity, the river bed is graded to natural contours (generally avoiding dips, humps and hollows) so that there are no barriers to water movement in the channel, and²³⁶
- 5) the material is extracted from an area of the river bed not covered by water at the time of the extraction, and

5A. there is no stockpiling of extracted gravel on the river bed; and²³⁷

- 6) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream erosion of the banks of the river as a result of the activity, and²³⁸
- 7) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and

7A) the activity does not impede existing legal public access to the river, and²³⁹

- 8) the activity does not take place in an outstanding freshwater body.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers (s13(1)(b)).
- Excavation of the bed of a river (s13(1)(b)).
- Discharge of sediment to water incidental to excavating the bed of a river (s15(1)(a)).

C.2.1.3

²³⁶ Minister of Conservation

²³⁷ Minister of Conservation

²³⁸ Consequential to C.2.1.1

²³⁹ Northland Fish and Game

Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity

Maintaining the free flow of water in a river or mitigating bank erosion, including minor channel realignments (within the bed of a river), temporary diversion of river flow around the activity site and clearance of debris blockages, is a permitted activity provided:

- 1) the regional council's monitoring manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and
- 2) the activity does not exacerbate flood hazard risk on any [other property](#), and
- 3) ~~any vegetation clearance is limited to that required to maintain the free flow of water in the water body, and~~
- 3A) the activity does not impede existing legal public access to the river, and²⁴⁰
- 4) any removal of material [or vegetation](#) is limited to that required to maintain the free flow of water or mitigate bank erosion, and²⁴¹
- 5) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and
- 6) the activity does not result in deepening or widening of the channel by more than 20 percent, and
- 7) any diversion of water, or realignment of the bed of the river is restricted to within the [bank full edge of the river bed](#), and²⁴²
- 8) there is no damage to, or restriction of the use of, [authorised](#) structures as a result of the activity, and
- 9) ~~the activity must use good practice erosion and sediment control measures~~ [best practice erosion and sediment control measures, such as those set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 \(GD50\)*, are implemented,](#) including where practicable temporary diversion of normal channel flow [around the activity site](#), to minimise any discharge of sediment, and^{(338) 243}
- 10) no material [or vegetation](#) removed from the bed is allowed to re-enter, or [is](#) placed in a position where it could re-enter, a water body, and²⁴⁴
- 11) ~~the activity does not alter, damage or destroy a mapped Historic Heritage Site (refer to 'Maps')~~⁽³³⁹⁾

The RMA activities this rule covers:

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1) and s13(2)).~~
- ~~Restrictions relating to water (s14(3)).~~
- ~~Discharges of contaminants into environment, (s15(1)).~~
- Excavation or disturbance of the bed to realign the channel, or resulting from removing debris blockages or creating the temporary damming, taking, or diversion of water around the activity site (s13(1)(b)).

²⁴⁰ Northland Fish and Game

²⁴¹ Clarification

²⁴² Whangarei District Council

²⁴³ Clarification

²⁴⁴ Clarification

- Damming, taking or diversion of water around the activity site (14(2)(a)).
- Discharge of sediment or water to water incidental to excavating or disturbing the bed of a river (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).

C.2.1.4

Existing authorised structures – permitted activity

The use, ⁽³⁴¹⁾ repair, replacement, ⁽³⁴²⁾ maintenance and reconstruction of a structure in, on, under or over the bed of a lake or river is a permitted activity, provided:

- 1) The structure is authorised, and
- 2) the activity complies with C.2.3 'General conditions', and
- 3) upon completion of any repair, replacement or maintenance there is no increase to the structure's footprint, length, width, and height other than that resulting from routine maintenance or repair activities, and²⁴⁵
- 4) it is not a reconstruction of a mapped Historic Heritage Site (refer I 'Maps'), and
- 5) in the case of maintenance and repair of a mapped Historic Heritage Site (refer I 'Maps'), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance. ⁽³⁴³⁾

Note: Clause 3) within Rule C.2.1.4(3) relating to structure dimensions, does not apply to an existing (as at 14 January 2010) National Grid line support structure (existing at 14 January 2010) that forms part of the National Grid. These Those activities are covered by Regulation 14 of the Resource Management (National Environmental Standards for Electricity Transmission Activities). ⁽³⁴⁴⁾

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a), (b) and (d)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).
- The use, repair, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, maintenance and reconstruction of a structure, in, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming or diversion of water around or through the structure (14(2)(a)).
- Damming, taking or diversion of water around the activity site during the repair, maintenance or reconstruction of a structure (14(2)(a)).
- Discharge of sediment to water incidental to the repair, maintenance and reconstruction of a structure (s15(1)(a)).

²⁴⁵ WDC, Carvell, para 103 and consequential to C.1.1.7

- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).

C.2.1.5

Maintenance or repair of authorised flood defence – permitted activity

Notwithstanding any other rule in C.2.1 of this Plan, the maintenance and or repair of an authorised flood defence, including any associated earthworks and diversion and discharge of water, is a permitted activity, provided:²⁴⁶

- 1) the maintenance and or repair does not alter the form of the existing flood defence and there is no increase in length, width, or height of the existing flood defence other than as required to provide for the settlement of earthen stopbanks, and²⁴⁷
- 2) the regional council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 3) the activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).
- Restrictions relating to water (s14(3)).
- Discharge of contaminants to water (s15(1)).
- Repair or maintenance of a flood defence structure , on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair and maintenance of a flood defence structure, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming, taking or diversion of water during the repair and maintenance of a flood defence structure around the activity site (14(2)(a)).
- Discharge of sediment to water incidental to the repair and maintenance of a flood defence structure, on, under or over the bed of a lake or river (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).

C.2.1.6

Existing vessel launching and retrieval structures – permitted activity

A boat ramp or concrete slipway that is less than 15 metres in length and three metres in width in a river or lake bed that existed at 1 September 2017 is a permitted activity, provided the activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

²⁴⁶ New Zealand Transport Agency

²⁴⁷ Whangarei District Council

- ~~Use of the beds of lakes and rivers (s13(1)(a)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- The use, repair, maintenance or reconstruction of a boat ramp or concrete slipway, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, maintenance and reconstruction of a boat ramp or concrete slipway, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming and diversion of water around a boat ramp or concrete slipway (14(2)(a)).
- Discharge of sediment to water incidental to the repair, maintenance and reconstruction of a boat ramp or concrete slipway (s15(1)(a)).

C.2.1.7

Existing mooring structures - permitted activity

A structure associated with the launching, retrieval or mooring of vessels in, on, under or over the bed of a river or lake that:

- 1) existed at 1 September 2017, or
- 2) was authorised,

is a permitted activity provided:

- 1) the activity complies with the C.2.3 'General conditions', and
- 2) the structure is no greater than 10 square metres in area, and
- 3) the structure owner can provide, if requested by the regional council:
 - a) clear and convincing evidence that the structure existed at 1 September 2017, or
 - b) a copy of the necessary approval(s) for the authorisation of the structure.

The RMA activities this rule covers:

- ~~Use of the beds of lakes and rivers (s13(1)(a)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- The use, repair, maintenance or reconstruction of a structure associated with the launching, retrieval or mooring of vessels, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, maintenance and reconstruction of a structure associated with the launching, retrieval or mooring of vessels, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming or diversion of water around the structure (14(2)(a)).
- Discharge of sediment to water incidental to the repair, maintenance and reconstruction of a structure associated with the launching, retrieval or mooring of vessels (s15(1)(a)).

C.2.1.8

Fish passage structures – permitted activity

The placement, use ~~and or~~ repair of a fish passage structure (including the placement of rocks) ⁽³⁴⁹⁾ in, on, under or over the bed of a lake or river, is a permitted activity, provided:

- 1) the sole purpose of the structure is to provide fish passage, and
 - 2A) before the start of works, the person doing the activity obtains written advice from the regional council Council or the Department of Conservation, that there are no known populations of indigenous fish upstream, that would be vulnerable if the obstacle to fish passage is provided removed ²⁴⁸, and
- 2) the activity complies with C.2.3 'General conditions'.

~~*Note: Advice on the potential pest and indigenous fish populations located up and downstream of the structure, can be obtained from regional council and the Department of Conservation.*~~ ⁽³⁵⁰⁾

The RMA activities this rule covers:

- ~~Deposit a substance on, use or disturb the beds of lakes and rivers (s13(1)(a, b and d)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- The use, repair, placement, maintenance or reconstruction of a fish passage structure, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, placement, maintenance and reconstruction of a fish passage structure, on, under or over the bed of a lake or river (s13(1)(b)).
- Deposition of material in or on the bed of a river for the purposes of a fish passage structure (s13(1)(d)).
- Damming, taking or diversion of water, around the activity site during the repair, placement, maintenance or reconstruction of a fish passage structure (14(2)(a)).
- Damming or diversion of water through or around the fish passage structure (14(2)(a)).
- Discharge of sediment to water incidental to the repair, placement, maintenance and reconstruction of a fish passage structure (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).

C.2.1.9

Demolition and removal of existing structures – permitted activity

The demolition or removal of existing structures in, on, under or over the bed of a lake or river, is a permitted activity, provided:

- 1) the bed is restored to a profile that does not inhibit water flow or prevent the upstream and downstream passage of fish, and

- 2) remaining parts of the structure are not a hazard to public access, navigation or health and safety, and
- 3) ~~the structure is not a mapped Historic Heritage Site (refer I 'Maps'), and⁽³⁵²⁾~~
- 4) prior to demolition ~~a) impounded sediment is removed from behind the structure, as far as is reasonably practicable, and~~
~~a) removed sediment is placed in a position where it cannot re-enter the water body, and²⁴⁹~~
- 5) the activity complies with C.2.3 'General conditions' and
- 6) ~~where the activity will result in improved fish passage, before the start of works, the person doing the activity obtains written advice from council, that there are no known populations of indigenous fish upstream, that would be vulnerable if the obstacle to fish passage is removed.²⁵⁰~~

~~**Note:** Advice on the potential pest and indigenous fish populations located up and downstream of the structure, can be obtained from regional council and the Department of Conservation.⁽³⁵⁴⁾~~

The RMA activities this rule covers:

- ~~Structure demolition and disturbance of the beds of lakes and rivers (s13(1)(a), (b) and (d)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- ~~The removal or demolition of a structure, on, under or over the bed of a lake or river (s13(1)(a)).~~
- ~~Excavation or disturbance of the bed of a river or lake incidental to the removal or demolition of a structure on, under or over the bed of a lake or river (s13(1)(b)).~~
- ~~Damming, taking or diversion of water around the activity site during the removal or demolition of a structure (14(2)(a)).~~
- ~~Discharge of sediment to water incidental to the removal or demolition of a structure (s15(1)(a)).~~
- ~~Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).~~

C.2.1.10

Construction and installation of structures – permitted activity

The construction or installation of a structure in, on, under or over the bed of a lake or river, ~~and temporary damming and diversion around work sites,~~⁽³⁵⁵⁾ is a permitted activity, provided:

- 1) the activity, ~~including any temporary diversions around work sites,~~⁽³⁵⁶⁾ complies with C.2.3 'General conditions', and
- 2) the activity is not associated with the launching, retrieval, mooring, maintenance or repair of vessels, and

²⁴⁹ Duplication with General Conditions

²⁵⁰ DOC, Petrov

3) for **culvert crossings**:

- a) the **contributing catchment**⁽³⁵⁷⁾ is less than 300 hectares, and
- b) the culvert length under the crossing parallel to river flow **does must**²⁵¹ not exceed 25 metres when necessary for a road, otherwise it must not exceed 10 metres, and
- c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and
- d) culvert approaches and fill **placed on the river or lake bed**²⁵² must be free of organic matter, and
- e) the total height of the crossing crest must be:
 - i) no more than 3.5 metres above the invert level of the culvert inlet, and
 - ii) within the manufacturer's maximum height specifications for the culvert, and
 - iii) below the river bank level unless it is necessary for a road **or railway line**²⁵³, and ⁽³⁵⁸⁾
- f) **at installation, the culvert invert must be located so that it is at least 100 millimetres below the bed level. the culvert must be either open bottomed or installed so that the base is set a minimum of 250**²⁵⁴**% and a maximum of 450%**²⁵⁵ **of the culvert diameter below the stream bed, and**⁽³⁵⁹⁾
- g) on request by the regional council, records of structure design and flow calculations must be made available within **20 10**⁽³⁶⁰⁾ working days of the request, and
- h) the culvert is not in a **significant wetland**, an **outstanding freshwater body** or mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) **Historic Heritage Area, or**⁽³⁶¹⁾
 - iv) Site or Area of Significance to Tangata Whenua, and

4) For **single span bridges**:

- a) piles are not located in, on or under the bed of a water body, and
- b) the bridge **its abutments and foundations are is** located so as to not decrease the bed width by more than 10 percent, and
- c) the bridge abutments **or and** foundations are constructed parallel to **the channel the river**⁽³⁶²⁾ **alignment**, and
- d) on request by the regional council, records of structure design and flow calculations must be provided within **20 10**⁽³⁶³⁾ working days of the request, and

²⁵¹ Clarification

²⁵² Clarification

²⁵³ Clarification

²⁵⁴ NZTA Heppelthwaite, para 9.37

²⁵⁵ NZTA Heppelthwaite, para 9.37

- e) the bridge is not in a **significant wetland**, an **outstanding freshwater body** or mapped (refer I 'Maps | Ngā mahere matawhenua')²⁵⁶:
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) **Historic Heritage Area, or** ⁽³⁶⁴⁾
 - iv) Site or Area of Significance to Tangata Whenua, and
- 5) For **ford crossings**:
- a) the width of the ford crossing parallel to river flow does not exceed 10 metres, and
 - b) the construction must not result in a vertical drop or discontinuity in the flow of water under any flow conditions, and
 - c) the ford is not in a **significant wetland**, an **outstanding freshwater body** or mapped (refer I 'Maps | Ngā mahere matawhenua')²⁵⁷:
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) **Historic Heritage Area, or** ⁽³⁶⁵⁾
 - iv) Site or Area of Significance to Tangata Whenua, and
- 6) For **maimai / game bird shooting shelter** structures:
- a) the structure does not exceed **five ten** square metres, and²⁵⁶
- 7) for **cables, power electricity and telecommunication** ⁽³⁶⁶⁾ **lines** and **pipelines**:
- a) the cable, **power** line or pipeline, including site related **components** **structures** that enable the **cable, line or pipeline** **structure**²⁵⁷ to function, it ⁽³⁶⁷⁾ does not cause diversion or blockage of any river, and
 - b) the installation does not disturb a **significant wetland**, an **outstanding freshwater body**, or the bed of a **continually or intermittently flowing**²⁵⁸ river or lake in a mapped (refer I 'Maps | Ngā mahere matawhenua')²⁵⁹:
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) **Historic Heritage Area, or** ⁽³⁶⁸⁾
 - iv) Site or Area of Significance to Tangata Whenua, and
 - c) for any wastewater pipeline to be installed on, in, over, or under the bed of a **continually or intermittently flowing**²⁵⁹ river or lake, the person doing the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body. The notification must include:

²⁵⁶ F&G, Heotjes, para 30

²⁵⁷ Clarification

²⁵⁸ Consequential

²⁵⁹ Consequential

- a) the name, address, and phone number of the person responsible for the works, and
- b) the location of the structure, and
- c) the waste products to be piped.

The RMA activities this rule covers:

- ~~Disturbance and deposition on to the beds of lakes and rivers (s13(1)(a), (b) and (d)).~~
- ~~Incidental damming and diversion (s14(1)).~~
- ~~Incidental discharge of contaminants to water (s15(1)).~~
- The use, repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, placement, maintenance and reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming, taking or diversion of water, around the activity site during the repair, placement, maintenance or reconstruction of a structure (s14(2)(a)).
- Damming or diversion water around or through a structure (s14(2)(a)).
- Discharge of sediment to water incidental to the use, repair, placement, maintenance and reconstruction of a structure (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).

C.2.1.11

Minor river bank protection works – permitted activity

The:

- 1) use, repair, ⁽³⁷⁰⁾ placement, maintenance or alteration of river bank protection structures in or on the bed of a river, or
- 2) deposition of material in or on the bed of a river for the purposes of bank protection or reinstatement, and
- 3) any associated bed disturbance and diversion, including temporary diversion of flow around the activity site,

is a permitted activity, provided:

- 4) the activity complies with C.2.3 'General conditions', and
- 5) the regional council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 6) the activity does not take place in an outstanding freshwater body, and
- 7) the structure, or the material deposited, does not extend beyond the natural alignment of the river bank, and

- 8) concrete rubble, tyres and vehicles²⁶⁰ or erodible material are not used for the purposes of bank protection or reinstatement, and
- 9) the activity uses good practice erosion and sediment control measures, including where practicable temporary diversion of normal channel flow around the activity site, to minimise any discharge of sediment, and²⁶⁰
- 10) diversion of water is restricted to within the bank full width of the river, and²⁶¹
- 11) the length of the bank protection works is not more than 50 metres in length cumulatively over any 200 metre stretch of the river bank, and
- 12) the works are not in a mapped Site or Area of Significance to Tangata Whenua (refer to 'Maps of Ngā mahere matawhenua').

Note: Rule C.2.1.11 solely applies to river bank protection works (such as to protect the bank against scour and erosion). Any maintenance or repair of authorised flood defences is covered by rule C.2.1.5.²⁶²

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).
- Restrictions relating to water (s14(3)).
- Discharges of contaminants into environment, (s15(1)(a)).
- The use, repair, placement, maintenance or alteration of a river bank protection structure, on, under or over the bed of a river (s13(1)(a)).
- Excavation or disturbance of the bed of a river incidental to the repair, placement, maintenance or alteration of a river bank protection structure or river bank reinstatement, on, under or over the bed of a river (s13(1)(b)).
- Deposition of material in or on the bed of a river for the purposes of a river bank protection structure or river bank reinstatement (s13(1)(d)).
- Damming, taking or diversion of water around the activity site during the repair, placement, maintenance or alteration of a river bank protection structure (s14(2)(a)).
- Damming and diversion of water around the river bank protection structure (s14(2)(a)).
- Discharge of sediment to water incidental to the repair, placement, maintenance and alteration of a river bank protection structure or river bank reinstatement (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).

²⁶⁰ Clarification

²⁶¹ Whangarei District Council

²⁶² Clarification

C.2.1.12

Freshwater structures– controlled activity

The construction or installation of a structure **in**, on, under or over the bed of a lake or river, that is not a permitted activity under rule C.2.1.10 'Construction and installation of structure – permitted activity' is a controlled activity, provided:

- 1) the activity is not in a **significant wetland**, an **outstanding freshwater body** or a mapped (refer to Maps | Ngā mahere matawhenua):
 - a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) **Historic Heritage Area, or** ⁽³⁷²⁾
 - d) Site or Area of Significance to Tangata Whenua, and
- 2) the length of a culvert does not exceed 25 metres **unless it passes under a public road**, and ²⁶³
- 3) the structure does not prevent **indigenous** fish passage **and there are no more than minor adverse effects on indigenous freshwater fish, and** ^{(373) 264}
- 4) **the activity does not impede existing legal public access to and along the river or lake.** ²⁶⁵
- 4) **the activity maintains or improves any legal public access along the water body.** ^{(374) 266}

Matters of control:

- 1) Effects on **ecological**, hydrological and natural character values.
- 2) Effects on authorised structures and activities.
- 3) Fish passage and effects on **aquatic ecosystems health.** ²⁶⁷
- 4) Structural integrity.
- 5) Effects on mahinga kai and access to mahinga kai.

The RMA activities this rule covers:

- **The construction or installation of a structure on to the beds of lakes and rivers (s13(1)(a, b and d)).**
- **Damming and diversion (s14(1)).**
- **Discharge of contaminants to water (s15(1)).**
- **The use, repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(a)).**
- **Excavation or disturbance of the bed of a river or lake incidental to the repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(b)).**

²⁶³ WDC and FNDC

²⁶⁴ TEL, Dines, para 4.20

²⁶⁵ Northland Fish and Game Council

²⁶⁶ Consequential

²⁶⁷ Clarification

- Damming, taking and diversion of water around the activity site during the placement, maintenance and reconstruction of a structure (14(2)(a)).
- Damming and diversion of water around or through the structure (14(2)(a)).
- Discharge of sediment to water incidental to the use, repair, placement, maintenance and reconstruction of a structure (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).

C.2.1.13

Activities in the beds of lakes and rivers - discretionary activity

In relation to the bed of a lake or river, activities that:

- 1) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed, or
- 2) excavate, drill, tunnel, or otherwise disturb the bed, or
- 3) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed, or
- 4) deposit any substance in, on, or under the bed, or
- 5) reclaim or drain the bed,

that are not a permitted, controlled or non-complying activity in section C.2.1 of this Plan:²⁶⁸

- 1) ~~permitted activity under rule C.2.1.1 'Introduction or planting of plants in rivers and lakes — permitted activity', or~~
- 2) ~~permitted activity under rule C.2.1.2 'Extraction of material from rivers — permitted activity', or~~
- 3) ~~permitted activity under rule C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion — permitted activity', or~~
- 4) ~~permitted activity under rule C.2.1.11 'Minor river bank protection works — permitted activity', or~~
- 5) ~~permitted activity under rule C.2.1.4 'Existing authorised structures — permitted activity', or~~
- 6) ~~permitted activity under rule C.2.1.6 'Existing vessel launching and retrieval structures — permitted activity', or~~
- 7) ~~permitted activity under rule C.2.1.7 'Existing Mooring structures — permitted activity', or~~
- 8) ~~permitted activity under rule C.2.1.8 'Fish passage structures — permitted activity', or~~
- 9) ~~permitted activity under rule C.2.1.9 'Demolition and removal of existing structures — permitted activity', or~~
- 10) ~~controlled activity under rule C.2.1.12 'Freshwater structures — controlled activity', or~~

²⁶⁸ Clarification

11) ~~non-complying activity under rule C.2.1.15 'Structures in a significant area – non-complying activity'~~

~~is are~~ a discretionary activity.

The RMA activities this rule covers:

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Any activity in relation to the bed of any lake or river (s13(1)).~~
- ~~Damming, taking and diversion of water around the activity site (14(2)(a)).~~
- ~~Damming and diversion of water around or through the structure (14(2)(a)).~~
- ~~Discharge of sediment to water incidental to the activity (s15(1)(a)).~~
- ~~Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).~~

C.2.1.14

New flood defence – discretionary activity

A new flood defence or an addition to an existing flood defence, is a discretionary activity, provided it is not in an **outstanding freshwater body** or mapped (refer I 'Maps Ngā mahere matawhenua')

- 1) Outstanding Natural Feature, or
- 2) Outstanding Natural Character Area, or
- 3) **Historic Heritage Area, or**⁽³⁷⁸⁾
- 4) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

- ~~Restrictions on the use of land, (s9(2)).~~
- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- ~~A new flood defence or an addition to an existing flood defence (s9(2)).~~
- ~~The use, erection, reconstruction, placement, alteration, or extension of a flood defence, on, under or over the bed of a lake or river (s13(1)(a)).~~
- ~~Excavation or disturbance of the bed of a river or lake incidental to the erection, reconstruction, placement, alteration, or extension of a flood defence, on, under or over the bed of a lake or river (s13(1)(b)).~~
- ~~Damming, taking and diversion of water around the works site during the erection, reconstruction, placement, alteration, or extension of a flood defence (s14(2)(a)).~~

- Damming and diversion water around the flood defence (s14(2)(a)).
- Discharge of sediment to water incidental to the erection, reconstruction, placement, alteration, or extension of a flood defence (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).

C.2.1.15

Structures in a significant area - non-complying activity

A structure and any repair, alteration or replacement of a structure, in, on, under or over the bed of a lake or river, that is located in, on, under or over a [significant wetland](#) or an [outstanding freshwater body](#), or mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 1) Historic Heritage Area, or⁽³⁸⁰⁾
- 2) Outstanding Natural Character Area, or
- 3) Outstanding Natural Feature, or
- 4) Site or Area of Significance to Tangata Whenua,

and is not a permitted, controlled, or discretionary activity in section C.2.1 of this Plan:

- ~~5) permitted activity under rule C.2.1.4 'Existing authorised structures – permitted activity', or~~
- ~~6) permitted activity under rule C.2.1.5 'Maintenance or repair of authorised flood defence – permitted activity', or~~
- ~~7) permitted activity under rule C.2.1.7 'Existing mooring structures – permitted activity', or~~
- ~~8) permitted activity under rule C.2.1.8 'Fish passage structures – permitted activity', or~~
- ~~9) permitted activity under rule C.2.1.9 'Demolition and removal of existing structures – permitted activity', or~~
- ~~10) permitted activity under rule C.2.1.10 'Construction and installation of structure – permitted activity', or~~
- ~~11) controlled activity under rule C.2.1.12 'Freshwater structures – controlled activity'.²⁶⁹~~

is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).
- The use, erection, reconstruction, placement, alteration or extension of a structure, on, under or over the bed of a lake or river (s13(1)(a)).

²⁶⁹ Clarification

- Excavation or disturbance of the bed of a river or lake incidental to the use, erection, reconstruction, placement, alteration or extension of a structure, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming, taking and diversion of water around the works site during the erection, reconstruction, placement, alteration or extension of a structure (s14(2)(a)).
- Damming and diversion water around or through the structure (s14(2)(a)).
- Discharge of sediment to water incidental to the erection, reconstruction, placement, alteration or extension of a structure (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).

C.2.1.16

~~Removal, demolition or replacement of a Historic Heritage Site or part of a Historic Heritage Site – non-complying activity~~

~~In the beds of lakes and rivers, the:~~

- ~~1) replacement of a [Historic Heritage Site](#) or part of a [Historic Heritage Site](#), or~~
- ~~2) removal (including relocation) of a [Historic Heritage Site](#) or part of a [Historic Heritage Site](#), or~~
- ~~3) demolition of a [Historic Heritage Site](#) or part of a [Historic Heritage Site](#),~~

~~is a non-complying activity.~~

The RMA activities this rule covers:

- Use, disturbance and deposition on to the beds of lakes and rivers (s13(1)(a, b and d)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)). ⁽³⁸²⁾

C.2.1.17

New flood defence in significant areas – non-complying activity

A new flood defence or an addition to an existing flood defence, in a mapped (refer I 'Maps [\[Ngā mahere matawhenua\]](#)):

- 1) Outstanding Freshwater Body, or
- 2) Outstanding Natural Feature, or
- 3) Outstanding Natural Character Area, or
- 4) [Historic Heritage Area](#), or ⁽³⁸³⁾
- 5) Site or Area of Significance to Tangata Whenua,

is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on the use of land, (s9(2)).

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- A new flood defence or an addition to an existing flood defence (s9(2)).
- The use, erection, reconstruction, placement, alteration or extension of a flood defence, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the erection, reconstruction, placement, alteration or extension of a flood defence, in, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming and diversion of water around the activity site during the erection, reconstruction, placement, alteration or extension of a flood defence (s14(2)(a)).
- Damming and diversion water around the flood defence (14(2)(a)).
- Discharge of sediment to water incidental to the, erection, reconstruction, placement, alteration or extension of a flood defence (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (S15(1)(a)).

C.2.2 Activities affecting wetlands

C.2.2.1

Wetland ~~management~~ maintenance and enhancement – permitted activity ⁽³⁸⁵⁾

The ~~damage to, destruction or disturbance of, or removal or control of~~²⁷⁰ vegetation or deliberate introduction of a plant ~~for the purpose of wetland maintenance or enhancement~~⁽³⁸⁶⁾ in a wetland is a permitted activity, provided:

- 1) ~~in natural wetlands~~ the ~~damage to, destruction or disturbance of, or removal or control of~~²⁷¹ is limited to exotic plants ~~or pest~~ species, and⁽³⁸⁷⁾
- 2) the introduction of any plant does not include a pest species, and
- 3) the activity complies with ~~the~~²⁷² C.2.3 'General conditions', and
- 4) if the activity is located in a significant wetland:
 - a) planting must be limited to indigenous species ~~that are native endemic~~²⁷³ to the area, and⁽³⁸⁸⁾
 - b) the regional council's compliance manager must be notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible

²⁷⁰ to align with wording in section 13 RMA

²⁷¹ to align with wording in section 13 RMA

²⁷² Redundancy

²⁷³ Clarification

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restriction on use of beds of lakes and rivers (s13(1)(b), (c) and (d)).
- Discharge of contaminants to water (s15(1)(a), (b) or (d)).
- The removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) (s9(2)).
- Disturbance of the bed of a river or lake incidental to the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) in, on, or under the bed of a river or lake (s13(1)(b)).
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) (s13(1)(d)).
- Introduction or planting any plant in, on, or under the bed of a river or lake for the purpose of wetland maintenance or [enhancement](#) (s13(1)(c)).
- Discharge of sediment to water, incidental to the the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) (s15(1)(b)).

C.2.2.2

Structures in wetlands – permitted activity

In a wetland²⁷⁴

- 1) the construction, maintenance, use and or removal of any fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter⁽³⁹⁰⁾ or boardwalk structure in a wetland, and
- 2) the maintenance and use of structures that are regionally significant infrastructure or core local infrastructure;²⁷⁵

is a permitted activity, provided:

- 1) in a [significant wetland](#):
 - a) any bird-watching hides, maimai, or game bird shooting structure²⁷⁶ does not exceed are no greater than 10 square metres in area⁽³⁹¹⁾ and²⁷⁷
 - b) boardwalk structures are no wider than 1.8 metres and cumulatively are²⁷⁸ no longer than 40 metres per wetland, and⁽³⁹²⁾

²⁷⁴ Clarification

²⁷⁵ KiwiRail, Beal, para 53, and Whangarei District Council

²⁷⁶ Consequential, see 'maimai' Rule C.2.1.10

²⁷⁷ F&G, Heotjes, para 30

²⁷⁸ Clarification

- c) ~~all any~~²⁷⁹ other structures ~~does not exceed are no greater than~~ five square metres ~~in area, and~~
 - d) ~~any wetland damage, destruction, disturbance or removal is limited to an area less than 200m² for core local or regionally significant infrastructure; and~~²⁸⁰
 - e) ~~the regional council's compliance manager is notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and~~
- 2) ~~the regional council's compliance manager is notified (in writing or by email) at least 20 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and~~⁽³⁹⁴⁾
 - 3) the activity complies with ~~the~~ C.2.3 'General conditions', and

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restriction on use of beds of lakes and rivers (s13(1)(b), (c) and (d)).~~
- ~~Discharge of contaminants to water (s15(1)(a), (b) or (d)).~~
- ~~The construction, maintenance, use and removal of any fence, wetland interpretive signage, bird-watching hide, maimai/game bird shooting shelter, or regional significant infrastructure structure in a wetland (s9(2)).~~
- ~~The use, repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a wetland lake or river (s13(1)(a)).~~
- ~~Disturbance of the bed of a wetland lake or river incidental to the construction, maintenance, use and removal of any structure in, on, or under the bed of a wetland lake or river (s13(1)(b)).~~
- ~~Discharge of sediment to water, incidental to the construction, maintenance, use and removal of any fence, wetland interpretive signage, bird-watching hide, maimai/game bird shooting shelter, or boardwalk or regional significant infrastructure structure in a wetland (s15(1)(a)).~~
- ~~Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the construction, maintenance, use and removal of any fence, wetland interpretive signage, bird-watching hide, maimai/game bird shooting shelter, or boardwalk or regional significant infrastructure structure in a wetland (s15(1)(b)).~~

C.2.2.3

Constructed wetland alteration– permitted activity

Any disturbance or alteration of a ~~constructed wetland~~ and construction or installation of a structure in a ~~constructed wetland~~, ~~and the erection, placement and use of a structure to form a constructed wetland~~ is a permitted activity provided:²⁸¹

- 1) the activity complies with ~~the~~ C.2.3 'General conditions', and
- 2) ~~the activity is not in a significant wetland, and~~⁽³⁹⁵⁾

²⁷⁹ Clarification

²⁸⁰ KiwiRail, Beal, para 53, and Whangarei District Council

²⁸¹ Cathcart or F&G

- 3) it does not cause flooding or ponding on any [other property](#), and
- 4) if the wetland is reduced in size by more than 500 square metres, the regional council's compliance manager is notified (in writing or by email) at least 10 working days before the start of works with the timing, location and extent of the activities.

The RMA activities this rule covers:

- Restrictions on the use of land Any disturbance or alteration of a constructed wetland and construction or installation of a structure in a constructed wetland (s9(2) [and 13\(1\)](#)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) (s15(1)(b)).

C.2.2.4

Activities in wetlands – discretionary activity

Any:

- 1) damage to, destruction or disturbance of, or removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or [enhancement](#) in a wetland, or
- 2) construction, maintenance, use [and](#) or removal of any structure in a wetland, or
- 3) any disturbance or alteration of a constructed wetland and construction or installation of a structure in a constructed wetland,

construction, alteration, disturbance or extension of a wetland,⁽³⁹⁷⁾ that is not [a permitted or controlled activity in section C.2.2 of this Plan](#):

- 1) permitted activity under rule C.2.2.1 'Wetland management and enhancement – permitted activity, or
- 2) permitted activity under rule C.2.2.2 'Structures in wetlands – permitted activity', or
- 3) permitted activity under rule C.2.2.3 'Constructed wetland alteration – permitted activity',

is a discretionary activity, provided it is not [undertaken in](#) a [significant wetland](#).

The RMA activities this rule covers:

- Restrictions on the use of land (s9(1)).
- Restrictions on the foreshore or seabed (s12(1) and s12(2)).
- Restriction on use of beds of lakes and rivers (s13(1)(a) to (e)).
- Restrictions relating to damming, or diverting coastal or fresh water (s14(1) and s14(3)).
- Discharge of contaminants to water (s15(1)(a), (b) or (d)).
- Construction, alteration, disturbance or extension of a wetland (s9(2)).
- Any activity in relation to the bed of any lake or river associated with activities in a wetland (s13(1)).
- Damming and diversion of water for the purposes of the construction, alteration, disturbance or extension of a wetland (s14(2)(a)).

- Discharge of sediment to water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(b)).

Note: In the coastal marine area, this rule includes the enhancement of wetland habitat, however refer C.1 'Coastal activities', for Rules on disturbance and other coastal activities. ⁽³⁹⁹⁾

C.2.2.5

Activities in significant wetlands – non-complying activities

Activities in a wetland that are not a permitted or discretionary activity in C.2.2 of this Plan are under rule C.2.2.4 'Activities in wetland – discretionary activity', is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions on the foreshore or seabed (s12(1) and s12(2)).
- Restriction on use of beds of lakes and rivers (s13(1)(a) to (e)).
- Restrictions relating to damming, or diverting coastal or fresh water (s14(1) and s14(3)).
- Discharge of contaminants to water (s15(1)(a), (b) or (d)).
- The construction, alteration, disturbance or extension of a wetland (s9(2)).
- Any activity in relation to the bed of any lake or river associated with activities in a wetland (s13(1)).
- Damming and diversion of water for the purposes of the construction, alteration, disturbance or extension of a wetland (s14(2)(a)).
- Discharge of sediment to water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(b)).

Note: In the coastal marine area, this rule includes the enhancement of wetland habitat, however refer C.1 'Coastal activities' for Rules on disturbance and other coastal activities. ⁽⁴⁰¹⁾

C.2.3 General conditions

General conditions for activities in rivers, lakes and wetlands that apply when specified in a permitted or controlled activity rule.

River, lake or wetland disturbance

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project may could modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.

Sediment discharges

- 1) Discharge of contaminants must comply with the following conditions:
 - a) the activity must release no contaminants into water, other than sediment or organic matter, and
 - b) bed disturbance must not occur for more than five consecutive days, and
 - c) elevated sediment discharge levels must not occur for longer than 12 hours per day, and⁽⁴⁰²⁾
 - d) after beyond the zone of reasonable mixing, the discharge must not give rise to any conspicuous change in the colour or visual clarity or significant adverse effects on aquatic life, after whichever of the following mixing zones is the least:
 - i) a distance 200 metres downstream of the point of discharge if the bed width of the surface water body is greater than 30 metres at the point of discharge, or
 - ii) a distance equal to seven times the bed width of the surface water body, but which shall not be less than 50 metres, or
 - iii) the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which must not be less than 50 metres, or
 - iv) in relation to lakes, a distance 20 metres from the point of discharge.⁽⁴⁰³⁾
 - e) any conspicuous change in the colour or visual clarity or significant adverse effects on aquatic life within the zone of reasonable mixing, must not occur for longer than 12 hours per day.⁽⁴⁰⁴⁾

Excavated material

- 2) Organic matter or soil must not be placed in a position where it could readily enter or be carried into a water body.

Vehicles, vessels and equipment in water bodies

- 3) All vehicles, vessels and equipment must be kept out of flowing or standing water bodies, except where it is necessary for the purpose of the activity, and then;
 - a) machinery must be clean and leak free, and
 - b) the extent and duration of any disturbance is minimised, and
- 4) All equipment and excess materials must be removed from the bed of the water body within five working days of the on completion of the activity.⁽⁴⁰⁵⁾

Avoiding pest introduction

- 5) Cleaning of and/or other procedures must be used to prevent the spread or introduction of any pest. All plant, machinery, equipment or any²⁸² material operating or used in a water

²⁸² Clarification

body, must be free of plant contaminants, ~~any~~²⁸³ seeds or vegetative material, which is capable of germinating or reproducing ~~pest~~ species.⁽⁴⁰⁶⁾

River alignment and flooding effects

6) The activity must not:

- ~~a) alter the natural gradient of the river or physical characteristics of the bed or the alignment beyond the bed of the river, or~~
- b) cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, or
- c) compromise the structural integrity or use of any other authorised structure or activity in the bed of the river or lake, or
- d) ~~dam~~ or divert water in a way that causes flooding or ponding on any ~~other property~~.

6A) ~~the any~~ dammed water ~~does must~~²⁸⁴ not raise sub-surface or ~~surface water~~ levels to the extent that drainage of ~~other property~~ is adversely impeded, and

Natural wetlands⁽⁴⁰⁷⁾

- 7) The activity must not cause change to the seasonal or annual range in water level of any ~~natural~~ wetland⁽⁴⁰⁸⁾ to an extent that may adversely affect the wetland's natural ecosystem, and
- 8) The vegetation and the bed of any ~~natural wetland~~ ~~are is~~²⁸⁵ not disturbed to a depth or an extent greater than that required to give effect to the permitted activity.

Indigenous vegetation disturbance or removal

- 9) Any indigenous vegetation ~~damage, destruction~~²⁸⁶ disturbance or removal is limited to the minimum extent necessary to give effect to the permitted activity.

Fuel storage and refuelling

- 10) Fuel must not be stored and machinery must not be refuelled in any location where fuel ~~can~~ ~~may~~⁽⁴⁰⁹⁾ enter water, including:
 - a) on, over, or in the bed of a surface waterbody or the coastal marine area, or
 - b) within 10 metres of a surface waterbody or coastal water, and
- 11) Fuel must not be discharged to water, or the bed of a surface waterbody, or ~~to~~ land,⁽⁴¹⁰⁾ in circumstances where the fuel can enter water.

Fresh water structures

Erosion and sediment discharges associated ~~with~~⁽⁴¹¹⁾ a structure

- 12) The presence of the structure must not cause ~~or induce scour erosion of the bed, or erosion or instability of the banks, of the water body, or create associated sedimentation, more than~~

²⁸³ Clarification

²⁸⁴ Clarification

²⁸⁵ Clarification

²⁸⁶ Clarification

minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, and²⁸⁷

- 13) Approaches to and abutments of the structure within the bed or on the banks of the water body must be stabilised to avoid scour and sedimentation sediment discharges.²⁸⁸

Structure durability, maintenance and off-site effect avoidance

- 14) The structure must be maintained in a sound condition and functioning for the purpose it was designed,⁽⁴¹²⁾ and at all times and be capable of withstanding a one percent annual exceedance probability (AEP) flood without structural failure or risk to people or other property, and
- 15) The one percent AEP flood must be accommodated by the structure and/or by an overland flow path without increasing flood levels upstream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity, and
- 16) The activity must not cause damage to, or restriction of the use of, any other authorised structure as a result of this activity²⁸⁹, and
- 17) The activity must not prevent existing lawful public access or navigation to or along the a continually or intermittently flowing²⁹⁰ river or lake, unless provided by an existing authorisation, and
- 18) Dam structures must be designed, constructed, operated and maintained so that:
- a) Vegetation must does not weaken the dam or prevent inspection of the dam embankment and trees are not allowed to grow on or near the embankment, and
 - b) Stock must not damage the dam crest and or faces of the dam, and
- 19) Dams with a reservoir capacity greater than 20,000 cubic metres and associated spillways must be inspected at least once every 12 months and following any operation of the flood spillway. Any damage recorded at times of inspecting, or noticed at any other time, must be remedied as soon as practicable.

Note: For good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD⁽⁴¹³⁾

Waste water pipes

- 20) Any waste water pipeline installed on, in, over or under the bed of a river or lake must include suitably maintained signage that clearly indicates the pipeline location and contents.²⁹¹

Fish passage

- 21) The upstream and downstream passage of fish in rivers must be provided for and be effective under a wide range of flow conditions, except:
- a) where the statutory fisheries manager provides regional council with written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or

²⁸⁷ Clarification to align with text from general condition (6)(b)

²⁸⁸ Clarification

²⁸⁹ clarification

²⁹⁰ Consequential

²⁹¹ WDC, FNDC, Devine EIC para 41

- b) during permitted temporary activities such as works to enable structure repair and replacement, or
 - c) when otherwise provided for by an existing design and authorisation, and
- 21) Excluding soft bottom rivers, river bed material must be maintained throughout the full length of culvert, ford and bridge structures. The upstream and downstream passage of fish in continually or intermittently flowing rivers must:
- a) be provided for and be effective under a wide range of flow conditions, and, excluding soft bottom rivers, river bed material must be maintained throughout the full length of any culvert, ford and bridge structures, except:
 - i) where the statutory fisheries manager provides written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or
 - ii) during permitted temporary activities such as works to enable structure repair and replacement, or
 - iii) when otherwise provided for by an existing design and authorisation.⁽⁴¹⁴⁾

Note: Advice on the potential pest fish populations located downstream of the structure can be obtained from regional council, the Department of Conservation, or the Northland Fish and Game Council.⁽⁴¹⁵⁾

Construction activity controls

- 23) Construction material and ancillary structures must be removed from the bed following completion of the activity, or earlier if reasonably practicable,⁽⁴¹⁶⁾ and
- 24) The contact of wet concrete or concrete ingredients with flowing or standing water must be avoided.

Notifying the regional council

- 25) The person doing undertaking the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, when:
 - a) The contributing catchment⁽⁴¹⁷⁾ is greater than 50 hectares for an activity involving construction, placement or removal of any culvert, ford, weir or bridge, and
 - b) the notification must include:
 - i) the name, address, and phone number of the person responsible for the works, and
 - ii) the location of the structure, and
 - iii) the structure design including its contributing catchment area, flood flow estimates and measures necessary to control erosion or prevent increased upstream flood risk, along with the any design minimum flow to provide for fish passage and the method by which that minimum flow will be maintained. any design minimum flow or measures necessary to control erosion, provide fish passage or prevent increased upstream flood risk.
 - iv) proposed date of commencement and duration, of the activity.⁽⁴¹⁸⁾

Temporary flow diversion around work sites

- 26) The temporary damming, ~~and diverting~~ ~~or pumping~~ of river flow around work sites in the bed of a water body must:
- a) only be ~~undertaken~~ ~~constructed and in place~~ during a period of low flow when there is a low risk of flooding, and
 - b) not cause more than minor impediment to flood flows, and
 - c) ~~when damming, have a dam height~~ be no greater than 600 millimetres ~~above the bed of the water body~~, and ⁽⁴¹⁹⁾
 - d) ~~when pumping, use a fish screen with the intake screen mesh spacing not greater than three millimetres, and~~ ⁽⁴²⁰⁾
 - e) be removed ~~or discontinued~~ as soon as practicable and the bed of the water body returned to its original condition no later than 14 days from commencement of the activity.

Historic Heritage

- ~~27) The activity must not alter, damage or destroy a [Historic Heritage Site](#) (refer I 'Maps').~~ ⁽⁴²¹⁾
-

C.3 Damming and diverting water

This is an index and guide to the rules in this section. It does not form part of the plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

Notes:

- (i) The Department of Conservation must be notified of the intention to erect or place any structure likely to impede fish passage. This includes, culverts, fords, dam or diversion structures (Part VI of the Freshwater Fisheries Regulations 1983).⁽⁴²²⁾
- (ii) For good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD⁽⁴²³⁾
- (iii) The rules in this section do not apply to damming and diversion provided for in the rules in C.2.1 Activities in the beds of lakes and rivers, C.2.2 Activities in the beds of lakes and rivers and C.4 Land drainage and flood control⁽⁴²⁴⁾

Rule	Page
Could not find copy_1977142_ID_2	90
C.3.1	90
C.3.2 'Existing in-stream dam – permitted activity'	91
C.3.2 'Existing in-stream dam – permitted activity'	91
C.3.3 'Existing in-stream large dams – controlled activity Whangarei District Council'	92
C.3.4 'River channel Whangarei District Council diversion - discretionary activity'	92
C.3.3 'Existing in-stream large dams – controlled activity Whangarei District Council'	93
C.3.4 'River channel Whangarei District Council diversion - discretionary activity'	93
C.3.5 'Damming or diversion of water in a significant wetland or significant Royal Forest and Bird Protection Society NZarea – non-complying activity'	93

C.3.1

Off-stream damming and diversion – permitted activity

Damming ~~and or~~⁽⁴²⁵⁾ diversion of rainfall runoff, including in sediment ponds and stormwater detention structures,⁽⁴²⁶⁾ or water in an artificial watercourse⁽⁴²⁷⁾ is a permitted activity provided:

- 1) the activity does not dam or divert water in a ~~continually or intermittently flowing~~²⁹² river, natural wetland or lake, and
- 2) the activity does not adversely affect the reliability of water supply of an authorised water take, and
- 3) a one percent annual exceedance probability flood event must be accommodated by the dam or an overland flow path without increasing upstream or downstream flood levels on other property, flood levels upstream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity²⁹³, and
- 4) the dammed or diverted water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and
- 5) ~~the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and The activity must not cause change to the seasonal or annual range in water level of any natural wetland to an extent that may adversely affect the wetland's natural ecosystem, and~~²⁹⁴
- 6) the level of a lake or downstream flow in a ~~continually or intermittently flowing~~²⁹⁵ river is not reduced below a minimum flow or minimum level, and
- 7) the structure must be maintained in a sound condition, ~~and functioning for the purpose it was designed, and~~ at all times and ~~be~~²⁹⁶ capable of withstanding a one percent annual exceedance probability flood without structural failure or risking ~~to~~ people or other property, and
- 8) ~~a one percent annual exceedance probability flood must be accommodated by the structure or an overland flow path without increasing flood levels on other property upstream or downstream of the structure, and~~²⁹⁷
- 9) if the maximum reservoir capacity of the dam is more than 20,000 cubic metres the person doing the activity must notify the regional council's compliance manager (in writing or by email) prior to the activity occurring with:
 - a) the name, address, and phone number of the person undertaking works, and
 - b) the location of the dam, and
 - c) the reservoir capacity and dam structure height.

The RMA activities this rule covers:

- ~~Damming or diverting water (s14(2)).~~
- Damming or diversion of rainfall runoff or water in an artificial watercourse (s14(2)(a)).

²⁹² Consequential

²⁹³ Clarification

²⁹⁴ Clarification

²⁹⁵ Consequential

²⁹⁶ Clarification

²⁹⁷ Duplication

C.3.2

Small dam - permitted activity

A dam in a lake, river or natural wetland is a permitted activity, provided:

- 1) the activity is necessary for:
 - a) the creation or enhancement of a wetland, or
 - b) hydrological monitoring, or
 - c) stock drinking where livestock are excluded from entering the lake, continually or intermittently flowing²⁹⁸ river or wetland, and
- 2) the activity is not in a significant wetland or an outstanding freshwater body or mapped (refer I 'Maps [Ngā mahere matawhenua]':
 - a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) Historic Heritage Area, or⁽⁴²⁹⁾
 - d) Site or Area of Significance to Tangata Whenua, and
- 3) the width of the a continually or intermittently flowing²⁹⁹ river bed where the dam is located does not exceed three metres, and
- 4) the dam height does not exceed 600 millimetres above the natural bed level⁽⁴³⁰⁾ of the water body, and
- 5) a hydrological monitoring dam, must not be in place longer than 14 days in any two month period, and
- ~~6) the dammed water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and~~
- ~~7) the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and~~
- 8) the level of a lake or downstream flow in a continually or intermittently flowing³⁰⁰ river is not reduced below a minimum flow or minimum level as a result of the dam,³⁰¹ and
- 9) the person undertaking the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, with:
 - a) timing, location and extent of the activities, and
 - b) a description of measures to avoid erosion, structure failure and obstruction of fish passage, and
 - c) for wetland enhancement, details identifying the values being enhanced, and⁽⁴³¹⁾

²⁹⁸ Consequential

²⁹⁹ Consequential

³⁰⁰ Consequential

³⁰¹ clarification

10) the activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- ~~Restriction on use of beds of lakes and rivers (s13(1)).~~
- ~~Damming or diverting water (s14(2)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- The use, erection, reconstruction, placement, alteration or extension of a dam, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake for the purposes of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(b)).
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(d)).
- Damming and diversion of water (s14(2)(a)).
- Discharge of sediment to water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(b)).

C.3.3

Existing in-stream dam – permitted activity

An existing dam in a lake, river or **natural wetland**, is a permitted activity provided:

- 1) the damming or diversion ~~is~~ **was**³⁰² **authorised**, and
- 2) the **reservoir capacity** is:
 - a) less than 20,000 cubic metres, **and the dam height is less than four metres,** ⁽⁴³³⁾ or
 - b) **is** necessary for maintaining the wetland's natural ecosystem and not associated with any consented water take, and
- ~~3) the **dam height** is less than four metres, and ⁽⁴³⁴⁾~~
- ~~4) the dammed water does not raise sub-surface or **surface water** levels to the extent that drainage of **other property** is adversely impeded, and~~
- ~~5) the activity does not change the natural seasonal water levels of any **natural wetland** that would result in the net loss or degradation of indigenous wetland vegetation, and~~
- 6) the level of a lake or downstream flow in a intermittently flowing river is not reduced below a **minimum flow** or **minimum level** **as a result of the dam**³⁰³, and
- 7) the dam structure complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

³⁰² Clarification

³⁰³ Clarification

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diverting water (s14(2)).
- Discharge of contaminants to water (s15(1)).
- The use of a dam, under or over the bed of a lake or river (s13(1)(a)).
- Damming and diversion of water (s14(2)(a)).
- Discharge of sediment to water, incidental to the use of a dam (s15(1)(a)).

C.3.4

Dam maintenance - permitted activity

Maintenance and repair of an authorised [dam](#) (including extraction of accumulated material retained behind the [dam](#)) is a permitted activity provided:

- 1) the activity does not increase the authorised [reservoir capacity](#), scale or extent of the [dam](#), and
- 2) the extraction of accumulated material and the disturbance of the bed is limited to the area directly impounded by the [dam](#), and
- 3) the activity complies with C.2.3 'General conditions', and
- 4) in the case of maintenance and repair of a mapped Historic Heritage Site (refer to [Maps](#)), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance.

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diverting water (s14(2)).
- Discharge of contaminants to water (s15(1)).
- The reconstruction or alteration of a dam, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake for the purposes of the reconstruction or alteration of a dam or the extraction of accumulated material retained behind the dam (s13(1)(b)).
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the reconstruction or alteration of a dam (s13(1)(d)).
- Damming and diversion of water during the reconstruction or alteration of a dam (s14(2)(a)).
- Discharge of sediment to water, incidental to the reconstruction or alteration of a dam (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the reconstruction or alteration of a dam (s15(1)(b)).

C.3.5

Existing in-stream large dams – controlled activity⁽⁴³⁸⁾

An existing dam in a lake, river or natural wetland that is not a permitted activity under C.3.3 'Existing in-stream dam – permitted activity' is a controlled activity, provided:

- 1) it is authorised, and
- 2) the dammed water does not raise sub-surface or surface-water levels to the extent that drainage of other property is adversely impeded, and
- 3) the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and
- 4) the level of a lake or downstream flow in a continually or intermittently flowing³⁰⁴ river is not reduced below a minimum flow or minimum level as a result of the dam³⁰⁵, and
- 5) the activity complies with C.2.3 'General conditions'.

Matters of control:

- 1) Minimum and flushing flows.
- 2) Provision for fish passage.
- 3) Effects on water quality.
- 4) Effects on a site or area of significance to Tangata Whenua.
- 5) The adequacy structural integrity of the dam structure and any upgrade works³⁰⁶ or maintenance required, and
- 6) Effects on aquatic ecosystem health ecological values within the bed of the water body³⁰⁷⁽⁴³⁹⁾.

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diverting water (s14(2)).
- Discharge of contaminants to water (s15(1)).
- The use of a dam, under or over the bed of a lake or river (s13(1)(a)).
- Damming and diversion of water (s14(2)(a)).
- Discharge of sediment to water, incidental to the use of a dam (s15(1)(a)).

C.3.6

River channel⁽⁴⁴¹⁾ diversion - discretionary activity

Diversion of the bed of a river, that is not a permitted or controlled activity in section C.3 of this Plan:

- 1) permitted activity under C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity', or

³⁰⁴ Consequential

³⁰⁵ Clarification

³⁰⁶ Clarification

³⁰⁷ Con

2) permitted activity under C.2.1.10 'Construction and installation of structures — permitted activity', or

3) permitted activity under C.2.1.11 'Minor river bank protection works — permitted activity', or

4) permitted activity under C.2.1.12 'Freshwater structures — controlled activity',³⁰⁸

is a discretionary activity, provided it is not in a [significant wetland](#), an [outstanding freshwater body](#), or a mapped (refer to 'Maps | Ngā mahere matawhenua'):

- 5) [Historic Heritage Area](#), or⁽⁴⁴²⁾
- 6) Outstanding Natural Character Area, or
- 7) Outstanding Natural Feature, or
- 8) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

- [Restriction on use of beds of lakes and rivers \(s13\(1\)\).](#)
- [Restrictions relating to damming or diverting water \(s14\(2\)\).](#)
- [Discharges of contaminants into environment, \(s15\(1\)\(a\)\).](#)
- [Excavation or disturbance of the bed of a river or lake for the purposes of diverting the bed of a river \(s13\(1\)\(b\)\).](#)
- [Deposition of any substance in, on, or under the bed of a river or lake for the purpose of diverting the river \(s13\(1\)\(d\)\).](#)
- [Damming and diversion of water in a river \(s14\(2\)\(a\)\).](#)
- [Discharge of sediment to water, incidental to the diversion of the bed of a river \(s15\(1\)\(a\)\).](#)
- [Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the diversion of the bed of a river \(s15\(1\)\(b\)\).](#)

C.3.7

Damming or diverting water — discretionary activity

A [dam](#) in the bed of any river, lake or [natural wetland](#), that is not a [permitted or non-complying activity in section C.3 of this Plan](#):

1) permitted activity under rule C.3.1 'Off stream damming and diversion — permitted activity', or

2) permitted activity under rule C.3.2 'Small dam — permitted activity', or

3) permitted activity under rule C.3.4 'Dam maintenance — permitted activity', or

4) permitted activity under rule C.3.5 'Existing in-stream large dams — controlled activity, or

³⁰⁸ Consequential

~~5) non-complying activity under rule C.3.9 'Damming or diversion of water in a significant wetland or significant area – non-complying activity'~~³⁰⁹

is a discretionary activity.

The RMA activities this rule covers:

- ~~Restriction on use of beds of lakes and rivers (s13(1)).~~
- ~~Discharges of contaminants into environment, (s15(1)(a)).~~
- The use, erection, reconstruction, placement, alteration or extension of a dam, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake for the purposes of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(b)).
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(d)).
- Damming and diversion of water (s14(2)(a)).
- Discharge of sediment to water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(b)).

C.3.8

Obstructions that divert water onto other property – discretionary activity

The placement of **obstructions**, including structures, within **flood hazard areas** (including **high risk flood hazard areas**), **overland flow paths**, rivers or **artificial watercourses** that divert water onto **other property** is a discretionary activity.

The RMA activities this rule covers:

- ~~Restrictions on the use of land, (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharges of contaminants into environment, (s15(1)(a)).~~
- The placement of **obstructions**, including structures, within **flood hazard areas** (including **high risk flood hazard areas**) **overland flow paths**, river beds or **artificial watercourses** that divert water onto **other property** (s9(2)).
- Damming and diversion of water within **flood hazard areas** (including **high risk flood hazard areas**), **overland flow paths**, rivers or **artificial watercourses** onto **other property** (s14(2)(a)).

C.3.9

Damming or diversion of water in a significant **wetland or significant⁽⁴⁴⁵⁾ area – non-complying activity**

³⁰⁹ Consequential

The damming or diversion of water in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer to 'Maps | Ngā mahere matawhenua'):

- 1) Outstanding Natural Character Area, or
- 2) Outstanding Natural Feature, or
- 3) [Historic Heritage Area](#), or ⁽⁴⁴⁶⁾
- 4) Site or Area of Significance to Tangata Whenua, and

that is not a [permitted activity in section C.3 of this Plan](#):

- ~~1) permitted activity under rule C.3.1 'Off stream damming and diversion – permitted activity', or~~
- ~~2) permitted activity under rule C.3.2 'Small dam – permitted activity', or~~
- ~~3) permitted activity under rule C.3.4 'Dam maintenance – permitted activity', or~~
- ~~4) permitted activity under rule C.3.5 'Existing in-stream large dams – controlled activity, or~~ ³¹⁰

is a non-complying activity.

The RMA activities this rule covers:

- ~~• Restrictions relating to water (s14(2)).~~
- [The use, erection, reconstruction, placement, alteration or extension of a dam, under or over the bed of a lake or river \(s13\(1\)\(a\)\).](#)
- [Excavation or disturbance of the bed of a river or lake for the purposes of the use, erection, reconstruction, placement, alteration or extension of a dam \(s13\(1\)\(b\)\).](#)
- [Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the use, erection, reconstruction, placement, alteration or extension of a dam \(s13\(1\)\(d\)\).](#)
- [Damming and diversion of water \(s14\(2\)\(a\)\).](#)
- [Discharge of sediment to water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam \(s15\(1\)\(a\)\).](#)
- [Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam \(s15\(1\)\(b\)\).](#)

C.4 Land drainage and flood control

This is an index and guide to the rules in this section. It does not form part of the plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

Rule	Page
<u>C.4.1 'Land drainage – permitted activity'</u>	96
<u>C.4.1 'Land drainage – permitted activity'</u>	96
<u>C.4.2 'Repair and maintenance of a stopbank, or floodgate or drain – permitted activity'</u>	96
<u>C.4.3 'Re-consenting flood control schemes – controlled activity'</u>	97
<u>C.4.4 'Land Existing land drainage schemes – controlled activity'</u>	97
<u>C.4.5 'Other land drainage and flood control activities – discretionary activity'</u>	98
<u>C.4.6 'Activities affecting flood control schemes - discretionary activity'</u>	98

C.4.1

Land drainage – permitted activity

A drain and the associated discharge of drainage water is a permitted activity, provided:

1. the activity complies with the C.4.8 'Land drainage and flood control general conditions', and
2. any resulting land subsidence or slumping does not cause adverse effects on structures or infrastructure on [other property](#), and
3. the discharge is to the same catchment as that to which the water would naturally flow, and
4. new drains are not constructed within 15 metres of an existing [wastewater](#) disposal area.

The RMA activities this rule covers:

- ~~Restrictions on certain uses of beds of lakes and rivers s13(1)(d)).~~
- ~~Restrictions relating to water (s14(2)(a)).~~
- ~~Discharge of contaminants into water (s15)(1)(a)).~~
- Drainage of land (s9(2))
- Deposition of material in, on, or under the bed of a river or lake resulting from the connection of a drain to a river or lake (s13(1)(d)).
- Damming and diversion of drainage water (s14(2)(a))
- Discharge of drainage water, and sediment entrained in drainage water, to water (s15(1)(a)).

C.4.2

Existing authorised stopbanks - permitted activity

The damming and diversion of water by a stopbank, where the stopbank was [authorised](#) before the notification date of this Plan, is a permitted activity, provided:

1. the activity complies with the C.4.8 'Land drainage and flood control general conditions', and
2. the stopbank owner can provide, if requested by the regional council, a copy of the [approval\(s\) for the](#) authorisation of the stopbank.³¹¹

The RMA activities this rule covers:

- ~~Restriction on use of beds of lakes and rivers (s13(1)).~~
- ~~Restrictions relating to damming or diverting water (s14(2)(a)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- The use of a stopbank, under or over the bed of a lake or river (s13(1)(a)).
- Damming and diversion of water by a stopbank (s14(2)(a)).
- Discharge of sediment to water incidental to the use of a stopbank (s15(1)(a)).

³¹¹ Clarification

C.4.3

Repair and maintenance of a stopbank, or floodgate or drain – permitted activity

The repair or maintenance of an existing stopbank, or floodgate or drain is a permitted activity, provided:³¹²

1. the activity complies with the C.4.8 'Land drainage and flood control general conditions', and
2. there is no increase to the length, width or height of the original stopbank, or floodgate or drain, other than as required to either provide for the settlement of earthen stopbanks and⁽⁴⁵⁰⁾³¹³
3. the regional council's compliance manager is given at least 10 working days' notice (in writing or by email), outlining details of the proposed works.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)), and
- Restrictions relating to water (s14(2)(a)), and
- Discharge of contaminants into water (s15(1)(a)).
- The repair or maintenance of a stopbank or floodgate (s9(2)).
- The reconstruction or alteration of a stopbank or floodgate, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake for the purpose of the reconstruction or alteration of a stopbank or floodgate (s13(1)(b)).
- Deposition of any material in, on, or under the bed of a river or lake for the purpose of the reconstruction or alteration of a stopbank or floodgate (s13(1)(d)).
- Damming, taking and diversion of water around the activity site during the reconstruction or alteration of a stopbank or floodgate (s14(2)(a)).
- Discharge of sediment to water, incidental to the reconstruction or alteration of a stopbank or floodgate (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the reconstruction or alteration of a stopbank or floodgate (s15(1)(b)).
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).

C.4.3A

Repair, maintenance and clearance of a drain - permitted activity

The repair, maintenance or clearing of a drain is a permitted activity, provided:

1. the activity complies with the C.4.8 'Land drainage and flood control general conditions', and

³¹² Clarification

³¹³ Whangarei District Council

2. there is no increase to the length or width of the original drain.⁽⁴⁵²⁾

3. drain clearance activities are undertaken from upstream to downstream.³¹⁴

The RMA activities this rule covers:

- The repair, maintenance or clearing of a drain (s9(2)).
- Disturbance of the bed of a river or lake incidental to the repair, maintenance or clearing of a drain (s13(1)(b)).
- Deposition of any material in, on, or under the bed of a river or lake incidental to the repair, maintenance or clearing of a drain (s13(1)(d)).
- Damming, taking and diversion of water around the activity site during the reconstruction or alteration of the repair, maintenance or clearing of a drain (s14(2)(a)).
- Discharge of sediment to water, incidental to the repair, maintenance or clearing of a drain (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the repair, maintenance or clearing of a drain (s15(1)(b)).
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).

C.4.4

Re-consenting flood control schemes – controlled activity

The re-consenting of a flood control scheme is a controlled activity, provided:

1. the application is made before the expiry of the existing resource consent, and
2. there is no change to the activities as authorised by the existing resource consent.

Matters of control:

1. The management of flooding effects.
2. Effects on tangata whenua and their taonga.
3. Fish passage.⁽⁴⁵⁴⁾
4. The size and zone of reasonable mixing.
5. Effects on instream habitat and indigenous freshwater fish (excluding pest species), in particular eels.⁽⁴⁵⁵⁾³¹⁵

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).
- Discharge of contaminants into water (s15)(1)(a)).

³¹⁴ Minister of Conservation

³¹⁵ Northland Fish and Game

- An existing flood control scheme (s9(2)).
- Damming and diversion of water within the flood control scheme (s14(2)(a)).
- Discharge of water, and sediment entrained in water, to water within and from the flood control scheme(s15(1)(a)).

C.4.5

Land Existing land drainage schemes– controlled activity

In an existing drainage district (refer I ‘Maps |Ngā mahere matawhenua’), the:

1. taking, diversion and discharge of drainage water associated with the drainage of land, and
2. clearing of drainage channels and floodgates, and
3. maintenance, repair and re-building of scheme assets,

which is not a:

4. permitted activity under rule C.4.2 ‘Existing authorised stopbanks – permitted activity’, or
5. permitted activity under rule C.4.3 ‘Repair and maintenance of a stopbank or floodgate– permitted activity’, or
6. permitted activity under rule C.4.3A

is a controlled activity provided:

6. the work is carried out by a local authority or group of land owners who have assumed control of the scheme pursuant to Sections 517A to 517ZM of the Local Government Act 1974,
7. the activity complies with the land drainage and flood control general conditions C.4.8 ‘Land drainage and flood control general conditions’.³¹⁶

Matters of control:

1. The management of drainage and flooding effects.
2. The adequacy of proposed measures to prevent land subsidence, land slumping and erosion of land and the beds and or banks of water bodies.
3. Effects on the water quality as a result of the drainage water discharge and the size and zone of reasonable mixing.³¹⁷
4. Any necessary staging of works.
5. Effects on tangata whenua and their taonga.
6. Fish passage.⁽⁴⁵⁷⁾
7. Effects on any natural wetlands.
8. Effects on indigenous freshwater fish (excluding pest species) and in particular eels.⁽⁴⁵⁸⁾

The RMA activities this rule covers:

³¹⁶ Clarification

³¹⁷ Clarification

- Restrictions on the use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).
- Discharge of contaminants into water (s15)(1)(a)).
- The clearing of drainage channels and floodgates, and maintenance, repair and re-building of scheme assets, in a drainage district (s9(2)).
- An existing land drainage scheme (s9(2)).
- Damming and diversion of water within the flood control scheme (s14(2)(a)).
- Discharge of water, and sediment entrained in water, to water within and from the flood control scheme (s15(1)(a)).

C.4.6

Other land drainage and flood control activities – discretionary activity

Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) that is not a permitted activity, controlled activity or a discretionary activity in section C.4 of this Plan:

- 1) permitted activity under rule C.4.1 'Land drainage – permitted activity', or
- 2) permitted activity under rule C.4.2 'Existing authorised stopbanks – permitted activity', or
- 3) permitted activity under rule C.4.3 'Repair and maintenance of a stopbank or floodgate – permitted activity', or
- 4) controlled activity under rule C.4.4 'Re-consenting flood control schemes – controlled activity', or
- 5) controlled activity under rule C.4.5 'Land drainage schemes – controlled activity',

is a discretionary activity.³¹⁸

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).
- Discharge of contaminants into water (s15)(1)(a)).
- Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) (s9(2)).
- The use, erection, repair, placement, maintenance or reconstruction of structures for land drainage or flood control work, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake associated with the land drainage or flood control work on (s13(1)(b)).

³¹⁸ Clarification

- Deposition of material in or on the bed of a river for the purposes [land drainage](#) or flood control work (s13(1)(c)).
- Damming or diversion of water associated with [land drainage](#) or flood control work (14(2)(a)).
- Discharge of sediment or water to water incidental to [land drainage](#) or flood control work (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to [land drainage](#) or flood control work (s15(1)(b)).

C.4.7

Activities affecting flood control schemes - discretionary activity

The following activities within a regional council flood control scheme (refer I 'Maps | Ngā mahere matawhenua'), which are not a permitted activity under rule C.2.1.11 'Minor river bank protection works – permitted activity', are a discretionary activity:

1. the erection of a structure in, on, or under the bed of any **continually or intermittently flowing** river, or within 10 metres of the bed, and
2. excavation, drilling, tunnelling or other disturbance activity within the bed of a **continually or intermittently flowing** river or within 10 metres from a flood defence that is likely to impact on the functional integrity of a flood defence, and ³¹⁹
3. land disturbance activity within 10 metres of a flood defence that impedes access required for maintenance of a flood control scheme.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)), and
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)), and
- Discharge of contaminants into water (s15)(1)(a)).
- Erection of a structure; excavation, drilling, tunnelling or other disturbance activity; and land disturbance activity within a regional council flood control scheme (s9(2)).
- Erection of a structure in, on, or under the bed of any river (s13(1)(a)).
- Excavation, drilling, tunnelling or other disturbance activity (s13(1)(b)).

C.4.8

Land drainage and flood control general conditions

General conditions for [land drainage](#) and flood control activities that apply when specified in a permitted or controlled activity rule:

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity **associated with a project may could modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.** ⁽⁴⁶²⁾

- 1) there is no adverse flooding, erosion or over-drainage effects on other property, and
- 2) the activity does not alter the course or bed of a lake or continually or intermittently flowing river, and³²⁰
- 3) the activity does not alter, damage or destroy a Historic Heritage Site, and⁽⁴⁶³⁾
- 4) new land drainage does not occur within 50 metres of any natural wetland, and
- 5) drainage does not cause any change to the seasonal or annual range in water level of a natural wetland to an extent that may adversely affect the wetland's natural ecosystem, and
- 6) no vegetation, soil or other debris generated from the activity is placed in a position where it may be carried into a river or natural wetland, lake or the coastal marine area, and
- 7) there is no damage to a flood defence or any other authorised structure, and
- 8) indigenous fish passage is maintained, unless an existing authorisation provides otherwise or except for during temporary works to enable repair and replacement works to be carried out, and⁽⁴⁶⁴⁾ ³²¹
- 9) eels, and other indigenous fish (other than pest fish), kōura (freshwater crayfish) and kākahi (freshwater mussels) unintentionally removed during mechanical clearing of drainage channels are returned to the drainage channel as soon as practical, but no later than one hour after their removal, and⁽⁴⁶⁵⁾⁽⁴⁶⁶⁾ ³²²
- 10) refuelling of machinery does not take place in the bed of a river or lake, and
- 11) any discharge of drainage water does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life ecosystem health in any continually or intermittently flowing river, natural wetland, or the coastal water marine area, and³²³
- 12) where a discharge from land drainage enters an outstanding freshwater body or the coastal water marine area, at or beyond the zone of reasonable mixing a 10-metre radius from the discharge point, the discharge does not: ³²⁴
 - a) result in any conspicuous oil or grease films, scums or foams, or floatable or suspended material except where caused by natural events in the receiving water, and
 - b) cause the pH of the receiving water to fall outside the range of 6.5 to 9.0 (except where caused by natural events, or when natural background levels fall outside that range), and
 - c) cause any emission of objectionable odour in the receiving water, and
 - d) cause any conspicuous change in colour, or reduction in visual clarity of the receiving water, and
 - e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius, and

³²⁰ Clarification

³²¹ Clarification

³²² Minister of Conservation

³²³ Clarification

³²⁴ Clarification

13) any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days, ~~or~~ **and must not occur** for more than 12 hours on any one day ~~within those five days, and there is no:~~

a) ~~conspicuous change in colour, or~~

b) ~~reduction in visual clarity after reasonable mixing at any time from 24 hours after completion of the activity,~~ **and** ³²⁵ ³²⁶

14) ~~any koura (freshwater crayfish) and kakahi (freshwater mussels) unintentionally removed during clearing of drainage channels must be returned to the channel as soon as practical.~~ ⁽⁴⁶²⁾

³²⁷

³²⁵ WDC, Carvell, para 121. Operator has no control over the sediment once it is discharged from the site.

³²⁶ Whangarei District Council

³²⁷ Clarification – moved to condition 9)

C.5 Taking and using water <Replace "using" with "use of">

This is an index and guide to the rules in this section. It does not form part of the plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

Rule	Page
<u>C.5.1.1 'Minor takes – permitted activity'</u>	101
<u>C.5.1.1 'Minor takes – permitted activity'</u>	102
<u>C.5.1.2 'Water take from an off-stream dam – permitted activity'</u>	102
<u>C.5.1.3 'Water take from an artificial watercourse – permitted activity'</u>	102
<u>C.5.1.4 'Water take associated with bore development, bore testing or dewatering – permitted activity'</u>	103
<u>C.5.1.2 'Water take from an off-stream dam – permitted activity'</u>	103
<u>C.5.1.3 'Water take from an artificial watercourse – permitted activity'</u>	104
<u>C.5.1.4 'Water take associated with bore development, bore testing or dewatering – permitted activity'</u>	104
<u>C.5.1.5 'Takes existing at the notification date of this plan - discretionary activity'</u>	105
<u>C.5.1.5 'Takes existing at the notification date of this plan - discretionary activity'</u>	105
<u>C.5.1.6 'Water take below a minimum flow or water level - non-complying activity'</u>	105
<u>C.5.1.6 'Water take below a minimum flow or water level - non-complying activity'</u>	106
<u>C.5.1.7 'Water takes that will exceed an allocation limit - prohibited activity'</u>	106

C.5.1 Taking and use of **freshwater**

Note:

Section 14(3)(b) of the Resource Management Act 1991 allows fresh water to be taken or used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water without a resource consent provided the taking or use does not, or is not likely to, have an adverse effect on the environment.

Section 14(3) of the RMA states that a person is not prohibited from taking, using damming or diverting any water, heat, or energy if:

- in the case of fresh water, the water, heat or energy is required to be taken and used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water provided the taking or use does not, or is not likely to, have an adverse effect on the environment (RMA s14(3)(b)); or
- in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment (RMA s14(3)(c)); or
- in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment (RMA s14(3)(d)); or
- the water is required to be taken or used for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017 (RMA s14(3)(e)).⁽⁴⁶⁸⁾

The following rules do not apply to the taking and use of water that is done in accordance with sections 14(3)(b) - (e) of the RMA.⁽⁴⁶⁹⁾

Catchment specific rule E.0.2 – 'Water takes from Lake Waiporohita – discretionary activity' applies to Section 14(3)(b) takes and prevails over the more permissive rules in this section.

Catchment specific rule E.0.3 'Water takes from a lake in the Pouto Catchment – permitted activity' applies to the taking and use of water and prevails over Rule C.5.1.1 'Minor takes permitted activity'.

C.5.1.1

Minor takes – permitted activity

The taking and use of water, and in the case of geothermal water any associated heat and energy,⁽⁴⁷⁰⁾ from a river, lake or aquifer is a permitted activity provided:

- 1) the take is not from a coastal aquifer,⁽⁴⁷¹⁾ or outstanding freshwater body⁽⁴⁷²⁾ fully allocated river or aquifer,⁽⁴⁷³⁾ unless the take and use was authorised at 1 September 2017, and
- 2) the total daily take per property from all sources does not exceed:
 - a) one cubic metre from a coastal aquifer, or
 - b) from other water bodies:⁽⁴⁷⁴⁾
 - i) 10 cubic metres, and or
 - ii) 200 litres per hectare, up to a maximum of 20 cubic metres, and⁽⁴⁷⁵⁾

- 3) the water is not taken when:
 - a) the flow in a river is below a minimum flow,
 - b) or water level in a lake is below a minimum level, and⁽⁴⁷⁶⁾
- 4) the take does not exceed an allocation limit, and⁽⁴⁷⁷⁾
 - 4A) the rate of take from a river does not exceed 30 percent of the instantaneous flow at the point and time of the take, and⁽⁴⁷⁸⁾
 - 4B) the maximum rate of geothermal heat take (without taking water) does not exceed 7500 megajoules per day, and³²⁸
- 5) the take does not cause any change to the seasonal or annual level of any natural wetland, and
- 6) the take does not adversely affect the reliability of any existing authorised take, and
- 7) for surface water takes, the water intake structure is designed, constructed, operated and maintained so that:
 - a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3 0.12⁽⁴⁷⁹⁾ metres per second, and
 - b) for takes from coastal rivers or outstanding rivers and lakes, have a fish screen with the intake screen mesh spacing is not greater than 1.5 millimetres, or
 - c) for takes from small rivers or large rivers, the intake screen have a fish screen with mesh spacing is not greater than three millimetres,⁽⁴⁸⁰⁾ and
- 8) the any reticulation system and its components are maintained to minimise leakage and wastage, and³²⁹
- 9) at the written request of the regional council, the water user provides the regional council with the following information:
 - a) the location of the water take, and
 - b) the daily volume of the water taken and the maximum daily rate of take, and³³⁰
 - c) the purpose for which the water is used or is proposed to be used, and
- 10) at the written request of the regional council, a water meter(s) is installed at the location(s) specified in the request and water use records are provided to the regional council in a format and at the frequency specified in the request.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river, lake or aquifer (s14(2)(a)).
- Taking or use of heat or energy from geothermal water (s14)(2)(b)).

C.5.1.1A

³²⁸ NZGA, Robinson, para 24

³²⁹ Clarifications.

³³⁰ Clarifications.

Taking and use of coastal water - permitted activity

The taking and use of coastal water other than open coastal water is a permitted activity.⁽⁴⁸²⁾

The RMA activities this rule covers:

- Taking and use of coastal water other than open coastal water (s14(2)(a)).

Note: *Open coastal water may be taken without resource consent in accordance with S14(1), RMA.*

C.5.1.2

Temporary take for road construction or maintenance - permitted activity

The taking and use of water from a river or lake for road construction, road dust suppression or road maintenance purposes is a permitted activity provided:

- 1) the take is not from an **outstanding freshwater body** or a dune lake, and
- 2) the total daily take does not exceed 150 cubic metres per day or 450 cubic metres over any consecutive five-day⁽⁴⁸³⁾ period, and
- 3) the take does not adversely affect the reliability of any **authorised** take, and
- 4) the instantaneous rate of taking does not reduce the flow in the river by more than 20 percent of its flow at the time the water is being taken, and
- 5) ~~water is not taken when the flow in a river or water level in a lake is below a **minimum flow** or **minimum level**, and⁽⁴⁸⁴⁾~~
- 6) the water intake structure is designed, constructed, operated and maintained so that:
 - a) the maximum water velocity into the entry point of the intake structure is not greater than **0.3-1.2**⁽⁴⁸⁵⁾ metres per second, and
 - b) ~~for takes from **coastal rivers** or **outstanding rivers** and lakes, the intake screen have a fish screen with~~ mesh spacing ~~is~~ not greater than 1.5 millimetres, or³³¹
 - c) ~~for takes from **small rivers** or **large rivers**, the intake screen have a fish screen with~~ mesh spacing ~~is~~ not greater than three millimetres,⁽⁴⁸⁶⁾ and
- 7) the regional council's compliance manager is given notice (in writing or by email) of the location, time and duration of the take at least 24 hours before the activity commences.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river or lake (s14(2)(a)).

C.5.1.3

Water take from an off-stream dam– permitted activity

The taking and use of water from an **authorised**⁽⁴⁸⁸⁾ **off-stream** dam is a permitted activity.

³³¹ Clarification.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of fresh water from an off-stream dam (s14(2)(a)).

C.5.1.4

Water take from an artificial watercourse – permitted activity

The taking and use of water from an **artificial watercourse** is a permitted activity, provided:

- 1) The **artificial watercourse** is not connected upstream of the point of take⁽⁴⁹⁰⁾ to a **continually or intermittently flowing**³³² river, lake, or **natural wetland**, and
- 2) The **artificial watercourse** is controlled to prevent backflow of water from connected **continually or intermittently flowing**³³³ rivers, lakes or **natural wetlands** as a consequence of the take, and
- 3) the take does not adversely affect the reliability of any **authorised** take.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of fresh water from an **artificial watercourse** (s14(2)(a)).

C.5.1.5

Water take associated with bore development, bore testing or dewatering – permitted activity

Note: ~~Due to the number and nature of the amendments proposed to this rule, the numbering of the conditions is different from the notified version.~~

The taking and use⁽⁴⁹²⁾ of groundwater associated with **bore** development, bore testing, or **dewatering** by pumping is a permitted activity, provided:

- 1) ~~in if the take is from a~~ **coastal aquifers**⁽⁴⁹³⁾:
 - a) the site of the **bore** or ground **dewatering** does not occur within 200 metres of mean high water springs, and
 - b) the daily volume of the water taken does not exceed 100 cubic metres per day, and
 - c) the activity is completed within seven days of its commencement, or

1A) if the take is from the Aupouri aquifer management unit:

- a) the activity is completed within seven days of its commencement for takes up to 1000 cubic metres per day, or
 - b) the activity is completed within three days of its commencement for takes up to 2500 cubic metres per day, or⁽⁴⁹⁴⁾
- 2) ~~in other areas, if the take is in another area~~⁽⁴⁹⁵⁾ the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 cubic metres per day, and or

³³² Clarification.

³³³ Clarification.

- 2A) if the activity is dewatering for construction, installation or maintenance of underground equipment or foundations where the sides of the excavation are sheet piled or boxed to stem the lateral flow the activity is completed within 10 days of its commencement, and
- 3) the activity does not adversely affect the reliability of water supply of an authorised water take, and
- 4) the activity is not in a natural wetland or does not cause any permanent change to water levels in any natural wetland, and
- 5) any resulting ground³³⁴ settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- Taking and use of groundwater associated with bore development, bore testing, or dewatering by pumping (s14(2)(a)).

Note: Any discharge associated with the take and use of groundwater for bore development, bore testing or dewatering by pumping may be permitted by Rule C.6.9.5.⁽⁴⁹⁸⁾

C.5.1.5A³³⁵

Water takes associated with existing quarry and mine site dewatering - controlled activity

A take for the purpose of dewatering from an existing quarry or mine sites, including ground dewatering by way of existing drainage sumps, which does not draw water from a coastal aquifer is a controlled activity.⁽⁴⁹⁹⁾

Matters of control

- 1) The timing, rate and volume of the take.
- 2) The location and design of dewatering wells.
- 3) Extent of dewatering.
- 4) Mitigation measures.

The RMA activities this rule covers:

- Taking, diversion and use of fresh water from existing quarries and mine sites which do not draw water from a coastal aquifer (s14(2)(a)).

Note: Any discharge associated with the take, ~~use and diversion~~³³⁶ may be permitted by Rule C.6.9.5.

C.5.1.6

Replacement water permits for registered drinking water supplies - controlled activity

³³⁴ Clarification.

³³⁵ GBC, Clarke, para 7.1

³³⁶ Clarification

Despite Rule C.5.1.12, an³³⁷ application for a new⁽⁵⁰¹⁾ resource consent to take and use water that will replace an existing resource consent for a registered drinking-water supply for the health needs of people is a controlled activity, provided:

- 1) the existing water take and use is authorised at the time of the resource consent application, and
- 2) there is no increase in the rate or volume of the take.

Matters of control:

- 1) The timing, rate and volume of the take.
- 2) Measures to ensure the reasonable and efficient use of water.
- 3) Measures to avoid, remedy or mitigate effects on:
 - a) aquatic ecosystem^s health and species,³³⁸ and
 - b) mahinga kai and access to mahinga kai, and
 - c) indigenous biodiversity in the bed of a water body³³⁹ where it affects tangata whenua ability to carry out cultural and traditional activities, and
 - d) wāhi tapu, and
 - e) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua').

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- Taking and use of fresh water for a registered drinking-water supply for the health needs of people (s14(2)(a)).

C.5.1.7

Takes existing at the notification date of the plan - controlled activity

The taking and use of water from a river, lake or aquifer that existed ~~but was not authorised~~⁽⁵⁰³⁾ at the notification date of this plan,³⁴⁰ and the total daily volume per property taken from all sources exceeds a volume in Condition 2 of C.5.1.1 'Minor takes – permitted activity', is a controlled activity, provided:

- 1) the total daily volume from all sources does not exceed 50 cubic metres per property per day, and
- 2) the take does not cause any change to the seasonal or annual level of any natural wetland, and
- 3) ~~for surface water takes, the water intake structure is designed, constructed, operated and maintained so that:~~

³³⁷ Clarification.

³³⁸ Clarification.

³³⁹ Clarification.

³⁴⁰ Clarification.

- a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3 metres per second, and
- b) the intake screen mesh spacing is not greater than 1.5 millimetres, and ⁽⁵⁰⁵⁾
- 4) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 5) the application contains evidence that the take existed at the notification date of the Plan.

Matters of control:

- 1) The timing, rate and volume of the take.
- 2) The design, location and maintenance of the intake structure to minimise adverse effects on fish species and Measures to avoid, remedy or mitigate effects on: ⁽⁵⁰⁶⁾
 - a) aquatic ecosystems and species, and
 - b) mahinga kai and access to mahinga kai, and
 - c) indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and
 - d) wāhi tapu, and ⁽⁵⁰⁷⁾
 - e) mapped Sites and Areas of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua').
- 3) Measures to ensure the reasonable and efficient use of water.
- 4) Measures to avoid, remedy or mitigate adverse effects on mapped Sites and Areas of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua').

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river, lake or aquifer (s14(2)(a)).

C.5.1.8

Supplementary High flow allocation ⁽⁵¹⁰⁾ - restricted discretionary activity

The taking and use of water from a river at flows when the flow in the river is above the above the median flow and ⁽⁵¹¹⁾ that exceeds 10 cubic metres per property, per day or 200 litres per hectare, up to a maximum of 20 cubic metres, per property per day ⁽⁵¹²⁾ is not a permitted or controlled activity under C.5.1 of this Plan is a restricted discretionary activity, provided: ³⁴¹

1. the frequency of flushing flows that exceed three times the median flow of the river is not changed, and
2. 50% of the river flow above the median flow remains in the river. ⁽⁵¹³⁾

³⁴¹ Clarifications.

Matters of discretion:

1. The timing, rate and volume of the take to avoid or mitigate effects on existing authorised takes and aquatic ecosystem health and species.³⁴²⁽⁵¹⁴⁾
2. Preventing fish from entering the water intake.⁽⁵¹⁵⁾
3. Measures to ensure the reasonable and efficient use of water.³⁴³

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river (s14(2)(a)).

C.5.1.9

Takes existing at the notification date of this Plan³⁴⁴ - discretionary activity

The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan³⁴⁵ but was not lawfully established authorised⁽⁵¹⁷⁾ and that exceeds 50 cubic metres per day per property from all sources is a discretionary activity, provided:

- 1) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 2) the application contains evidence that the take existed at the notification date of the this Plan.³⁴⁶

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river, lake or aquifer (s14(2)(a)).

C.5.1.10

Other water takes – discretionary activity

The taking and use of fresh⁽⁵¹⁹⁾ water, or the taking and use of heat or energy from water⁽⁵²⁰⁾, that is not described as a permitted, controlled, restricted discretionary, non-complying or prohibited activity under any other rules in section C.5.1 of this Plan

1. — a permitted activity under C.5.1.1 ‘Minor takes — permitted activity’, or

2. — a permitted activity under C.5.1.2 ‘Temporary take for road construction or maintenance — permitted activity’, or

3. — a permitted activity under C.5.1.3 ‘Water take from an artificial watercourse — permitted activity’, or

³⁴² Clarification.

³⁴³ Clarification.

³⁴⁴ Clarification.

³⁴⁵ Clarification.

³⁴⁶ Clarifications.

4. a permitted activity under C.5.1.4 'Water take associated with bore development, bore testing or dewatering – permitted activity', or
5. a permitted activity under C.5.1.5 'Takes existing at the notification date of this plan – discretionary activity', or
6. a controlled activity under C.5.1.6 'Water take below a minimum flow or water level – non-complying activity', or
7. a controlled activity under C.5.1.7 'Water takes that will exceed an allocation limit – prohibited activity', or
8. a restricted discretionary activity under C.5.1.8 'Supplementary allocation restricted discretionary activity', or
9. a discretionary activity under C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity', or
10. a non-complying activity under C.5.1.11 'Water take below a minimum flow or water level – non-complying activity', or
11. a non-complying activity under C.5.1.12 'Water takes that will exceed an allocation limit – non-complying activity', or
12. a prohibited activity under C.5.1.13 'Water takes that will exceed an allocation limit – prohibited activity'.³⁴⁷

is a discretionary activity.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water (s14(2)(a))
- Taking or use of heat or energy from geothermal water (s14)(2)(b)).

C.5.1.11

Water take below a minimum flow or water level - non-complying activity

The taking of **fresh** water from a river, lake or **natural wetland** when the flow in the river or water level in the **natural wetland** or lake is below a **minimum flow** or **minimum level** **set in H.6 'Environmental flows and levels'** is a non-complying activity.³⁴⁸

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river, lake or **natural wetland** (s14(2)(a))⁽⁵²⁵⁾

Note: This rule does not affect the taking and use of water permitted by rules in this section (C.5) of the **Plan**.

C.5.1.12

³⁴⁷ Clarification.

³⁴⁸ Clarifications.

Water take that will exceed an allocation limit - non-complying activity

The taking and use of ³⁴⁹fresh water that would cause an ⁽⁵²⁶⁾default allocation limit set in H.6 'Environmental flows and levels' for a river or aquifer to be exceeded is a non-complying activity, provided the take does not exceed:³⁴⁹

- 1) A default allocation limit for the river by more than 10 percent of the seven-day mean annual low flow, or
- 2) A default allocation limit for the aquifer by more than five percent of the annual average recharge.⁽⁵²⁷⁾

The RMA activities this rule covers:

- Taking and use of ³⁵⁰fresh water from a river or aquifer (s14(2)(a)).

Note: This rule does not affect the taking and use of water permitted by rules in section C.5.

C.5.1.13

~~Water takes that will exceed an allocation limit – prohibited activity~~

~~The taking and use of water that would cause:~~

- ~~1) A catchment-specific allocation limit to be exceeded, or~~
- ~~2) A default allocation limit for a river to be exceeded by more than 10 percent of the seven-day mean annual low flow, or~~
- ~~3) A default allocation limit for an aquifer to be exceeded by more than five percent of the annual average recharge~~

~~is a prohibited activity.⁽⁵²⁹⁾~~

~~The RMA activities this rule covers:~~

- ~~• Restrictions relating to water (s14(2)).~~
-

³⁴⁹ Clarifications.

³⁵⁰ Clarification.

C.6 Discharges to land and water

This is an index and guide to the rules in this section. It does not form part of the Plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

On-site domestic wastewater discharges

Rule	Page
C.6.1.1 'Existing on-site domestic type wastewater discharge – permitted activity'	111
C.6.1.2 'Pit toilet – permitted activity'	111
C.6.1.3 'Other on-site treated domestic wastewater discharge – permitted activity'	112
C.6.1.1 'Existing on-site domestic type wastewater discharge – permitted activity'	114
C.6.1.4 'Other domestic wastewater discharges – discretionary activity'	114
C.6.1.2 'Pit toilet – permitted activity'	115

Wastewater network and treatment plant discharges

Rule	Page
C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity'	115
C.6.2.2 'Discharge from a pump station or pipe network – discretionary activity'	116
C.6.2.3 'Wastewater treatment plant discharge – discretionary activity'	116
C.6.2.4 'Wastewater discharge – prohibited activity'	116

Agricultural waste discharges

Rule	Page
C.6.3.1	116
C.6.3.1	118
C.6.3.2 'Discharges associated with the disposal of dead animals or offal - permitted activity'	118
C.6.3.3 'Emergency discharge of milk to land - permitted activity'	118
C.6.3.2 'Discharges associated with the disposal of dead animals or offal - permitted activity'	119
C.6.3.3 'Emergency discharge of milk to land - permitted activity'	119
C.6.3.4 'Farm wastewater discharges to water – prohibited activityClarification'	119

Stormwater discharges

Rule	Page
C.6.4.1 'Stormwater discharges from a public stormwater network – permitted activity'	120
C.6.4.2 'Other stormwater discharges – permitted activity'	121
C.6.4.3 'Stormwater discharges – controlled activity'	122
C.6.4.1 'Stormwater discharges from a public stormwater network – permitted activity'	122

Agrichemicals

Rule	Page
C.6.5.1 'Application of agrichemicals – permitted activity'	123

<u>C.6.5.2 'Application of agrichemicals into water – permitted activity'</u>	125
<u>C.6.5.3 'Vertebrate toxic agents (ground-based application) – permitted activity'</u>	126
<u>C.6.5.4 'Vertebrate toxic agents (aerial application) – controlled activity'</u>	127
<u>C.6.5.1 'Application of agrichemicals – permitted activity'</u>	127

Industrial and trade discharges

Rule	Page
<u>C.6.6.1 'Discharge of cooling water - permitted activity'</u>	128
<u>C.6.6.2 'Discharge of certain types of industrial or trade wastewater - permitted activityClarification'</u>	128
<u>C.6.6.3 'Industrial or trade discharges - discretionary activity'</u>	129

Solid waste

Rule	Page
<u>C.6.7.1 'Cleanfill – permitted activity'</u>	129
<u>C.6.7.2 'Discharges to land from closed landfills – permitted activity'</u>	130
<u>C.6.7.3 'On site refuse disposal – permitted activity'</u>	130
<u>C.6.7.1 'Cleanfill – permitted activity'</u>	131
<u>C.6.7.4 'Composting operations greater than 10 cubic metres – permitted activity'</u>	131
<u>C.6.7.5 'Waste transfer stations – controlled activity'</u>	132
<u>C.6.7.6 'Other solid waste discharges – discretionary activity'</u>	132

Contaminated Land

Rule	Page
Could not find copy_1977155_ID_5510	133
C.6.8.2 'Discharges from contaminated land - permitted activity'	133
C.6.8.3 'Contaminated land remediation - discretionary activity'	134
C.6.8.1	135

Other discharges of contaminants

Rule	Page
C.6.9.1 ' Discharge of dust suppressants – permitted activity'	135
C.6.9.2 'Discharge of tracers – permitted activity'	135
C.6.9.3 'Discharge of fertiliser – permitted activity'	136
C.6.9.1 ' Discharge of dust suppressants – permitted activity'	136
C.6.9.2 'Discharge of tracers – permitted activity'	136
Could not find copy_1977156_ID_903	137
C.6.9.5 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity'	137

C.6.1 On-site domestic wastewater discharges

C.6.1.1

Existing on-site domestic type wastewater discharge – permitted activity

The discharge of [domestic type wastewater](#) into or onto land from an on-site system that was a permitted activity at the notification date of this [Plan](#)³⁵¹ is a permitted activity provided:

- 1) the discharge volume does not exceed:
 - a) three cubic metres per day, averaged³⁵² over the month of greatest discharge, and
 - b) six cubic metres per day over any 24 hour period, and
- 2) the following reserve disposal areas are available at all times:
 - a) 100% of the existing effluent disposal area where the [wastewater](#) has received [primary treatment](#) or is only comprised of [greywater](#), or
 - b) 30% of the existing effluent disposal area where the [wastewater](#) has received at least [secondary treatment](#), and
- 3) the on-site system is maintained so that it operates effectively at all times and [maintenance is undertaken](#) ~~is done~~ in accordance with the manufacturer's specifications ~~for maintenance~~,³⁵³ and
- 4) [wastewater](#) irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area or [are](#)³⁵⁴ covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 5) the discharge does not contaminate any groundwater supply or [surface water](#), and
- 6) there is no surface runoff or ponding of [wastewater](#), and
- 7) there is no offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

- [Discharge of contaminants into environment \(s15\(1\)\(b\)\)](#).
- [Discharge of \[domestic type wastewater\]\(#\) into or onto land from an on-site system which may result in the \[domestic type wastewater\]\(#\) \(or any other contaminant emanating as a result of natural processes from the \[domestic type wastewater\]\(#\)\) entering water \(s15\(1\)\(b\)\)](#).
- [Discharge of \[domestic type wastewater\]\(#\) into or onto land and contaminants into the air from an on-site system \(s15\(2A\)\)](#).

C.6.1.2

Pit toilet – permitted activity

³⁵¹ Clarification.

³⁵² Clarification.

³⁵³ Clarifications

³⁵⁴ Stuart

The discharge of ~~contaminants~~ human effluent⁽⁵³¹⁾ from a pit toilet into land is a permitted activity provided:

- 1) ~~no sewer connection is available, and~~⁽⁵³²⁾
- 2) there is no discharge from a domestic wastewater system into the pit toilet, and
- 3) the pit toilet is situated outside of the relevant setbacks in Table 3 '~~Horizontal and vertical Exclusion areas and~~ setback distances for pit toilets', and
- 4) the pit toilet is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour, and
- 5) the pit toilet is constructed to prevent rainfall and surface water runoff from entering it, and
- 6) the discharge does not contaminate any groundwater³⁵⁵ water supply or surface water, and
- 7) there is no surface runoff or ponding of wastewater, and
- 8) there is no offensive or objectionable odour beyond the property boundary.

Table 3 ~~Horizontal and vertical~~ Exclusion areas and setback distances for pit toilets

Feature	Pit toilet
<u>Exclusion areas</u> ⁽⁵³³⁾	
Dedicated secondary overland flows paths for constructed stormwater systems ⁽⁵³⁴⁾	1% annual exceedance probability
Floodplain	1% Annual Exceedance Probability
<u>Horizontal setback distances</u> ⁽⁵³⁵⁾	
Identified stormwater flow path, including a formed road with curb and channel, that is not up-slope <u>downslope</u> ⁽⁵³⁶⁾ of the disposal area	5 metres
Water-table drain, off-stream dam or pond that is not up-slope of the disposal area	10 metres
River, lake, stream, or <u>natural</u> ³⁵⁶ wetland	<u>10 20</u> metres ³⁵⁷
Coastal marine area	<u>10 20</u> metres ³⁵⁸
Existing water supply <u>bore</u>	20 metres
Property boundary that is not up-slope of the disposal area. ⁽⁵³⁷⁾	1.5 metres
<u>Vertical setback distances</u> ⁽⁵³⁸⁾	

³⁵⁵ Clarification.

³⁵⁶ Clarifications.

³⁵⁷ Rowan Tautari

³⁵⁸ Rowan Tautari

Winter groundwater table	1.2 metres
--------------------------	------------

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of human effluent into or onto land which may result in the human effluent (or any other contaminant emanating as a result of natural processes from the human effluent) entering water (s15(1)(b)).
- Discharge of human effluent from a pit toilet into or onto land and contaminants into the air (s15(2A)).

C.6.1.3

Other on-site treated domestic wastewater discharge – permitted activity

The discharge of domestic type wastewater into or onto land from an on-site system is a permitted activity provided:

- 1) the on-site system is designed and constructed in accordance with the *New Zealand Standard AS/NZS 1547:2012 - On-site Domestic Wastewater Management*, and
- 2) the volume of wastewater discharged does not exceed two cubic metres per day, and
- 3) the discharge is not via a spray irrigation system or deep soakage system, and
- 4) the slope of the disposal area is not greater than 25 degrees, and
- 5) the discharge of secondary treated or tertiary treated wastewater is via a trench or bed in soil categories 3 to 5 that is designed in accordance with AS/NZS 1547: 2012 Appendix L; or it is³⁵⁹ via an irrigation line system that is:
 - a) dose loaded, and
 - b) covered at all times by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 6) for the discharge of wastewater onto the surface of slopes greater than 10 degrees:
 - a) the wastewater, excluding greywater, has received at least secondary treatment, and
 - b) the irrigation lines are firmly attached to the surface of the⁽⁵⁴⁰⁾ disposal area, and
 - c) where there is an up-slope catchment that generates stormwater runoff, a diversion system is³⁶⁰ must be installed and maintained to divert surface water runoff from the up-slope catchment away from the disposal area, and
 - d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and
 - e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or
 - f) the irrigation lines are covered at all times⁽⁵⁴¹⁾ by a minimum of 100 millimetres of topsoil, mulch, or bark, and

³⁵⁹ Hiagh Workman, para 13

³⁶⁰ Clarification.

- 7) the disposal area and reserve disposal area are is⁽⁵⁴²⁾ situated outside of the relevant exclusion areas and⁽⁵⁴³⁾ setbacks in Table 4 '~~Horizontal and vertical~~ Exclusion areas and setback distances for on-site domestic wastewater systems', and
- 8) for septic tank treatment systems, a filter that retains solids greater than 3.5 millimetres in size is fitted on the outlet, and
- 9) the following reserve disposal areas are available at all times:
 - a) 100 percent of the existing effluent disposal area where the **wastewater** has received **primary treatment** or is only comprised of **greywater**, or
 - b) 30 percent of the existing effluent disposal area where the **wastewater** has received **secondary treatment** or **tertiary treatment**, and
- 10) the on-site system is maintained so that it operates effectively at all times and **maintenance is undertaken** ~~is done, at a minimum,~~ in accordance with the manufacturer's specifications ~~for maintenance,~~³⁶¹ and
- 11) the discharge does not contaminate any **groundwater**³⁶² water supply or **surface water**, and
- 12) there is no surface runoff or ponding of **wastewater**, and
- 13) there is no offensive or objectionable odour beyond the property boundary.

Table 4 ~~Horizontal and vertical~~ **Exclusion areas and setback distances for on-site domestic wastewater systems**

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
Exclusion areas ⁽⁵⁴⁴⁾			
Dedicated secondary overland flows paths for constructed stormwater systems ⁽⁵⁴⁵⁾	1% annual exceedance probability	1% annual exceedance probability	1% annual exceedance probability
Floodplain	± 5% annual exceedance probability ⁽⁵⁴⁶⁾	5% annual exceedance probability	5% annual exceedance probability
Horizontal setback distances ⁽⁵⁴⁷⁾			
Identified stormwater flow path, including a formed road with curb and channel, water-table drain, off-stream dam or pond that is not up slope downslope ⁽⁵⁴⁸⁾ of the disposal area	5 metres	5 metres	5 metres

³⁶¹ Clarifications.

³⁶² Clarification.

River, lake, stream, pond or natural ³⁶³ wetland	20 metres	15 metres	15 metres
Coastal marine area	20 metres	15 metres	15 metres
Existing water supply bore	20 metres	20 metres	20 metres
Property boundary that is not up-slope of the disposal area ⁽⁵⁴⁹⁾	1.5 metres	1.5 metres	1.5 metres
<i>Vertical setback distances</i> ⁽⁵⁵⁰⁾			
Winter groundwater table	1.2 metres	0.6 metres	0.6 metres

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of **domestic type wastewater** into or onto land from an on-site system which may result in the **domestic type wastewater** (or any other contaminant emanating as a result of natural processes from the **domestic type wastewater**) entering water (s15(1)(b)).
- Discharge of **domestic type wastewater** into or onto land from an on-site system and contaminants into the air (s15(2A)).

C.6.1.4

Replacement discharge permits - controlled activity

An application for a resource consent to discharge **domestic type wastewater** into or onto land, or to discharge treated **domestic type wastewater** into water, from an on-site system⁽⁵⁵²⁾ that will replace an existing resource consent is a controlled activity, provided there will be no change to the nature of the wastewater discharge authorised by the existing resource consent.

Matters of control:

- 1) The design, operation and maintenance of the on-site system.
- 2) Effects on water quality.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- Discharge of treated **domestic type wastewater** into water from an on-site system (S15(1)(a)).
- Discharge of **domestic type wastewater** into or onto land from an on-site system which may result in the **domestic type wastewater** (or any other contaminant emanating as a result of natural processes from the **domestic type wastewater**) entering water (s15(1)(b)).
- Discharge of **domestic type wastewater** into or onto land and contaminants into the air from an on-site system (s15(2A)).

³⁶³ Clarification.

C.6.1.5

Other domestic wastewater discharges – discretionary activity

The discharge of treated ~~on-site~~³⁶⁴ domestic type wastewater into or onto land or into water, ~~or the discharge of human effluent from a pit toilet into or onto~~³⁶⁵ that is not described as a permitted, controlled, or prohibited activity under any other rules in section C.6.1 of this Plan:

- ~~1. a permitted activity under rule C.6.1.1 'Existing on-site domestic type wastewater discharge – permitted activity', or~~
- ~~2. a permitted activity under rule C.6.1.2 'Pit toilet – permitted activity', or~~
- ~~3. a permitted activity under rule C.6.1.3 'Other on-site treated domestic wastewater discharge – permitted activity', or~~
- ~~4. a controlled activity under rule C.6.1.4 'Replacement discharge permits – controlled activity', or~~
- ~~5. a prohibited activity under rule C.6.1.6 'Discharge of untreated domestic type wastewater to water – prohibited activity',³⁶⁶~~

is a discretionary activity.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- ~~Discharge of treated domestic type wastewater into water (S15(1)(a)).~~
- ~~Discharge of treated domestic type wastewater into or onto land which may result in the domestic type wastewater (or any other contaminant emanating as a result of natural processes from the domestic type wastewater) entering water (s15(1)(b)).~~
- ~~Discharge of treated domestic type wastewater into or onto land and contaminants into the air from an on-site system (s15(2A)).~~

C.6.1.6

Discharge of untreated domestic type wastewater to water - prohibited activity

The discharge of untreated domestic type wastewater into surface water or directly into groundwater is a prohibited activity.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a)).~~
- ~~Discharge of untreated domestic type wastewater into surface water or directly into groundwater (S15(1)(a)).~~

³⁶⁴ Carrington Resort/Clarification

³⁶⁵ Clarification

³⁶⁶ Clarification.

C.6.2 Wastewater network and treatment plant discharges

C.6.2.1

Wastewater discharge from a pump station or pipe network – controlled activity³⁶⁷

The discharge of **wastewater** from a wastewater pump station or pipe network into water or onto land is a controlled activity, provided:

- 1) an application for resource consent is received by the regional council within two years of this rule becoming operative, and
- 2) the resource consent application includes a wastewater network management plan for the network, which is prepared in accordance with appendix H.1, and
- 3) the wastewater pump station has:
 - a) an automatic control and alarm system that provides:
 - i) immediate notification of pump failure, and
 - ii) automatic switching to a standby pump, and
 - iii) power supply backup for the alarm system, and
 - b) at least one dedicated standby or duty-assist pump that will activate in the event of failure of the duty pump, and
 - c) a minimum of four hours' storage capacity (based on the average dry weather flow) unless the pump station has a permanently installed electricity generator, and
- 4) any constructed overflow structure is designed to prevent floatable or suspended materials entering water and scouring and erosion at the point of discharge.

Matters of control:

- 1) Effects on water quality.
- 2) The operation and maintenance programme.
- 3) The staging of any upgrade works.
- 4) Effects on tangata whenua and their taonga.

Notification:

Resource consent applications under this rule are precluded from public notification.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a) and (b)).

C.6.2.2

Discharge from a pump station or pipe network – discretionary activity

The discharge of **wastewater** from a wastewater network pump station or pipe network into water or onto or into land **and any associated discharge of contaminants to air resulting from the**

³⁶⁷ Reinstate for the reasons set out by FNDC and WDC

³⁶⁸ ~~discharge~~ that is not a controlled activity under rule C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity' is a discretionary activity.⁽⁵⁵⁷⁾

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a), (b) and (d)).~~
- Discharge of [wastewater](#) from a wastewater network into water (s15(1)(a))
- Discharge of [wastewater](#) from a wastewater network onto or into land in circumstances which may result in the [wastewater](#) (or any other contaminant emanating as a result of natural processes from that [wastewater](#)) entering water (s15(1)(b)).
- Discharge of [wastewater](#) from a wastewater network, that is an industrial or trade premises, onto or into land and contaminants into air (s15(1)(c) and (d)).
- Discharge of wastewater from a wastewater network onto or into land (s15(2)(A)).

C.6.2.3

Wastewater treatment plant discharge – discretionary activity

The discharge of treated [wastewater](#) from a wastewater treatment plant into water or onto or into land ~~and contaminants into air~~³⁶⁹ is a discretionary activity.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a), (b) and (d)).~~
- Discharge of treated [wastewater](#) from a wastewater treatment plant into water (s15(1)(a))
- Discharge of treated [wastewater](#) from a wastewater treatment plant onto or into land in circumstances which may result in the [wastewater](#) (or any other contaminant emanating as a result of natural processes from that [wastewater](#)) entering water (s15(1)(b)).
- Discharge of treated [wastewater](#) from a wastewater treatment plant, that is an industrial or trade premises, onto or into land and contaminants into air (s15(1)(c) and (d)).
- Discharge of wastewater from a wastewater treatment plan onto or into land (s15(2A)).

C.6.2.4

Wastewater discharge – prohibited activity

The discharge of ~~untreated~~ [wastewater](#) from a [wastewater treatment plant](#) into water or onto or into land, ~~and that is not:~~

- ~~1. a controlled activity under C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity', or~~
- ~~2. a discretionary activity under C.6.2.2 'Discharge from a pump station or pipe network – discretionary activity', or~~
- ~~3. a discretionary activity under C.6.2.3 'Wastewater treatment plant discharge – discretionary activity',~~

³⁶⁸ Clarification.

³⁶⁹ Clarification

is a prohibited activity.⁽⁵⁶⁰⁾

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
 - Discharge of untreated wastewater from a wastewater treatment plant into water (s15(1)(a)).
 - Discharge of untreated wastewater from a wastewater treatment plant onto or into land in circumstances which may result in the wastewater (or any other contaminant emanating as a result of natural processes from that wastewater) entering water (s15(1)(b)).
 - Discharge of untreated wastewater from a wastewater treatment plant, that is an industrial or trade premises, onto or into land and contaminants into air (s15(1)(c) and (d)).
 - Discharge of untreated wastewater from a wastewater treatment plant onto or into land (s15(2)(A)).
-

C.6.3 ~~Agricultural waste discharges~~ Production land discharges³⁷⁰

C.6.3.1

Farm wastewater discharges to land – permitted activity

The discharge of farm wastewater onto or into land is a permitted activity, provided:

- 1) there is no discharge:
 - a) ~~directly into water, or~~³⁷¹
 - b) into surface water or to the coastal marine area via overland flow, or
 - c) into surface water or to the coastal marine area via any tile, mole or other subsurface drain, or
 - d) into an artificial watercourse, and
- 2) there is no discharge onto or into³⁷² land or overland flow within:
 - a) 20 metres of any stream, continually or intermittently flowing³⁷³ river, lake, natural wetland, or the coastal marine area, or³⁷⁴
 - ba) 50m of the water body for a distance of 2,000 metres upstream of a public water supply intake servicing more than 25 people; and³⁷⁵
 - b) 20 metres of any artificial watercourse when containing water⁽⁵⁶²⁾, or
 - c) 20 metres of a neighbouring property owned or occupied by another person, or
 - d) 20 metres of any public road or public space, or

³⁷⁰ Clarification.

³⁷¹ Clarification (the rule only allows discharges to land, not water).

³⁷² Clarification

³⁷³ Clarification.

³⁷⁴ DOC, legal, para 133

³⁷⁵ Whangarei District Council.

- e) 20 metres of the head of any drinking water supply bore, or
 - f) 50 metres of any dwelling owned or occupied by another person, and⁽⁵⁶³⁾
- 3) it is discharged in a manner that:
- a) evenly distributes the farm wastewater, and
 - ~~b) does not exceed the soil's ability to absorb the wastewater, and~~³⁷⁶
 - c) does not result in ponding on the land for longer than three hours after the discharge, and
 - d) minimises overland flow, and
 - e) does not cause an offensive or objectionable odour beyond the property boundary, and
- 4) roof water from sheds and other buildings is permanently diverted away from farm wastewater storage facilities unless farm wastewater storage facilities are sized to accommodate roof water, and³⁷⁷
- Note: Roof water can be retained in a holding tank and used for wash-down purposes provided the overflow from the tank is permanently diverted away from the farm wastewater storage facilities, and*³⁷⁸
- 5) a stormwater diversion system is maintained and operated to prevent stormwater from a yard at a dairy shed from entering the farm wastewater storage facilities when the yard is clean and not being used to hold animals, unless farm wastewater storage facilities are sized to accommodate stormwater,³⁷⁹ and
- 6) catchment stormwater is prevented from entering farm wastewater storage facilities, and
- 7) farm wastewater storage facilities are used for the purpose of ensuring compliance with conditions 1), 2) and 3) of this rule⁽⁵⁶⁴⁾, and from 1 March 2021:³⁸⁰
- a) have sufficient contingency storage so that farm wastewater generated between 1 May and 30 September can be retained in the facilities, unless a resource consent is held that specifies a different contingency storage volume for dairy farms they are designed, constructed and used in accordance with the Dairy Effluent Storage Calculator (DESC), and
 - b) have at least 75% 90%⁽⁵⁶⁷⁾ working storage⁽⁵⁶⁸⁾ volume available at between 1 March and⁽⁵⁶⁹⁾ 1 May each year, and wastewater should be discharged to land after that date when there is sufficient soil moisture deficit, and⁽⁵⁷⁰⁾
 - ~~c) storage facilities⁽⁵⁷¹⁾ are sealed or lined so that seepage is minimised, and~~³⁸¹
 - c) upon written request by the regional council, the person undertaking the activity provides a written statement or certification from a person with a qualification in farm dairy effluent system design Chartered Professional Engineer⁽⁵⁷²⁾ to the regional council that shows compliance with the design requirements in a) and c), and

³⁷⁶ Clarification (redundant condition because of condition 3(c))

³⁷⁷ Landcorp, Federated Farmers

³⁷⁸ Clarifications.

³⁷⁹ Landcorp Farming

³⁸⁰ Fonterra

³⁸¹ Clarification (moved to a standalone condition below).

8) farm wastewater storage facilities are sealed or lined so that seepage is minimised, and³⁸²

9) there are contingency measures in place to ensure compliance with conditions 1), 2) and 3) of this rule in the event of power outage or the failure of a pump, pipe, irrigator or other equipment, and

10) upon the written request by the regional council, the person doing the activity keeps a written record of the following information and provides it to the regional council's compliance manager in the form and the frequency specified in the request:

- a) dates and time of discharge, and
- b) discharge rates, and⁽⁵⁷⁵⁾
- c) land application area, and
- d) application rates and depths, and
- e) maximum number of cows being milked and milking regime, and
- f) maintenance records.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of farm wastewater onto or into land in circumstances which may result in the wastewater (or any other contaminant emanating as a result of natural processes from that wastewater) entering water (s15(1)(b)).
- Discharge of farm wastewater onto or into land and contaminants into the air (s15(2A)).³⁸³

C.6.3.1A

Horticulture wastewater discharges to land - permitted activity

The discharge of horticulture wastewater onto or into land is a permitted activity, provided:

- 1) there is no discharge into surface water, and³⁸⁴
- 2) there is no discharge onto or into ~~te~~³⁸⁵ land within:
 - a) 20 metres of a stream, continually or intermittently flowing³⁸⁶ river, artificial watercourse, lake, natural wetland, or the coastal marine area, or
 - b) 20 metres of a neighbouring property owned or occupied by another person, or
 - c) 50 metres of a³⁸⁷ any dwelling owned or occupied by another person, or
 - d) 20 metres of the head of any drinking water supply bore, and
- 3) the discharge does not result in ponding on the land for longer than three hours, and

³⁸² Clarification (relocated from condition 7(c)).

³⁸³ Clarification.

³⁸⁴ Clarification.

³⁸⁵ Clarification.

³⁸⁶ Clarification.

³⁸⁷ Clarification.

- 4) the discharge of vegetable washwater is undertaken³⁸⁸ in accordance with Section 2 of *Vegetable Wastewater Discharge Code of Practice 2017*, and
- 5) the discharge of greenhouse nutrient solution is undertaken³⁸⁹ in accordance with the *Code of Practice for the Management of Greenhouse Nutrient Discharges 2007*, and
- 6) upon written request by the regional council, the person doing the activity keeps a written record of the following information and provides it to the regional council's compliance manager in the form and frequency specified in the request:
 - a) dates and time of the discharge, and
 - b) land application area, and
 - c) application rates and.⁽⁵⁷⁷⁾

The RMA activities this rule covers:

- Discharge of horticulture wastewater onto or into land in circumstances which may result in the horticulture wastewater (or any other contaminant emanating as a result of natural processes from the horticulture wastewater) entering water (s15(1)(b)).
- Discharge of horticulture wastewater onto or into land and contaminants into the air (s15(2A)).

C.6.3.2

Discharges associated with the making or storage of silage - permitted activity

The discharge of contaminants onto or into land in association with the making or storage of silage is a permitted activity, provided:

- 1) there is no discharge onto or into surface water or to³⁹⁰ land within a setback distance in condition 2), and
- 2) the storage site is not located within
 - a) 50 metres of surface water a permanently or intermittently flowing river, artificial watercourse, lake, natural wetland³⁹¹ or the coastal marine area, or
 - b) 50 metres of the head of any water supply bore, or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and
- 3) the discharge does not contaminate any groundwater supply or surface water, and
- 4) catchment runoff water³⁹² is prevented from entering the storage site, and
- 5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

³⁸⁸ Clarification.

³⁸⁹ Clarification

³⁹⁰ Clarification

³⁹¹ Clarification

³⁹² Clarification

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of discharge of contaminants onto or into land in association with the making or storage of silage onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.(s15(1)(b)).
- Discharge of contaminants onto or into land and contaminants into the air in association with the making or storage of silage (s15(2A)).

C.6.3.3

Discharges associated with the disposal of dead animals or offal - permitted activity

The discharge of contaminants onto or into land in association with the disposal of dead animals or offal is a permitted activity, provided:

- 1) ~~there is no discharge into surface water, and~~
- 2) the disposal site is not located within:
 - a) 50 metres of surface water a permanently or intermittently flowing river, artificial watercourse, lake, natural wetland³⁹³ or the coastal marine area, or
 - b) 50 metres of the head of any water supply bore, or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and
- 3) the discharge does not contaminate any groundwater supply or surface water, and
- 4) water catchment runoff⁽⁵⁸⁰⁾ is prevented from entering the disposal site, and
- 5) the disposal site is covered or otherwise contained,³⁹⁴ and⁽⁵⁸¹⁾
- 6) the discharge does not cause an offensive or objectionable odour beyond the property boundary.
- 7) where a composting process is used, only dead animals or animal parts from the production land activity within property are to be composted, and industry guidelines specific to the type of dead animal being composted are complied with.³⁹⁵

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of discharge of contaminants onto or into land in association with the disposal of dead animals or offal onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminant) entering water (s15(1)(b)).
- Discharge of contaminants onto or into land and contaminants into the air in association with the disposal of dead animals or offal (s15(2A)).

³⁹³ Clarification

³⁹⁴ Brocx T

³⁹⁵ NZ Pork, Hodgson, para 34

C.6.3.4

Emergency discharge of milk to land - permitted activity

The emergency discharge of milk onto or into land is a permitted activity, provided:

1. there is no discharge ~~into surface water or onto or into~~ land within:
 - a) 50 metres of ~~surface water~~ or the coastal marine area, or
 - b) 50 metres of the head of any water supply ~~bore~~, or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and
2. the milk does not pond on the land for longer than three hours after the discharge, and
3. the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- ~~Discharge of discharge of milk onto or into land in circumstances which may result in the milk (or any other contaminant emanating as a result of natural processes from the milk) entering water (s15(1)(b)).~~
- ~~Discharge of milk onto or into land and contaminants into the air (s15(2A)).~~

C.6.3.5

~~Agricultural~~ ~~Other~~ ~~wastewater~~ discharges ~~to land~~³⁹⁶ – discretionary activity⁽⁵⁸⁴⁾

The discharge onto or into land of ~~farm wastewater~~, ~~horticulture wastewater~~, contaminants associated with the making or storage of silage, contaminants associated with the disposal or dead stock or offal, or milk that is not ~~a permitted, restricted discretionary, non-complying activity or prohibited activity under in section C.6.3 of this Plan is a discretionary activity:~~

- ~~1) a permitted activity under C.6.3.1C.6.3.1, or~~
- ~~2) a permitted activity under C.6.3.2 'Discharges associated with the making or storage of silage – permitted activity', or~~
- ~~3) a permitted activity under C.6.3.3 'Discharges associated with the disposal of dead animals or offal – permitted activity', or~~
- ~~4) a permitted activity under C.6.3.4 'Emergency discharge of milk to land – permitted activity', or~~
- ~~5) a discretionary activity under C.6.3.6 'Farm wastewater discharges to water – permitted activity' or~~
- ~~6) a prohibited activity under C.6.3.7 'Farm wastewater discharges to water – prohibited activity'.³⁹⁷~~

³⁹⁶ Clarification.

³⁹⁷ Clarification.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of contaminants onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of contaminants onto or into land and into air (s15(2A)).

C.6.3.6

Farm wastewater and Horticulture wastewater discharges to water – discretionary activity⁽⁵⁸⁸⁾

The discharge of treated farm wastewater and⁽⁵⁸⁹⁾ horticulture wastewater⁽⁵⁹⁰⁾ into water is a discretionary activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
- Discharge of treated horticulture wastewater into water (s15(1)(a)).

C.6.3.6A

Farm wastewater discharges to water - non-complying activity

The discharge of treated farm wastewater into water is a non-complying activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.⁽⁵⁹²⁾

The RMA activities this rule covers:

- Discharge of treated farm wastewater into water (s15(1)(a)).

C.6.3.7

Farm wastewater discharges to water – prohibited activity⁽⁵⁹³⁾

The discharge of:

- 1) untreated farm wastewater to surface water or directly to groundwater, or
- 2) treated farm wastewater into:
 - a) a dune lake, or
 - b) surface water flowing into any dune lake, or
 - c) an outstanding freshwater body, or
 - d) a significant wetland,

is a prohibited activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
 - Discharge of farm wastewater into water (s15(1)(a)).
-

C.6.4 Stormwater discharges

C.6.4.1

Stormwater discharges from a public stormwater network – permitted activity

The diversion and discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water³⁹⁸ is a permitted activity, provided:

1A. the discharge is not from a public stormwater network servicing an urban area listed in Table 5 'Urban areas',⁽⁵⁹⁶⁾ and

- 1) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge or downstream⁽⁵⁹⁷⁾, and

1A) The discharge is not within 100 metres of a geothermal surface feature, and³⁹⁹

- 2) the diversion and discharge does not cause or increase flooding of land outside the area serviced by the stormwater network up to the 10 percent annual exceedance probability or flooding of buildings outside the area serviced by the network up to the one percent annual exceedance probability, and⁽⁵⁹⁸⁾

- 3) the discharge does not contain contaminants used, stored or generated in any wastes or cooling water from⁽⁵⁹⁹⁾ a trade or industrial premises, and

- 4) the discharge does not contain more than:

- a) 15 milligrams per litre of total petroleum hydrocarbons, and or
- b) 100 milligrams per litre of suspended solids, and⁽⁶⁰⁰⁾

- 5) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20-metre radius from the point of discharge⁽⁶⁰¹⁾:

- a) an exceedance of a water quality standard or a sediment quality standard, or⁽⁶⁰²⁾
- b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
- c) a conspicuous change in the colour or visual clarity, or
- d) an emission of objectionable odour, or
- e) the rendering of fresh water unsuitable for consumption by farm animals, or
- f) a significant adverse effect on aquatic life ecosystem health⁴⁰⁰ and

- 6) within two years of the operative date of this rule, a stormwater management plan for the networks listed in Table 5 is provided to the council, and

³⁹⁸ Clarification.

³⁹⁹ NZ Geothermal Association

⁴⁰⁰ Clarification

- 7) the stormwater management plan is consistent with the requirements in Appendix H.2 and is regularly updated to reflect any physical or planned changes that exceed the most recent design horizon of the plan and is provided to the council, and
- 8) the stormwater network is operated in accordance with the stormwater management plan.⁽⁶⁰³⁾

Table 5 Priority public stormwater networks Urban areas

Far North District	Whangarei District	Kaipara District
Kaitaia	One Tree Point - Marsden Cove	Dargaville
Kaikohe	Ruakaka	Mangawhai- Heads
Kerikeri	Waipu	Mangawhai
Paihia	Whangarei City ⁽⁶⁰⁵⁾	
Waipapa-Haruru ⁽⁶⁰⁴⁾		

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Diversion of stormwater (s14(2)).
- Discharge stormwater into water (s15(1)(a)).
- Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b)).

C.6.4.2

Other stormwater discharges – permitted activity

The diversion and discharge of stormwater into water or onto or into land where it may enter water⁴⁰¹ from an impervious area, recontoured land,⁽⁶⁰⁸⁾ or by way of a stormwater collection system is a permitted activity, provided:

- 1) the discharge or diversion⁽⁶⁰⁹⁾ is not from:
 - a) a public stormwater network, or
 - b) a high risk industrial or trade premises, and
- 2) the discharge or diversion does not cause or increase nuisance or damage to other property the diversion and discharge does not cause or increase flooding of land on another property in a storm event of up to and including a ten percent annual exceedance probability, or

⁴⁰¹ Ravensdown, Taylor, para 2.21/Clarification.

flooding of buildings on another property in a storm event of up to and including a one percent annual exceedance probability⁴⁰² (610), and

- 3) where the ~~stormwater~~⁽⁶¹¹⁾ diversion or discharge is from a hazardous substance storage ~~or handling~~⁴⁰³ area:
- a) the ~~stormwater collection system~~ is designed and operated to prevent hazardous substances stored or used on the site from entering the ~~stormwater~~⁽⁶¹²⁾ system, or
 - b) there is an ~~stormwater interceptor~~ ~~secondary containment system~~⁽⁶¹³⁾ in place to collect stormwater that may contain ~~contain any spillage of~~ hazardous substances and discharge or divert ~~that spillage~~⁴⁰⁴ it to a trade waste system or store it for removal and treatment, ~~unless or~~⁽⁶¹⁴⁾
 - c) ~~if~~ the stormwater contains ~~no hazardous substances except~~ oil or grease ~~oil~~ ~~contaminants~~⁽⁶¹⁵⁾ and the stormwater is passed through an ~~oil interceptor~~ ~~stormwater treatment~~⁽⁶¹⁶⁾ system ~~designed in accordance with the Ministry for the Environment Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand~~⁴⁰⁵ prior to discharge, and⁴⁰⁶
- 4) where the ~~stormwater~~⁽⁶¹⁷⁾ diversion or discharge is from an industrial or trade premises ~~that is not a high-risk industrial or trade premises~~⁴⁰⁷:
- a) the ~~stormwater collection system~~ is designed and operated to prevent any ~~other~~⁽⁶¹⁸⁾ contaminants stored or used on the site, ~~other than those already controlled by condition 3) above~~⁽⁶¹⁹⁾ from entering stormwater unless the stormwater is discharged through a stormwater ~~treatment system~~ ~~interceptor~~⁽⁶²⁰⁾, and
 - b) any process water or ~~liquid~~⁴⁰⁸ waste stream on the site is banded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100 percent of the quantity of any process water or ~~liquid~~⁴⁰⁹ waste that has the potential to spill into a ~~stormwater collection system~~, in order to prevent trade waste entering the ~~stormwater collection system~~, and
- 5) ~~where the stormwater diversion or discharge is from contaminated land~~⁽⁶²¹⁾ ~~the diversion or discharge is not:~~
- a) ~~a site investigation report prepared by a suitably qualified and experienced practitioner demonstrates that the stormwater discharge does not contain more than;~~
 - i) ~~15 milligrams per litre of total petroleum hydrocarbons, and~~
 - ii) ~~0.13 micrograms per litre of perfluorooctane sulfonate acid and perfluorohexane sulfonate, and~~
 - iii) ~~632 micrograms per litre of perfluorooctanoic acid, and~~

⁴⁰² Haigh Workman Ltd.

⁴⁰³ Clarification.

⁴⁰⁴ Clarification.

⁴⁰⁵ The Oil Companies.

⁴⁰⁶ Oil Companies, Le Marquand, para 4.18

⁴⁰⁷ Clarification

⁴⁰⁸ Clarification

⁴⁰⁹ Clarification

- iv) ~~the concentrations listed in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000), at the 95% species protection level, and~~
- b) ~~the discharge is not via deep soakage or rapid infiltration systems, and~~⁽⁶²²⁾
- e) ~~into contaminated land, or~~
- d) ~~onto contaminated land that is not covered by an impervious area~~
- 6) the diversion and discharge ~~does not cause permanent scouring or erosion of the bed of a water body at the point of discharge erode the bed or banks of a lake or river, or the foreshore~~⁽⁶²⁴⁾, and
- 7) the discharge does not contain more than:
 - a) 15 milligrams per litre of total petroleum hydrocarbons, ~~and~~⁽⁶²⁵⁾
 - b) ~~100 milligrams per litre of suspended solids~~⁽⁶²⁶⁾
- 8) the discharge does not cause any of the following effects in the receiving waters beyond a ~~20 metre radius from the point of discharge the zone of reasonable mixing:~~⁽⁶²⁷⁾
 - a) ~~an exceedance of a water quality standard or a sediment quality standard, or~~⁽⁶²⁸⁾
 - b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - c) a conspicuous change in the colour or visual clarity, or
 - d) an emission of objectionable odour, or
 - e) the rendering of fresh water unsuitable for consumption by farm animals, or
 - f) a significant adverse effect on aquatic ~~life ecosystem health~~.⁴¹⁰

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a),(b) and (d)).~~
- ~~Diversion of stormwater (s14(2)).~~
- ~~Discharge stormwater into water (s15(1)(a)).~~
- ~~Discharge of stormwater or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b)).~~
- ~~Discharge from any industrial or trade premises onto or into land (s15(1)(c)).~~

C.6.4.3

Stormwater discharges – controlled activity

The diversion and discharge of stormwater into water or onto or into land that is not ~~a permitted activity or discretionary activity in section C.6.4 of this Plan~~:

⁴¹⁰ Clarification.

1. ~~a permitted activity under C.6.4.1 'Stormwater discharges from a public stormwater network — permitted activity', or~~
2. ~~a permitted activity under C.6.4.2 'Other stormwater discharges — permitted activity', or~~
3. ~~a discretionary activity under C.6.4.4 'Stormwater discharge contaminated land and high risk industrial or trade premises — discretionary activity'~~⁴¹¹

is a controlled activity, provided the discharge is not from a ~~high risk industrial or trade premise or contaminated land~~.⁽⁶³¹⁾

Matters of control

- 1) The maximum concentration or load of contaminants in the discharge.
- 2) The size of the zone of reasonable mixing.
- 3) The adequacy of measures to minimise erosion.
- 4) Measures to avoid, remedy or mitigate conspicuous oil or grease films, scums or foams, of floatable or suspended material.⁽⁶³²⁾
- 5) ~~The adequacy of measures to minimise flooding in areas affected by the stormwater network.~~⁽⁶³³⁾
- 6) The design and operation of the stormwater system and any staging of works.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a), (b), and (d)).~~
- Diversion of stormwater (s14(2))
- Discharge stormwater into water (s15(1)(a))
- Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b)).
- Discharge from any industrial or trade premises onto or into land (s15(1)(c)).
- Discharge of stormwater .onto or into land (s15(2A)).

C.6.4.4

Stormwater discharges onto or into from contaminated land and or from high risk industrial or trade premises - discretionary activity

The diversion and discharge of stormwater:

- 1) into water or onto land where it may enter water from a high risk industrial or trade premise, or
- 2) into contaminated land, or
- 3) onto contaminated land that is not covered by an impervious area⁽⁶³⁵⁾

⁴¹¹ Clarification.

is a discretionary activity.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
 - ~~Discharge of contaminants into environment (s15(1)(a), (b), and (d)).~~
 - ~~Diversion of stormwater (s14(2)).~~
 - ~~Discharge stormwater into water (s15(1)(a)).~~
 - ~~Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b)).~~
 - ~~Discharge from any industrial or trade premises onto or into land (s15(1)(c)).~~
 - ~~Discharge of stormwater onto or into land (s15(2A)).~~
-

C.6.5 Agrichemicals ~~Change to Agrichemicals and vertebrate toxic agents~~

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C.6.5.1

Application of agrichemicals – permitted activity

The discharge of agrichemicals into air, onto land or onto land where ~~they~~ ^{it}⁴¹² may enter water is a permitted activity provided:

- 1) for all methods (~~including~~⁽⁶³⁷⁾ hand-held spraying, ground-based spraying and aerial application):
 - a) the discharge does not result in:
 - i) ~~the discharge does not result in~~⁽⁶³⁸⁾ any ~~noxious, dangerous,~~ offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of ~~airborne contaminants including those that adversely affect traffic or aircraft safety,~~ beyond the boundary of the subject property or in the coastal marine area, and⁽⁶³⁹⁾
 - ii) damage to any ~~spray-sensitive areas~~ beyond the boundary of the subject property or in the coastal marine area, and
 - b) there is no direct discharge into ~~or onto~~ water, and⁽⁶⁴⁰⁾
 - c) neighbouring properties receive notification no less than 24 hours and no more than ~~two~~⁴¹³ ~~three~~⁽⁶⁴¹⁾ ~~four~~ weeks before the spraying activity is to take place, as set out in Table 6 'Spraying notification requirements', and
 - ~~d) some or all of the notification requirements can be amended or omitted with the agreement of affected neighbours, and~~⁴¹⁴

⁴¹² Clarification

⁴¹³ Hort NZ

⁴¹⁴ Clarification

- e) ~~in addition, for spraying agrichemical application⁽⁶⁴²⁾ by any method in public amenity areas, prominent signs are placed within the immediate vicinity, if agrichemicals are applied within 100 metres of a public amenity area (such as a track, walkway, lookout, play area, picnic area, lawn, carpark, camping area within a park or reserve or any location where public have unrestricted access in a park or reserve)⁽⁶⁴³⁾~~⁴¹⁵ prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete for any required stand-down period afterwards.⁽⁶⁴⁴⁾ The⁴¹⁶ signs must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects indication of any specific hazards⁽⁶⁴⁵⁾ and the application method. A record of the notification undertaken must be kept and made available to the regional council on request, and
- f) ~~in addition,~~⁽⁶⁴⁶⁾ for spraying by any method in public road corridors⁴¹⁷ and rail corridors:⁽⁶⁴⁷⁾
- i) ~~prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying at least 7 days and not one month and remain in place for any required stand down period afterwards, and~~⁴¹⁸
 - ii) ~~other than for backpack spraying of roadside boundary fencelines adjacent to private land,~~⁴¹⁹ a public notice must be placed in a newspaper⁴²⁰ or a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed⁴²¹ at least 7 days and not one month before spraying is to take place, and
 - iii) ~~the signs, public notice and letter drop~~ all of the above⁴²² must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects⁴²³ and the application method, and
 - iv) vehicles used ~~for spraying to spray~~⁴²⁴ must display prominent signs (front and back) advising that spraying is in progress, and
 - v) a record of the notification undertaken must be kept and made available to the regional council on request, and

Table 6 Spraying notification requirements

Spraying method	Properties to be notified	Notification requirements
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⁴¹⁵ Clarification

⁴¹⁶ Clarification

⁴¹⁷ Clarification

⁴¹⁸ Town and General Vegetation Control Limited

⁴¹⁹ LaBonte, para 2.5

⁴²⁰ Clarification

⁴²¹ Clarification

⁴²² Clarification

⁴²³ Horticulture New Zealand

⁴²⁴ Clarification

Hand-held spraying	Nil (unless a public amenity area or public ⁽⁶⁵⁰⁾ road corridor or and ⁴²⁵ rail corridor under the specific requirements above).	Nil (unless a public amenity area or public ⁽⁶⁵¹⁾ road corridor or and ⁴²⁶ rail corridor under the specific requirements above).
Ground-based spraying	Any property with a spray-sensitive area within 30 50 ⁴²⁷ metres of the spraying, including when spraying is taking place in public amenity areas but excluding when the spraying is taking place in a public ⁽⁶⁵²⁾ road corridor ⁴²⁸ or rail corridor.	Notification: a) is to be ⁴²⁹ undertaken by the owner or occupier of the property to ⁴³⁰ be sprayed where agrichemicals will be applied ⁽⁶⁵³⁾ unless delegated to the applicator, management company, forest manager, or pack house operator ⁴³¹ , and b) is to be ⁴³² in writing (which can include email or other electronic means), or by telephone ⁽⁶⁵⁴⁾ and c) includes: 1. the days and times over when the spraying agrichemical application is likely to take place, including alternative days and times if the ⁴³³ weather is unsuitable, and 2. the contact details of the property owner or applicator, or management company, forest manager, or packhouse operator, ⁴³⁴ and
Aerial application	Any property with a spray-sensitive area within 200 metres of the spraying, including when spraying is taking place in public amenity areas but excluding when the spraying is taking place in a public ⁽⁶⁵⁶⁾ road corridor ⁴³⁷ or rail corridor.	
Granules, gels and agrichemical baits	Any property with a spray-sensitive area within 30 metres of the agrichemical application, including when agrichemical application is taking place in public amenity areas but excluding when the agrichemical application is taking place in a public road corridor ⁴³⁸ or rail corridor.	

⁴²⁵ Clarification

⁴²⁶ Clarification

⁴²⁷ Cinna Smith

⁴²⁸ Clarification

⁴²⁹ Clarification

⁴³⁰ Clarification

⁴³¹ Hort NZ, Wharfe, para 8.43

⁴³² Clarification

⁴³³ Clarification

⁴³⁴ Hort NZ, Wharfe, para 8.43

⁴³⁷ Clarification

⁴³⁸ Clarification

		<ol style="list-style-type: none"> 3. the details of <u>agrichemicals being</u>⁴³⁵ <u>applied, and</u> 4. <u>indication of any specific hazards (including e.g. bee toxicity to bees),</u>⁴³⁶ <u>and</u> 5. <u>the application method.</u>⁽⁶⁵⁵⁾
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2A. For ground-based spraying and aerial spraying :

A) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals⁴³⁵. Specific section are:

- i) Use - Part 5.3, and
- ii) Storage - Appendix L4, and
- iii) Disposal - Appendix S, and
- iv) Records - Appendix C9, and⁽⁶⁵⁹⁾

B) a Spray Plan must be prepared annually for the area where the agrichemical will be applied is provided to the regional council on request, and⁽⁶⁶⁰⁾

C) Where the activity is undertaken within 100 meters of a spray sensitive area:

1) A risk assessment must be carried out prior to the application of an agrichemical and meaures must be taken to ensure to minimise adverse effects on spray sensitive areas. The risk assessment must include reference to Table G1 the Drift hazard guidance chart in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), and

2) Agrichemicals must only be applied when the wind direction is away from the spray sensitive area, and

3) The application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004).⁴³⁹

2. For ground-based spraying:

a) an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate (or their equivalent), and

⁴³⁵ Clarification

⁴³⁶ Clarification

⁴³⁹ Smith, Wheeler D & L and Muraro

b) an applicator who is not a contractor holds a current GROWSAFE Introductory Standard Certificate (or its equivalent) or is under direct supervision of a person with a GROWSAFE Registered Chemical Applicators Certificate or GROWSAFE Advanced Certificate (or their equivalent), and⁴⁴⁰

c) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals, Specific sections are:

v) Use – Part 5.3, and

vi) Storage – Appendix L4, and

vii) Disposal – Appendix S, and

viii) Records – Appendix C9, and⁽⁴⁴²⁾

d) a Spray Plan is provided to the regional council on request, and⁽⁴⁴¹⁾

3. for aerial application:

a) an applicator holds a current GROWSAFE Pilot AgricChemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or their equivalent), and⁴⁴²

b) the activity is undertaken in accordance with the following sections of *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals, Specific sections are:

i) Use – Part 5.3, and

ii) Storage – Appendix L4, and

iii) Disposal – Appendix S, and

iv) Records – Appendix C9, and⁽⁴⁴³⁾

v) B)there is no aerial application in urban areas.

c) a Spray Plan is provided to the regional council on request.⁽⁴⁴³⁾

4. For agrichemicals containing 2,4-D:

a) The agrichemical is non-volatile or is slightly low volatile⁴⁴⁴, or

b) Application is by hand-held spraying, or

c) Application by ground-based spraying or aerial spraying only occurs between 1 May and 31 August.⁴⁴⁵

Notes:

In addition to the requirements of Rule C.6.5.1 above, the substance the agrichemical must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

⁴⁴⁰ Horticulture New Zealand, Wharfe

⁴⁴¹ Consequential to 2A

⁴⁴² Hort NZ, Wharfe

⁴⁴³ Consequential to 2A

⁴⁴⁴ vapour pressure less than 1x10⁻⁴mmHg

⁴⁴⁵ Leonard B – original submission.

*In relation to non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval **for the agrichemical** under the Hazardous Substances and New Organisms Act 1996, or equivalent as recognised and required by Environmental Protection Authority or Ministry for Business Innovation and Employment, and be able to demonstrate competency using agrichemicals to avoid adverse impacts.*

In relation to aerial application, the applicator and ground crew must hold qualifications and competencies as required by Environmental Protection Authority and Worksafe New Zealand.⁽⁶⁶⁴⁾

The RMA activities this rule covers:

- ~~Discharge contaminants to land which may enter water (s15(1)(b)).~~
- ~~Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- ~~Discharge of agrichemicals onto or into land in circumstances which may result in the agrichemicals (or any other contaminant emanating as a result of natural processes from the agrichemicals) entering water (s15(1)(b)).~~
- ~~Discharge of agrichemicals from any industrial or trade premises into air (s15(1)(c)).~~
- ~~Discharge of agrichemicals from any industrial or trade premises onto or into land (s15(1)(d)).~~
- ~~Discharge of agrichemicals into air or onto or into land (S15(2A)).~~

C.6.5.2

Application of agrichemicals into water – permitted activity

The discharge of agrichemicals into air where **they** ~~it~~ can directly enter water is a permitted activity provided:⁴⁴⁶

- 1) ~~other than for the control of plant pest species listed in the Regional Pest Management Plan or the National Pest Plant Accord,~~⁴⁴⁷ there is no discharge into **coastal** water ~~in the coastal marine area,~~ and⁴⁴⁸
- 2) the discharge does not cause beyond **the zone of reasonable mixing 20 meters** in the receiving waters from the point of discharge:⁽⁶⁶⁶⁾
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) **an** increase the temperature by more than three degrees Celsius, or⁴⁴⁹
 - c) ~~a water quality standard to be exceeded, or~~⁽⁶⁶⁷⁾

⁴⁴⁶ Clarification

⁴⁴⁷ DOC, Havell, para 27

⁴⁴⁸ Clarification

⁴⁴⁹ Clarification

- d) **cause** the pH to fall outside of the range of 6.5-8.5 or change the pH **of the water** by more than one pH unit, or⁴⁵⁰
- e) **cause** the dissolved oxygen to be less than five milligrams per litre, or⁴⁵¹
- f) any conspicuous change in the colour or visual clarity, or
- g) the rendering of fresh water unsuitable for consumption by farm animals, or
- h) any significant adverse effects on aquatic **life ecosystem health** (excluding pest species), and⁴⁵²

3) an applicator holds a recognised application qualification (GROWSAFE or their equivalent with an aquatic component), and⁴⁵³

4) the activity is undertaken in accordance with **the following sections of the** *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals **- Specific sections are;**⁴⁵⁴

- a) **Use - Part 5.3, and**
- b) **Storage - Appendix L4, and**
- c) **Disposal - Appendix S, and**
- d) **Records - Appendix C9, and (669)**

4A Where the activity is undertaken within 100 meters of a spray sensitive area:

1) A risk assessment must be carried out prior to the application of an agrichemical and measures must be taken to ensure to minimise adverse effects on spray sensitive areas. The risk assessment must include reference to Table G1 the Drift hazard guidance chart in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), and

2) Agrichemicals must only be applied when the wind direction is away from the spray sensitive area, and

3) The application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004).⁴⁵⁵

5) the following notification takes place:

- a) every person taking water for potable supply within one kilometre downstream of the proposed discharge **is notified** no less than 24 hours and no more than two weeks prior to the proposed commencement of any spraying, and⁴⁵⁶

⁴⁵⁰ Clarification

⁴⁵¹ Clarification

⁴⁵² Clarification

⁴⁵³ Horticulture New Zealand, Wharfe

⁴⁵⁴ Clarification

⁴⁵⁵ Consequential to C.6.5.1(2A) for consistency

⁴⁵⁶ Clarification

- b) every holder of a resource consent for the taking of water for water supply purposes downstream of the proposed discharge **is notified** at least seven days before the discharge, and⁴⁵⁷
- c) notification must be undertaken by the owner or occupier of the property to be sprayed, unless delegated to the applicator, **management company, forest manager or packhouse operator**, and must be in writing (which can include email or other electronic means) **or by telephone**, and⁴⁵⁸
- d) **notification** must include:⁴⁵⁹
 - i) the days and times **over** when the spraying is likely to take place, including alternative days and times if **the** weather is unsuitable, and⁴⁶⁰
 - ii) the contact details of the property owner or applicator, and
 - iii) the details of **agri**chemicals being sprayed, and⁴⁶¹
 - iv) **any notable adverse effects indication of any specific hazards (including toxicity to bees)**, and⁴⁶²
 - v) the application method, and
- ~~e) some or all of the above notification requirements can be amended or omitted with the agreement of affected parties, and⁴⁶³~~
- 6) **in addition, for aerial application into water:**⁽⁶⁷⁰⁾
 - ~~a) an applicator holds a current GROWSAFE Pilot AgricChemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or their equivalent, and⁽⁶⁷¹⁾ 464~~
 - ~~b) there is no aerial application in urban areas, and~~
- 7) ~~in addition, for spraying – agricultural application by any method in public amenity areas, prominent signs are placed within the immediate vicinity if agriculturals are applied within 100 metres of a public amenity area (such as a track walkway, lookout, play area, picnic area, lawn, carpark, camping area within a park or reserve or any location where public have unrestricted access in a park or reserve)⁽⁶⁷²⁾ prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete for any required stand-down period afterwards.⁽⁶⁷⁴⁾ The signs must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects indication of any specific hazards (including toxicity to bees),⁽⁶⁷⁵⁾ and the application method. A record of the notification undertaken must be kept and made available to the regional council on request, and^{465 466}~~

⁴⁵⁷ Clarification

⁴⁵⁸ Hancock FM Ltd

⁴⁵⁹ Clarification

⁴⁶⁰ Clarification

⁴⁶¹ Clarification

⁴⁶² Horticulture New Zealand, Wharfe

⁴⁶³ Clarification – invalid condition for a permitted activity.

⁴⁶⁴ Horticulture New Zealand, Wharfe.

⁴⁶⁵ Horticulture New Zealand, Wharfe

⁴⁶⁶ Clarification

- 8) in addition, for spraying by any method in ~~public road corridors or and~~ rail corridors⁴⁶⁷
- prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying ~~at least 7 days and not one month~~ and remain in place ~~for any required stand down period afterwards until spraying is complete~~, and
 - a public notice must be placed in a newspaper or a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed at least 7 days and not one month before spraying is to take place, and
 - ~~the signs, public notice and letter drop all of the above~~ must include the contact details of the property owner or applicator, details on the ~~agri~~chemical to be sprayed, the time period over when the spraying is likely to take place, ~~any notable adverse effects~~ indication of any specific hazards (including toxicity to bees), and the application method, and^{468 469}
 - vehicles used ~~for spraying to spray~~ must display prominent signs (front and back) advising that spraying is in progress, and⁴⁷⁰
 - a record of the notification undertaken must be kept and made available to the regional council on request ~~public road and rail corridors~~.⁴⁷¹

Notes:

*In addition to the ~~requirements of Rule C.6.5.2 above, the substance the agrichemical~~ above, the substance must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.*⁴⁷²

In relation to non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval ~~for the agrichemical~~ under the Hazardous Substances and New Organisms Act 1996, or equivalent as recognised and required by Environmental Protection Authority or Ministry for Business Innovation and Employment) and be able to demonstrate competency using agrichemicals to avoid adverse impacts.

In relation to aerial application, the applicator and ground crew must hold qualifications and competencies as required by Environmental Protection Authority and Worksafe New Zealand.⁽⁶⁷⁷⁾

The RMA activities this rule covers:

- ~~Discharge contaminants into water (s15(1)(a)).~~
- ~~Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of agrichemicals into water (s15(1)(a)).

⁴⁶⁷ Clarification

⁴⁶⁸ Horticulture New Zealand, Wharfe

⁴⁶⁹ Clarification

⁴⁷⁰ Clarification

⁴⁷¹ Clarification

⁴⁷² Clarification

- Discharge of agrichemicals from any industrial or trade premises into air (s15(1)(c)).
- Discharge of agrichemicals into air (S15(2A)).

C.6.5.3

Vertebrate toxic agents (ground-based application) – permitted activity

The ground-based application of vertebrate toxic agents to land, ~~that are not exempt from Section 15⁽⁶⁷⁹⁾ by~~ other than those complying with ⁽⁶⁸⁰⁾ the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a permitted activity provided:

- 1) the substance is used as approved ~~or its intended use~~ ⁽⁶⁸¹⁾ by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, ~~and~~
- 2) ~~the discharge is more than 20 metres from a structure used to collect human or animal drinking water.~~ ⁴⁷³

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls of each phase of the substances life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

The RMA activities this rule covers:

- Discharge of contaminants onto or into land where they may enter water (s15(1)(b)).
- Discharge of vertebrate toxic agents onto or into land in circumstances which may result in the vertebrate toxic agents (or any other contaminant emanating as a result of natural processes from the vertebrate toxic agents) entering water (s15(1)(b)).
- Discharge of vertebrate toxic agents onto or into land (s15(2A)).

C.6.5.4

Vertebrate toxic agents (aerial application) – controlled activity

The aerial application of vertebrate toxic agents to land and any incidental discharge into water or incidental discharge of dust to air, ~~that are not exempt from Section 15⁽⁶⁸³⁾ by~~ other than those complying with ⁽⁶⁸⁴⁾ the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a controlled activity provided that:

- 1) the substance is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*.

Matters of control:

- 1) Separation distances from spray sensitive areas and water bodies.
- 2) Advice and information to people and authorities in and adjacent to the application area, including flight paths and any accidental discharge into water. ⁴⁷⁴

⁴⁷³ DOC, Fairweather

⁴⁷⁴ Clarification

- 3) The methods used to manage and record the location and time of discharge.

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls of each phase of the substances life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where they may enter water (s15(1)(b)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Incidental discharge of vertebrate toxic agents into water (s15(1)(a)).
- Discharge of vertebrate toxic agents onto or into land in circumstances which may result in the vertebrate toxic agents (or any other contaminant emanating as a result of natural processes from the vertebrate toxic agents) entering water (s15(1)(b)).
- Incidental discharge of vertebrate toxic agents into air or onto or into land (s15(2A)).

C.6.5.5

Application of agrichemicals and vertebrate toxic agents – discretionary activity

The discharge of agrichemicals or vertebrate toxic agents that is not a permitted or controlled activity in section C.6.5 of this Plan:

1. permitted activity under rule C.6.5.1 'Application of agrichemicals – permitted activity', or
2. permitted activity under rule C.6.5.2 'Application of agrichemicals into water – permitted activity', or
3. permitted activity under rule C.6.5.3 'Vertebrate toxic agents (ground based application) – permitted activity', or
4. controlled activity under rule C.6.5.4 'Vertebrate toxic agents (aerial application) – controlled activity', or⁴⁷⁵

is a discretionary activity.

The RMA activities this rule covers:

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants to land which may enter water (s15(1)(b)).
- Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of agrichemicals or vertebrate toxic agents into water (s15(1)(a)).
- Discharge of agrichemicals or vertebrate toxic agents onto or into land in circumstances which may result in the agrichemicals (or any other contaminant emanating as a result of

⁴⁷⁵ Clarification

natural processes from the agrichemicals or vertebrate toxic agents) entering water (s15(1)(b)).

- Discharge of agrichemicals or vertebrate toxic agents from any industrial or trade premises into air (s15(1)(c)).
 - Discharge of agrichemicals or vertebrate toxic agents from any industrial or trade premises onto or into land (s15(1)(d)).
 - Discharge of agrichemicals or vertebrate toxic agents into air or onto or into land (S15(2A)).
-

C.6.6 Industrial and trade **wastewater** discharges

C.6.6.1

Discharge of cooling water - permitted activity

The discharge of cooling water into water is a permitted activity, provided:

- 1) the discharge is free of any **hazardous substance**, and

1A) The discharge is not within 100 metres of a **geothermal surface feature**, and⁴⁷⁶

- 2) the discharge does not cause any of the following effects in the receiving waters beyond **the zone of reasonable mixing** a 20-metre radius from the point of discharge⁽⁶⁸⁷⁾:
 - a) an increase in temperature of more than three degrees Celsius, or
 - b) the pH to fall outside a range of 6.5 to 8.5, or
 - c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - d) a conspicuous change in the colour, or visual clarity, or
 - e) a significant adverse effect on aquatic **life ecosystem health**,⁴⁷⁷ and
- 3) the discharge does not cause any **permanent** scouring or erosion **of the bed of a water body at the point of discharge**.⁴⁷⁸

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
- Discharge of cooling water into water (s15(1)(a)).

C.6.6.1A

Discharge of contaminants from a water treatment plant - permitted activity

⁴⁷⁶ NZ Geothermal Association

⁴⁷⁷ Clarification

⁴⁷⁸ Clarification

The discharge of untreated or primary treated water containing contaminants into water or onto or into land from a water treatment plant for potable water supply is a permitted activity, provided:

- 1) the discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and⁴⁷⁹
- 2) the discharge only occurs during times of high total suspended solids concentrations in the treatment plant's source water, and⁴⁸⁰
- 3) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:
 - a) an increase in water temperature by more than three degrees Celsius, or
 - b) the pH to fall outside a range of 6.5 to 8.5, or
 - c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - d) a conspicuous change in the colour, or visual clarity, or
 - e) a significant adverse effect on aquatic life ecosystem health.⁴⁸¹

The RMA activities this rule covers:

- Discharge of untreated or primary treated water containing contaminants into water from a water treatment plant for potable water supply (s15(1)(a)).
- Discharge of untreated or primary treated water containing contaminants onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of untreated or primary treated water containing contaminants onto or into land from a water treatment plant for potable water supply (s15(1)(d)).

C.6.6.2

Discharge of certain types of industrial or trade wastewater - permitted activity⁽⁶⁹⁰⁾

The discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land is a permitted activity, provided:

- 1) the volume discharged does not exceed:
 - a) three cubic metres per day, averaged over the month of greatest discharge, and
 - b) six cubic metres during any 24-hour period, and
- 2) the discharge is not via a deep soakage system or rapid infiltration systems,⁴⁸² and
- 3) the lowest point of the disposal system is not less than 0.9 metres above the winter groundwater table, and

⁴⁷⁹ Clarification

⁴⁸⁰ Clarification

⁴⁸¹ Clarification

⁴⁸² Clarifications

- 4) the discharge is not into or onto [contaminated land](#), and
- 5) the pH of the [wastewater](#) is between five and nine, and
- 6) the sodium absorption ratio of the [wastewater](#) is less than 10, and
- 7) ~~the concentrations of contaminants in the [wastewater](#) do not exceed:~~
 - a) ~~5 milligrams per litre of aluminium, or~~
 - b) ~~0.1 milligrams per litre of arsenic, or~~
 - c) ~~0.1 milligrams per litre of beryllium, or~~
 - d) ~~0.5 milligrams per litre of boron, or~~
 - e) ~~0.01 milligrams per litre of cadmium, or~~
 - f) ~~0.1 milligrams per litre of chromium, or~~
 - g) ~~0.05 milligrams per litre of cobalt, or~~
 - h) ~~0.2 milligrams per litre of copper, or~~
 - i) ~~0.2 milligrams per litre of iron, or~~
 - j) ~~2 milligrams per litre of lead, or~~
 - k) ~~0.2 milligrams per litre of manganese, or~~
 - l) ~~0.002 milligrams per litre of mercury, or~~
 - m) ~~0.01 milligrams per litre of molybdenum, or~~
 - n) ~~0.2 milligrams per litre of nickel, or~~
 - o) ~~2 milligrams per litre of zinc, or~~
 - p) ~~15 milligrams per litre of total petroleum hydrocarbons, and~~⁽⁶⁹¹⁾
- 8) there is no discharge:
 - a) ~~directly into water, or~~⁴⁸³
 - b) into [surface water](#) via overland flow, or
 - c) into [surface water](#) via any tile, mole or other subsurface drain, and
- 9) there is no discharge to land or overland flow within:
 - a) 20 metres of any river, lake, natural wetland, or the coastal marine area, or
 - b) 20 metres of any [artificial watercourse](#) when containing water, or
 - c) 20 metres of a neighbouring property owned or occupied by another person, or
 - d) 50 metres of the head of a [bore](#) for any water supply, or
 - e) 50 metres of any dwelling owned or occupied by another person, and
- 10) The ~~[wastewater](#) is discharged~~ ~~discharge occurs~~⁴⁸⁴ in a manner that:

⁴⁸³ Clarification

⁴⁸⁴ Clarification

a) ~~does not exceed the soil's ability to absorb the wastewater, and~~⁴⁸⁵

b) does not result in ponding on the land for more than three hours after the discharge, and

c) evenly distributes ~~it the wastewater~~⁴⁸⁶ over entire infiltration surface of the disposal system, and

11) there is a reserve area equivalent to 100 percent of the disposal area, and

12) there is no clogging of the disposal system or soils.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(d)).~~
- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land (s15(1)(d)).

C.6.6.3

Industrial or trade discharges - discretionary activity

The discharge of contaminants (except for contaminants entrained in stormwater)⁽⁶⁹³⁾ from an industrial or trade premises into or onto land or into water that is not:

1) a permitted activity under C.6.6.1 'Discharge of cooling water - permitted activity', or

1A) a permitted activity under C.6.6.1A 'Discharge of contaminants from a water treatment plant - permitted activity', or⁽⁶⁹⁴⁾

2) a permitted activity under C.6.6.2 'Discharge of industrial or trade wastewater - permitted activity

or any other rule relating to discharges of contaminants from industrial or trade premises,⁽⁶⁹⁵⁾ is a discretionary activity.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a) and (d)).~~
- Discharge of contaminants from an industrial or trade premises into water (s15(1)(a))
- Discharge of contaminants from an industrial or trade premises onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of contaminants from an industrial or trade premise onto or into land (s15(1)(d)).

⁴⁸⁵ Clarification

⁴⁸⁶ Clarification

Note: For rules relating to the discharge of contaminants entrained in stormwater from an industrial or trade premises see Rules in C.6.4 of this Plan.⁴⁸⁷

C.6.7 Solid waste

C.6.7.1

Cleanfill – permitted activity

The placement of **cleanfill material** onto or into land is a permitted activity, provided:

- 1) all conditions in rule C.8.3.1 'Earthworks – permitted activity' are complied with, and
- 2) the following details are recorded and made available to the regional council on request
 - a) the source and composition of the **cleanfill material**, and
 - b) Global Positioning System co-ordinates of the **cleanfill material** in the disposal site, and
- 3) the **cleanfill material** is located to avoid being undermined or eroded by natural processes or being inundated by coastal or river flooding, and
- 4) there is no offensive or objectionable dust beyond the boundary of the subject **property**.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Discharge of contaminants onto or into land where it may enter water (s15(1)(b)).

C.6.7.2

Discharges to land from closed landfills – permitted activity

The discharge of contaminants from a closed landfill onto or into land from a closed landfill in circumstances which may result in those contaminants entering water is a permitted activity, provided:

- 1) a risk assessment of the closed landfill is certified by a **suitably qualified and experienced practitioner** and carried out in accordance with the risk screening system developed by Ministry for the Environment which demonstrates that the environmental risk is low; and
- 2) a copy of the risk assessment is lodged with the Southland Regional Council.

Note: The current risk screening system for closed refuse disposal facilities <15,000 cubic metres MSW is contained in the document *Small Landfill Closure Criteria – Risk Assessment for Small Closed Landfills* (MfE, 2002) and for closed refuse disposal facilities >15,000 cubic metres MSW in the procedures set out in the document in *A Guide to the Management of Closing and Closed Landfills in New Zealand* (MfE, 2001) ⁴⁸⁸

⁴⁸⁷ Clarification

⁴⁸⁸ WDC, Carvell, para 149

- 1) ~~refuse~~ in the ~~landfill~~ is capped with a minimum of:
 - a) ~~150 millimetres topsoil layer for vegetation, and~~
 - b) ~~600 millimetres compacted barrier layer (silt, silty clay, clay), with permeability not greater than nine millimetres per day, and~~
 - c) ~~300 millimetres compacted subgrade or foundation layer, and~~
- 2) ~~the site is protected from salt water, groundwater and freshwater intrusion or inundation by the use of stop banks or impermeable seals, and~~
- 3) ~~the surface of the landfill is sloped to prevent ponding of surface water, and~~
- 4) ~~the final capping layer is planted using vegetation that will maintain ground cover and whose roots will not intrude through the capping layer into the refuse in the landfill, and~~
- 5) ~~catchment run-off is prevented from entering the landfill, and~~
- 6) ~~the discharge does not cause beyond a 20-metre radius in the receiving waters from the point of discharge:~~
 - a) ~~an exceedance of a water quality standard or a sediment quality standard, or ⁽⁶⁹⁷⁾~~
 - b) ~~the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or~~
 - c) ~~a conspicuous change in the colour or visual clarity, or~~
 - d) ~~the rendering of fresh water unsuitable for consumption by farm animals, or~~
 - e) ~~a significant adverse effect on aquatic life.~~

The RMA activities this rule covers:

- ~~Discharge of contaminants onto or into land where it may enter water (s15(1)(b)).~~
- ~~Discharge of contaminants to land from any trade or industrial premises (s15(1)(d)).~~

C.6.7.3

On site refuse disposal – permitted activity

The discharge of waste, except dead animals and offal, ⁽⁶⁹⁹⁾ from primary production or household waste onto or into land, is a permitted activity, provided:

- 1) the waste is not from an industrial or trade premises, and
 - 2) the waste comprises domestic waste or waste from primary production activities but does not include offal, dead stock, ⁽⁷⁰⁰⁾ agricultural containers or hazardous substances, and
 - 3) the waste is generated on the property where the disposal discharge site is located, and
- 3A) the property is not located within 20 kilometres by road of a territorial authority waste transfer station that accepts bulk refuse, and

3B) the property is over 4 hectares in area, and⁴⁸⁹

- 4) the volume of waste discharged does not exceed ~~50 cubic metres per property~~ 12 cubic metres per property per calendar year, and⁴⁹⁰
- 5) the discharge of refuse is not located within:⁴⁹¹
 - a) 50 metres of the coastal marine area, a stream, river, lake or natural wetland, or⁴⁹²
 - b) 50 metres from the bore head of any water supply bore, or
 - c) 50 metres of a geothermal surface feature, or
 - d) 50 metres of any neighbouring property owned or occupied by another person, or
 - e) a one-in-100-year flood hazard area, and
- 6) stormwater is prevented from entering the waste disposal discharge site, and⁴⁹³
- 7) the waste discharge site is not subject to groundwater or salt water intrusion or inundation, and
- 8) the waste is covered to prevent wind-blown refuse, and
- 9) the surface of the disposal discharge site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and⁴⁹⁴
- 10) the location of the disposal site is recorded and provided to the regional council on request, and
- 11) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property.

Note: For rules relating to the disposal of dead stock and offal see Rule C.6.3.3 Discharges associated with the disposal of dead animals or offal.⁽⁷⁰¹⁾

The RMA activities this rule covers:

1. Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
2. Discharge contaminants into the air from any other place or source (s15(2A)).
3. Discharge of waste, except dead animals and offal, from primary production or household waste onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
4. Discharge of dour and dust to air incidental to the discharge of waste, except dead animals and offal, from primary production or household waste onto or into land (s15(2A)).

C.6.7.4

Composting operations less than 10 cubic metres - permitted activity

⁴⁸⁹ WDC, Carvell, para 166. Also FNDC and WDC answers.

⁴⁹⁰ Man o War Dairies

⁴⁹¹ Clarification

⁴⁹² Clarification

⁴⁹³ Clarification

⁴⁹⁴ Clarification

The discharge of contaminants to land from a [composting operation](#) is a permitted activity provided:

- 1) the total volume of material composted at any time does not exceed 10 cubic metres, and
- 2) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 3) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property, and
- 4) leachate [from the composting operation](#) is not discharged to [surface water](#) [via overland flow](#) [or via any tile, mole or other subsurface drain](#).⁴⁹⁵

The RMA activities this rule covers:

- ~~Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of contaminants onto or into land from a [composting operation](#) in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a [composting operation](#) that is, or is on, an industrial or trade premises (s15(1)(c)).
- Discharge of contaminants onto or into land from a [composting operation](#) that is or is on an industrial or trade premise (s15(1)(d)).
- Discharge of contaminants onto or into land from a [composting operation](#) (s15(2A)).
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a [composting operation](#) (s15(2A)).

C.6.7.5

Composting operations greater than 10 cubic metres – permitted activity

The discharge of contaminants from a [composting operation](#) onto or into land in circumstances where contaminants may enter water is a permitted activity, provided:

- 1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 2) [leachate](#) [from the composting site](#) is not discharged to [surface water](#) [body](#) [via overland flow](#) [or via any tile, mole or other subsurface drain](#), and⁴⁹⁶
- 3) there is no surface ponding of [leachate](#) or overland flow of [leachate](#) from the composting site, and
- 4) catchment run-off is diverted away from the [composting site](#) [pile](#), and⁴⁹⁷
- 5) the activity is not located within:

⁴⁹⁵ Clarification to improve consistency with similar rules elsewhere in the Proposed Plan

⁴⁹⁶ Clarification to increase consistency with similar rules elsewhere in the Proposed Plan

⁴⁹⁷ Clarification

- a) 50 metres of any water supply bore, stream, river, lake or natural wetland, or⁴⁹⁸
 - b) 50 metres of a geothermal surface feature, or
 - c) 50 metres of the coastal marine area, or
 - d) a high risk flood hazard zone hazard area, and
- 6) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property.

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
- Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of contaminants onto or into land from a composting operation in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a composting operation that is, or is on, an industrial or trade premises (s15(1)(c)).
- Discharge of contaminants onto or into land from a composting operation that is or is on an industrial or trade premises (s15(1)(d)).
- Discharge of contaminants onto or into land from a composting operation (s15(2A)).
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a composting operation (s15(2A)).

C.6.7.6

Waste transfer stations – controlled activity

Discharge of contaminants from a waste transfer station into or onto land is a controlled activity, provided:

- 1) the concentrations of contaminants in water at or beyond the property boundary do not exceed the following:
 - a) in surface water and coastal water, the concentrations listed in Table 3.4.1 of the Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species, and
 - b) in groundwater, the limits for groundwater set out in the Drinking Water Standards New Zealand 2005 (revised 2008) also apply, and⁽⁷⁰⁶⁾
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property, and⁽⁷⁰⁶⁾

Matters of control:

⁴⁹⁸ Clarification

1) Measures in place to limit prevent contaminants entering surface water, groundwater and the coastal marine area.⁽⁷⁰⁸⁾

2) Measures to manage any noxious, dangerous, offensive or objectionable odour; smoke; dust or any noxious or dangerous levels of airborne contaminants.⁴⁹⁹

Notification:

Resource consent applications under this rule are precluded from public notification.⁽⁷⁰⁹⁾

The RMA activities this rule covers:

- Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of contaminants from a waste transfer station into air (s15(1)(c)).
- Discharge of contaminants from a waste transfer station into or onto land 15(1)(d)).⁽⁷¹⁰⁾

C.6.7.6A

Discharges from closed landfills

The discharge of contaminants from a closed landfill is a controlled activity ;

Matters of control:

- 1) The provision of a Closed Landfill Aftercare Management Plan and its format, contents and implementation.⁵⁰⁰
- 2) Adequacy of protection from saltwater and fresh water intrusion including:
 - a) The permeability of the compacted capping layer;
 - b) Stormwater management onto and from the site;
 - c) Adequacy of the landfill surfaces to prevent ponding.
- 3) Adequacy of vegetation cover.
- 4) Mitigation of effects on water quality.⁵⁰¹

The RMA activities this rule covers:

- Discharge of contaminants onto or into land from from a closed landfill in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of contaminants into air from a closed landfill (s15(1)(c)).
- Discharge of contaminants onto or into land from a from a closed landfill s15(1)(d)).
- Discharge of contaminants onto or into land, or into air, from from a closed landfill (s15(2A)).

⁴⁹⁹ Clarification

⁵⁰⁰ Clarification

⁵⁰¹ Clarification

C.6.7.7

Other solid waste discharges – discretionary activity

A solid waste discharge that is not described as a permitted activity or a controlled activity under any other rules in section C.6.7 of this Plan a:

1. permitted activity under rule C.6.7.1 'Cleanfill – permitted activity', or
2. permitted activity under rule C.6.7.2 'Discharges to land from closed landfills – permitted activity', or
3. permitted activity under rule C.6.7.4 'Composting operations less than 10 cubic metres – permitted activity', or
4. permitted activity under rule C.6.7.5 'Composting operations greater than 10 cubic metres – permitted activity', or
5. permitted activity under rule C.6.7.3 'On site refuse disposal – permitted activity', or
6. controlled activity under rule C.6.7.6 'Waste transfer stations – controlled activity',

is a discretionary activity.⁵⁰²

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
 - Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).
 - Discharge of solid waste onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
 - Discharge of contaminants into air incidental to the discharge of solid waste onto or into land (s15(1)(c)).
 - Discharge of solid waste onto or into land (s15(1)(d)).
 - Discharge of solid waste onto or into land (s15(2A)).
 - Discharge of contaminants into air incidental to the discharge of solid waste onto or into land (s15(2A)).
-

C.6.8 Contaminated land

Note: In addition to the rules contained in the following section, activities on contaminated land may also be subject to regulation(s) in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Contact the relevant district council for further information.

C.6.8.1

Investigating potentially⁵⁰³ contaminated land – permitted activity

⁵⁰² Clarification

⁵⁰³ Clarification

A site investigation to assess the concentration of hazardous substances in soil, water or air is a permitted activity provided:

- 1) the site investigation is undertaken supervised and certified⁵⁰⁴ by a suitably qualified and experienced practitioner in conformance with relevant Ministry for the Environment guidelines on contaminated land site investigations⁵⁰⁵, and
- 2) the person or organisation initiating the site investigation must provide a copy of the site investigation report to the regional council within three months of the completion of the investigation, and
- 3) site investigations undertaken to assess the concentrations of contaminants in soil are undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011), and
- 4) site investigations undertaken to assess the concentrations of contaminants in surface water, ground water, soil gas or soil vapour are undertaken in accordance with Section 2 *Principles of site investigation, Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011).⁵⁰⁶

Note:

- 1) *The construction of a bore in contaminated land is a controlled activity (refer C.8.5.3 'Construction or alteration of a bore – controlled activity').*

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)), and
- discharge of contaminants into the air from any other place or source (s15(2A)), and
- restrictions on the use of land (s9(2)).
- A site investigation on or in land to assess the concentration of hazardous substances in soil, water or air (s9(2)).
- Discharge of contaminants into or onto land where it may enter water incidental to the disturbance of land from the site investigation (s15(1)(b)).
- Discharge of contaminant from any industrial or trade premises into air incidental to the disturbance of land from the site investigation (s15(1)(c)).
- Discharge of contaminants from a industrial or trade premises onto or into land incidental to the disturbance of land from the site investigation (s15(1)(d)).
- Discharge of contaminants into air incidental to the disturbance of land from the site investigation (s15(2A)).

C.6.8.2

Discharges from contaminated land - permitted activity

⁵⁰⁴ Consequential change resulting from evidence by Dr Graeme Proffitt, paragraphs 5.1 - 5.4

⁵⁰⁵ Consequential change to C.6.8.1(4) The Oil Companies, Dr Proffitt. Para 5.9

⁵⁰⁶ Oil Companies, Proffitt, para 5.9

~~Note: The structure of this rule differs from the structure of the equivalent rule in the Proposed Plan. Consequently numbering of the permitted activity conditions differs between this version and the Proposed Plan. Due to the substantial nature of these changes structural changes have not been highlighted or underlined. Changes in text resulting from submissions have been highlighted and underlined.~~

The **passive discharge** of contaminants from contaminated land into water, or onto or into land where it may enter water, is a permitted activity, provided:

- 1) a site investigation has been **undertaken supervised and certified** ~~by~~ by a **suitably qualified and experienced practitioner**, and⁵⁰⁷
- 2) the site investigation report demonstrates that the **passive discharge of the contaminants of concern** ~~does not exceed~~ **is equal to or less than** the **relevant** contaminant concentrations **set out in clauses 2A to 5 3-11** below:⁵⁰⁸

2A a) contaminants in **sensitive groundwater** **the concentration of contaminants** at the **property** boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:⁽⁷¹⁵⁾⁵⁰⁹

ia) **the contaminant concentrations in the *Drinking Water Standards for New Zealand 2005 (revised 2008)*⁽⁷¹⁶⁾, and⁽⁷¹⁷⁾⁵¹⁰**

ib) **contaminant concentrations measured as dissolved concentrations in *Table 3.4.1 Trigger Values for toxicants at alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water* at the level of 80% protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (95% protection of species) and applied in accordance with those guidelines⁽⁷¹⁸⁾⁽⁷¹⁹⁾, and⁵¹¹**

ic) **0.07 µg/L perfluorooctane sulfonate acid (PFOS) + perfluorohexane sulfonate (PFHxS), and**

id) **0.56 µg/L of perfluorooctanoic acid (PFOA), and⁵¹²**

i) **the contaminant concentrations in the *Drinking Water Standards for New Zealand 2005 (revised 2008)*⁵¹³, and**

ii) **contaminant concentrations in *Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water* at the level of 80% protection of species, and⁵¹⁴**

iii) **where there is a difference in contaminant concentrations in 2)a)iii) and iv), the most restrictive concentration applies, and⁽⁷²⁰⁾**

⁵⁰⁷ Oil Companies, Proffitt, para 5.3

⁵⁰⁸ Oil Companies, Proffitt, para 5.10

⁵⁰⁹ Clarification

⁵¹⁰ Clarification

⁵¹¹ Oil Companies, Proffitt and le Marquand

⁵¹² Oil Companies, Proffitt and le Marquand

⁵¹³ Oil Companies, Proffitt and le Marquand

⁵¹⁴ Oil Companies, Proffitt and le Marquand

2B b) contaminants in non-sensitive groundwater the concentration of contaminants at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:

ia) the concentrations of contaminants measured as dissolved concentrations listed in Table 3.4.1 Trigger Values for toxicants at alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level of 80% protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (i.e. 95% protection of species) and applied in accordance with those guidelines⁽⁷²¹⁾, and⁵¹⁵

~~ib) 31.2 µg/L of perfluorooctane sulfonate acid (PFOS) + perflurohexane sulfonate (PFHxS), and⁽⁷²²⁾~~

~~ic) 1824.632 µg/L of Perfluorooctanoic acid (PFOA), and⁽⁷²³⁾ 516~~

i) the concentrations for benzene listed in Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level 95% protection of species, and⁽⁷²⁴⁾

ii) for other contaminants, the concentrations of contaminants listed in table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level of 80% protection of species, and⁵¹⁷

2C) in surface water the concentration of contaminants, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), or immediately adjacent to any surface water or the coastal water marine area, does not exceed:

i) contaminant concentrations measured as dissolved concentrations in Table 3.4.1 Trigger Values for toxicants at alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level of 95% protection of species and applied in accordance with those guidelines, and

~~ii) 0.13 µg/L perfluorooctane sulfonate acid (PFOS) + perflurohexane sulfonate (PFHxS), and~~

~~iii) 220 µg/L of perfluorooctanoic acid (PFOA), and⁽⁷²⁵⁾ 518~~

2D e) chlorinated solvents concentrations in soil gas do not exceed the land use specific Interim Health Investigation Levels for soil gas at one metre depth given in Table 1A(2) of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater) of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (updated 2013), at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and

2E d) petroleum hydrocarbon concentrations in soil gas⁽⁷²⁶⁾ do not exceed the land use specific target soil air concentrations at one metre depth given in Appendix 4J of the Guidelines

⁵¹⁵ Oil Companies, Proffitt and le Marquand

⁵¹⁶ Oil Companies, Proffitt and le Marquand

⁵¹⁷ Oil Companies, Proffitt and le Marquand

⁵¹⁸ Oil Companies, Proffitt and le Marquand

for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Ministry for the Environment, 2011), at the [property](#) boundary or within 50 horizontal metres of the contaminant source (whichever is less), and

- e) landfill gas at the [property](#) boundary does not exceed:
- i) one percent methane by volume, or
 - ii) 0.5 percent carbon dioxide by volume, and⁽⁷²⁷⁾
- 3) for light non-aqueous phase liquids (LNAPLs)⁽⁶⁾ must not have a LNAPL transmissivity of less than 0.001 square metres per day, or a [suitably qualified and experienced practitioner](#) certifies that the LNAPL is unlikely to be mobile using a lines of evidence approach,⁽⁷³⁰⁾ and⁵¹⁹
- 4) dense non-aqueous phase liquids⁽⁷¹⁾ are not mobile and in free phase form, and⁵²⁰
- 5) non-aqueous phase liquids do not extend across the [property](#) boundary.

Note: The rules above reference several standards which list a range of contaminants. It is expected that compliance with this rule will focus on contaminants that may be present at concentrations that could pose a potential human health and/or environmental risk. These are known as [contaminants of concern](#). Dischargers are not expected to test for, or otherwise demonstrate compliance for, contaminants that are not relevant to the site's history. The rules also require dischargers to "demonstrate" compliance. This can be achieved, depending on site specific circumstances, through [a lines of evidence approach using one or more or a combination of expert knowledge of contamination mechanisms and the physical and chemical properties of the contaminants that may be present, a combination of testing / or sampling, chemical fate and transport assessment or modelling / estimates, or similar techniques.](#)⁵²¹

The RMA activities this rule covers:

- discharge of contaminants onto or into land which may enter water (15(1)(b)), and
- discharge of contaminants onto or into land from any trade or industrial premises (15(1)(d)), and
- discharge of contaminants into the air from any other place or source (s15(2A)), and
- restrictions on the use of land (s9(2)).
- [Passive discharge](#) of contaminants into water from contaminated land (s15(1)(a)).
- [Passive discharge](#) of contaminants into or onto land where it may enter water from contaminated land (s15(1)(b)).
- [Passive discharge](#) of contaminants from a industrial or trade premises onto or into land from contaminated land (s15(1)(d)).

C.6.8.3

Contaminated land remediation—discretionary activity

Remediation of contaminated land is a discretionary activity, except:

⁵¹⁹ Oil Companies, Proffitt, para 5.25

⁵²⁰ Oil Companies, Proffitt, para 5.43

⁵²¹ Oil Companies, Proffitt, para 5.46

1) — earthworks that are a permitted activity under rule C.8.3.1 'Earthworks — permitted activity'

The RMA activities this rule covers:

- restrictions on the use of land (59(2)), and
- discharge of contaminants to land which may enter water (15(1)(b)), and
- discharge of contaminants into land from any trade or industrial premises (15(1)(d)).

C.6.8.3A

Contaminated land remediation - controlled activity

Remediation of contaminated land is a controlled activity.

Matters of control

- 1) the contents, adequacy and implementation of the detailed site investigation report, Site Validation Report, and Long Term Site Management Plan including:
 - a) site sampling,
 - b) laboratory analysis,
 - c) risk assessment, and
- 2) — the need for and adequacy of a site management plan (contaminated land);
- 3) — the need for and adequacy of a remedial action plan (contaminated land);
- 4) — how the discharge is to be:
 - a) — managed
 - b) — monitored, including frequency and location of monitoring ; and
 - c) — reported on;
- 5) — the physical constraints of the site and operational practicalities;
- 6) — the transport, disposal and tracking of soil and other materials taken away in the course of the activity;
- 7) — the effect on potable water supplies;
- 8) — the physical constraints of the site and operational practicalities;
- 9) — methods to identify contaminant risks prior to works commencing, such as qualitative assessments of risk;
- 10) — protocols around notifying the council of contaminant risks;
- 11) — how stormwater is to be managed;
- 12) — soil management during work and at the completion of the works;
- 13) — odour control;
- 14) — vapour control;
- 15) — groundwater management;
- 16) — contingency plans;
- 17) — remediation or ongoing management of the site, its timing and standard;

18) — the nature and type of close out criteria;

19) — the need for a financial bond;

2) The need for, contents, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with the current version of Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand.⁵²²

The RMA activities this rule covers:

- Remediation of contaminated land (s9(2)).
- Discharge of contaminants into or onto land where it may enter water incidental to the remediation of contaminated land (s15(1)(b)).
- Discharge of contaminant from any industrial or trade premises into air incidental to the remediation of contaminated land (15(1)(c)).
- Discharge of contaminants from an industrial or trade premises onto or into land incidental to the remediation of contaminated land (s15(1)(d)).
- Discharge of contaminants into air incidental to the remediation of contaminated land (s15(2A)).

C.6.8.3B

Re-consenting passive discharges from contaminated land - controlled activity

An application for a new resource consent to replace an existing resource consent for the passive discharge of contaminants into water, or onto or into land where they it may enter water, is a controlled activity.⁵²³

Matters of control

The matters over which control is retained are as follows:

- 1) The adequacy of the a detailed site investigation (contaminated land), including:⁵²⁴
 - a) site sampling,
 - b) laboratory analysis,
 - c) risk assessment, and⁵²⁵
- 2) The need for, contents, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with the current version of Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand.⁵²⁶

⁵²² Oil Companies, Proffitt, para 5.53

⁵²³ Clarification

⁵²⁴ Clarification

⁵²⁵ Clarification

⁵²⁶ Oil Companies, Proffitt, para 5.53

3) The need for a financial bond.

~~The approach to the remediation or ongoing management of discharges from the site, including the:~~

- ~~a) works or management methods to address the risk posed by the contaminants to the environment;~~
- ~~b) timing of any works;~~
- ~~c) standard of any works on completion;~~
- ~~d) mitigation measures for the site, including the frequency and location of monitoring of specified contaminants~~
- ~~e) The adequacy of the site management plan (contaminated land) or the site validation report (contaminated land) or both, as applicable;~~
- ~~f) Application of the best practicable option;~~
- ~~g) The timing and nature of the review of any review conditions in the resource consent~~
- ~~h) The nature and type of close out criteria that are required to be satisfied prior to surrender of consent;~~
- ~~i) the need for a financial bond.⁵²⁷~~

The RMA activities this rule covers:

- [Passive discharge](#) of contaminants into water from contaminated land (s15(1)(a)).
- [Passive discharge](#) of contaminants into or onto land where it may enter water from contaminated land (s15(1)(b)).
- [Passive discharge](#) of contaminants from an industrial or trade premises onto or into land from contaminated land (s15(1)(d)).

C.6.8.4

Contaminated land – discretionary activity

Site investigations to assess the concentration of hazardous substances that may be present in soil, or discharges from contaminated land, that is not [a permitted or controlled activity in section C.6.8 of this Plan](#):

- ~~1) permitted activity under rule C.6.8.1 'Investigating contaminated land – permitted activity' or, or~~
- ~~2) permitted activity under rule C.6.8.2 'Discharges from contaminated land – permitted activity',~~
- ~~3) controlled activity under C.6.8.3A – Re-consenting passive discharges from contaminated land, or~~
- ~~4) controlled activity under C.6.8.3B – Contaminated land remediation.~~

is a discretionary activity.

⁵²⁷Oil Companies, Proffitt, para 5.53

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
 - discharge of contaminants to land which may enter water (15(1)(b)), and
 - discharge of contaminants into land from any trade or industrial premises (15(1)(d)).
 - A site investigation on or in land to assess the concentration of hazardous substances in soil, water or air (s9(2)).
 - Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
 - Discharge of contaminant from any industrial or trade premises into air (15(1)(c)).
 - Discharge of contaminants from an industrial or trade premises onto or into land (s15(1)(d)).
 - Discharge of contaminants into air (s15(2A)).
-

C.6.9 Other discharges of contaminants

C.6.9.1

Discharge of dust suppressants – permitted activity

The discharge of dust suppressant to land is a permitted activity provided:

- 1) the discharge is not directly to water, and
- 2) the dust suppressant:
 - a) is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, or
 - b) has been determined by the Environmental Protection Authority to not be a hazardous substance.

Note: *The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be used, imported into or manufactured in New Zealand, and places controls of each phase of a substance's life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.*

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of a dust suppressant onto or into land in circumstances which may result in the dust suppressant entering water (s15(1)(b)).
- Discharge of a dust suppressant onto or into land (s15(2A)).

C.6.9.2

Discharge of tracers – permitted activity

The discharge of a tracer into water is a permitted activity provided:

- 1) the discharge is not upstream of any abstraction point for a registered drinking water supply, unless approved by the water supplier, and
- 2) the tracer is of a type designed for use in water and is used in accordance with the manufacturer's recommendations and any recognised standards and practices, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge the zone of reasonable mixing:⁽⁷³⁸⁾
 - a) a conspicuous change in the colour or visual clarity, or
 - b) an emission of objectionable odour, or⁽⁷³⁹⁾
 - c) the rendering of fresh water unsuitable for consumption by farm animals, or
 - d) a significant adverse effect on aquatic life ecosystem health,⁵²⁸ and
- 4) the regional council's compliance manager is given at least 24 hours notice (in writing or by email) prior to the discharge.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
- Discharge of a tracer into water (s15(1(a)).

C.6.9.3

Discharge of fertiliser – permitted activity

The discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water is a permitted activity, provided the activity is done in accordance with Sections 5.2 and 5.3 of the *Code of Practice for Nutrient Management (New Zealand Fertiliser) (With Emphasis on Fertiliser Use)*⁽⁷⁴²⁾ 2013.⁽⁷⁴³⁾

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of fertiliser onto or into land in circumstances which may result in the fertiliser entering water (s15(1(b)).
- Discharge of fertiliser into or onto land (s15(2A)).

C.6.9.4

Discharge of sluicing water, water from a public water supply network and or reservoir water-⁵²⁹ permitted activity

The discharge of sluicing water or water from a public or community water supply network or reservoir⁽⁷⁴⁵⁾ into water or onto land where it may enter water⁽⁷⁴⁶⁾ is a permitted activity, provided:

- 1) the activity is associated with the sluicing of public or community water supply mains or the testing, repair or maintenance of pipelines, and⁽⁷⁴⁷⁾

⁵²⁸ Clarification

⁵²⁹ Clarifications

- 2) the discharge does not cause any erosion of the channel or banks of the receiving water body **at the point of discharge**⁵³⁰, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond **the zone of reasonable mixing** a 20-metre radius from the point of discharge⁽⁷⁴⁸⁾:
 - a) an increase in the temperature of the water by more than three degrees Celsius, or
 - b) a conspicuous change in the colour or visual clarity, or
 - c) an emission of objectionable odour, or
 - d) the rendering of fresh water unsuitable for consumption by farm animals, or
 - e) a significant adverse effect on aquatic **life ecosystem health**⁵³¹

The RMA activities this rule covers:

- **Discharge of contaminants into environment (s15(1)(a) and (b)).**
- **Discharge of water or water from a public or community water supply network or reservoir to water (s15(1)(a)).**
- **Discharge of sluicing water or water from a public or community water supply network or reservoir onto or into land which may result in the contaminants entering water (s15(1)(b)).**

C.6.9.4A

Discharges from shellfish harvesting, washing and sorting - permitted activity

The discharge of water, or biodegradable or organic matter, to coastal waters and the foreshore as a result of harvesting, washing or sorting farmed shellfish is a permitted activity provided:

- 1) the discharge occurs in an area where aquaculture is authorised to occupy, and
- 2) the discharge does not cause an accumulation of shell and other debris on the foreshore or seabed, and
- 3) The discharge does not cause any of the following effects 20 metres beyond the area where aquaculture is authorised to occupy:
 - a) a conspicuous change in the colour or visual clarity, or
 - b) an increase the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside of the range of 6.5-8.5, or
 - d) the dissolved oxygen in fresh⁵³² water to be less than five milligrams per litre, or
 - e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - f) an emission of objectionable odour, or
 - g) a significant adverse effect on **aquatic ecosystem health**.⁵³³

⁵³⁰ Clarification

⁵³¹ Clarification

⁵³² Clarification

⁵³³ Clarification

The RMA activities this rule covers:

- Discharge of water, biodegradable or organic matter, to coastal waters as result of harvesting, washing or sorting farmed shellfish (s15(1)(a))
- Discharge of biodegradable or organic matter to the foreshore which may result in the contaminants entering water as result of harvesting, washing or sorting farmed shellfish (s15(1)(b)).
- Discharge of biodegradable or organic matter to the foreshore as result of harvesting, washing or sorting farmed shellfish on a industrial or trade premises (s15(1)(d)).
- Deposition of biodegradable or organic matter on the foreshore or seabed incidental to harvesting, washing or sorting farmed shellfish (s12(1)(d)).

C.6.9.5

Discharges to land or water not provided for by other rules - permitted activity

The discharge of water or contaminants into water or onto or into land ~~where it may enter water~~⁽⁷⁵¹⁾ that is not ~~regulated by the subject of~~⁽⁷⁵²⁾ any other rule in this plan is a permitted activity, provided:

- 1) ~~the discharge does not contain any exotic organisms, and~~⁽⁷⁵³⁾
- 2) the discharge does not contain a **hazardous substance**, except where dewatering occurs in conjunction with the installation, maintenance or replacement of an underground petroleum storage system and where the discharge does not contain more than 15 mg/L of hydrocarbons,⁽⁷⁵⁴⁾ and
- 3) the discharge does not contain **biosolids**, and
- 4) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20 metre radius from the point of discharge⁽⁷⁵⁵⁾:
 - a) ~~an exceedance of a water quality standard or a sediment quality standard, or~~⁽⁷⁵⁶⁾
 - b) an increase the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside of the range of 6.5-8.5, or
 - d) the dissolved oxygen in fresh water to be less than five milligrams per litre, or
 - e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - f) a conspicuous change in the colour or visual clarity, or
 - g) an emission of objectionable odour, or
 - h) the rendering of fresh water unsuitable for consumption by farm animals, or
 - i) a significant adverse effect on aquatic **life ecosystem health**,⁵³⁴ and
- 5) the discharge does not **cause permanent scouring or erosion of scour or erode** the bed of any water body or the coastal marine area **at the point of discharge**.⁵³⁵

⁵³⁴ Clarification

⁵³⁵ Clarifications

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
- Discharge of contaminant or water to water (s15(1)(a)).
- Discharge contaminant 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 water (s15(1)(b)).
- Discharge of contaminant into or onto land (s15(1)(b)).

C.6.9.6

Other discharges – discretionary activity

~~The discharge of a contaminant into water or onto or into land where it may enter water that is not a permitted, controlled, restricted discretionary, non-complying, or a prohibited activity in this plan is a discretionary activity.~~

The following discharges are a discretionary activity:

- 1) the discharge of dust suppressant to land that is not permitted activity under C.6.9.1 'Discharge of dust suppressants – permitted activity', and
- 2) the discharge of a tracer into water that is not permitted activity under C.6.9.2 'Discharge of tracers – permitted activity', and
- 3) the discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water that is not permitted activity under C.6.9.3 'Discharge of fertiliser – permitted activity', and
- 4) The discharge of sluicing water, or water from a public or community water supply network or reservoir, into water or onto land where it may enter water that is not permitted activity under C.6.9.4 'Discharge of sluicing water, water from a water supply network and reservoir water - permitted activity', and
- 5) The discharge of water, and biodegradable and organic matter, to coastal waters and the foreshore as a result of harvesting, washing and/or sorting farmed shellfish that is not a permitted activity under C.6.9.4A 'Discharges from oyster harvesting, washing and sorting - permitted activity',

is a discretionary activity.⁵³⁶

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
- Discharge of contaminant or water to water (s15(1)(a)).
- Discharge of contaminant 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 water (s15(1)(b)).
- Discharge of contaminants from any industrial or trade premises (s15(1)(d)).
- Discharge of contaminant to land (s15(2A)).

C.6.9.7

Discharges of untreated sewage from a ship or offshore installation – prohibited activity

The discharge of untreated sewage from a vessel or offshore installation is prohibited within:

- 1) any location landward of the Marine pollution limits (refer I 'Maps |Ngā mahere matawhenua'), and
- 2) the Marine pollution limits - Bay of Islands large vessel limits (refer I 'Maps |Ngā mahere matawhenua') vessels for that have a certificate of survey to carry more than 49 passengers and crew.

The RMA activities this rule covers:

- Restrictions on dumping and incineration of waste or other matter in the coastal marine area (s15B).
 - Discharge of untreated sewage from a vessel or offshore installation into the coastal marine area (s15B).
-

C.7 Discharges to air

This is an index and guide to the rules in this section. It does not form part of the Plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

Burning

Rule	Page
C.7.1.1 'Outdoor burning outside the Whangārei airshedHulse D– permitted activity'	140
C.7.1.1 'Outdoor burning outside the Whangārei airshedHulse D– permitted activity'	140
C.7.1.2 'Outdoor burning for fire training purposes – permitted activity'	141
C.7.1.3 'Outdoor burning for biosecurity purposes – permitted activity'	142
C.7.1.4 'Burning for energy (electricity and heat) generation less than 40kW – permitted activity'	142
C.7.1.5 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity'	142
C.7.1.2 'Outdoor burning for fire training purposes – permitted activity'	143
C.7.1.6 'Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity'	144
C.7.1.7 'Outdoor burning – non-complying activity'	144

Other air discharges

Rule	Page
C.7.2.1 'Wet abrasive blasting – permitted activity'	145
C.7.2.1 'Wet abrasive blasting – permitted activity'	146

<u>C.7.2.2 'Discharges to air from a closed landfill – permitted activity'</u>	146
<u>C.7.2.3</u>	147
<u>C.7.2.2 'Discharges to air from a closed landfill – permitted activity'</u>	148
<u>C.7.2.4 'Discharges to air not specifically regulated in the plan - permitted activity'</u>	148
<u>C.7.2.5 'Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity'</u>	148

C.7.1 Burning

C.7.1.1

Outdoor burning outside the Whangārei airshed⁽⁷⁶⁰⁾ – permitted activity

Outdoor burning outside the Whangārei airshed (refer I 'Maps | Ngā mahere matawhenua')⁽⁷⁶¹⁾ is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, ~~spray or~~ dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁶²⁾⁵³⁷
- ~~2) it is not in the Whangārei airsheds (refer I 'Maps'), and~~⁽⁷⁶³⁾
- 3) only untreated wood, paper, cardboard and vegetative matter (including animal carcasses and offal on production land) are burnt, and
- 4) it does not take place on an industrial or trade premises, unless burning is in an incineration device and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, and⁵³⁸
- 5) where any outdoor burning is likely to last for more than 24 hours and it is within 100 metres of a smoke sensitive area on another property:
 - a) the neighbouring property with the smoke sensitive area must receive notification no less than 24 hours and no more than two weeks before the outdoor burning activity is to take place, and
 - b) notification must:
 - i) be in writing (which can include email or other electronic means), and
 - ii) include:
 1. a contact name and number for the person supervising the burn, and
 2. details of materials to be burnt, and
 3. general time the burning will commence, and
 4. approximate length of time the burn will take, and

~~e) some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.~~⁵³⁹

Note: Prior to the lighting of any fire in open air, the fire season in the location should be checked and any necessary permit(s) obtained from Fire and Emergency New Zealand.⁵⁴⁰

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).

⁵³⁷ Clarification

⁵³⁸ Clarification

⁵³⁹ Clarification – deleted on the basis it is an invalid condition.

⁵⁴⁰ Fire and Emergency, Untank, para 26

- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).

C.7.1.2

Outdoor burning in the Whangārei and Kerikeri airsheds - permitted activity⁽⁷⁶⁵⁾

Outdoor burning in the Whangārei and Kerikeri airsheds (refer to 'Maps | Ngā mahere matawhenua') is a permitted activity, provided:⁽⁷⁶⁶⁾

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, ~~spray or~~ dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁶⁷⁾⁵⁴¹
- 2) only untreated wood, paper, cardboard and vegetative matter are burnt, and
- 3) it is located on a property greater than one hectare in area ~~more than 100 metres upwind, and 50 metres in any other direction, of any smoke sensitive activity that is not located on the property where the burning occurs~~, and⁽⁷⁶⁸⁾⁵⁴²
- 4) ~~in the Whangārei airshed~~, no burning ~~is to~~ takes place during June, July or August, and⁽⁷⁶⁹⁾
- 5) ~~that despite~~ notwithstanding clauses 2, 3 and 4 above, burning is permitted where the burning is:
 - a) on an industrial and trade premise, in an incineration device and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, or
 - b) an umu, hangi, barbeque, outdoor fire for food cooking purposes, or wood-fired kiln (provided it is being used for its designated purpose and with its intended fuel), or
 - ~~c) a hangi (provided it is being used for its designated purpose and with its intended fuel), or~~
 - ~~d) a barbeque (provided it is being used for its designated purpose and with its intended fuel), or~~
 - ~~e) an outdoor fire for food cooking purposes (provided it is being used for its designated purpose and with its intended fuel), or~~
 - f) wood fired kiln (provided it is being used for its designated purpose and with its intended fuel), or⁵⁴³
 - g) a bonfire containing only wood, paper, cardboard and vegetative matter, organised by a community-controlled organisation and the regional council and Fire and Emergency New Zealand are notified five working days in advance, and⁽⁷⁷⁰⁾
- 6) where any outdoor burning is likely to last for more than 24 hours and it is within 100 metres of a smoke sensitive area on another property:

⁵⁴¹ Clarification

⁵⁴² Clarification

⁵⁴³ Clarification

- a) the neighbouring property with the **smoke sensitive area** must receive notification no less than 24 hours and no more than two weeks before the **outdoor burning** activity is to take place, and
 - b) notification must:
 - i) be in writing (which can include email or other electronic means)⁵⁴⁴ and
 - ii) include:⁵⁴⁴
 1. a contact name and number for the person supervising the burn, and
 2. details of materials to be burnt, and
 3. general time the burning will commence, and
 4. approximate length of time the burn will take, and
- ~~e) some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.⁵⁴⁵~~

The RMA activities this rule covers:

- ~~Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).

C.7.1.3

Outdoor Burning for fire training purposes – permitted activity

~~Outdoor Burning~~ of any material for the purpose of fire training or reducing fire risk (including a controlled fuel reduction burn) is a permitted activity provided:⁵⁴⁶

- 1) the discharge does not result in any **noxious, dangerous,** offensive or objectionable odour, smoke, **spray or** dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety,** beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁷²⁾
- 2) the fire is under the control of a nationally recognised body authorised to undertake fire research, ~~or fire training,~~ **or fire response** activities, and⁵⁴⁷
- 3) the relevant territorial authority and regional council's compliance manager are notified in writing (which can include email or other electronic means) at least five working days before the fire begins and notification must include:
 - a) a contact name and number for the person supervising the burn, and

⁵⁴⁴ Clarification

⁵⁴⁵ Clarification – deleted on the basis it is an invalid condition.

⁵⁴⁶ Fire and Emergency New Zealand, Unthank

⁵⁴⁷ Fire and Emergency New Zealand, Unthank

- b) details of materials to be burnt, and
- c) location and proximity to smoke sensitive areas, and
- d) approximate length of time the burn will take, and

4) burning does not occur more than once in any 3 month period at the same property.⁵⁴⁸

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).

C.7.1.4

Outdoor burning for biosecurity purposes – permitted activity

Outdoor burning of any material for the purpose of meeting a requirement of the Biosecurity Act 1993 is a permitted activity provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.⁽⁷⁷⁴⁾⁵⁴⁹

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).

C.7.1.4A Flaring natural gas – permitted activity

The discharge of natural gas by way of flaring as a consequence of natural gas transmission and distribution activities, is a permitted activity provided:

- 1) the total heat release does not exceed 6 MW, and
- 2) the discharge does not occur for more than 2 hours in any 24-hour period, and
- 3) the discharge does not result in any noxious, offensive or objectionable odour or smoke beyond the boundary of the subject property or in the coastal marine area, and
- 4) when the discharge is greater than 2,000kPa it must occur via a chimney stack or chimney at least 4.5 meters above ground level, or at least 3.0 metres above the ridge line of the roof,

⁵⁴⁸ Fire and Emergency, Unthank, para 36

⁵⁴⁹ Clarification

building or other structure (whichever is the highest) within a radius of 50 meter of the chimney stack or chimney, and

- 5) when the discharge is below 2,000kPa the discharge shall occur via a flaring apparatus, and
- 6) the discharge shall be directed vertically into air or on an angle greater than 45 degrees and shall not be impeded by any obstruction including rain excluders, and
- 7) the gas flaring burning equipment must be maintained by a suitably qualified person at least once every 12 months, with a copy of the maintenance report held by the operator and provided to the Council upon request.⁵⁵⁰

C.7.1.5

Burning for energy (electricity and heat) generation less than 40kW – permitted activity

The discharge of contaminants to air from the burning of coal, oil (but not waste oil),⁵⁵¹ natural gas, biogas, liquid petroleum gas or untreated wood in a burning device for energy (electricity and heat) generation is a permitted activity provided:

- 1) the heat capacity of the device does not exceed 40KW, and
- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.⁽⁷⁷⁶⁾

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (s15(2A)).

C.7.1.6

Burning for energy (electricity and heat) generation more than 40KW – permitted activity

The discharge of contaminants to air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device of more than 40KW for energy generation is a permitted activity provided:

- 1) the burning device has a rate of heat release less than the following:
 - a) coal and oil (but not waste oil) – does not exceed 5MW, and
 - b) natural gas, biogas and liquid petroleum gas– does not exceed 10MW, and
 - c) untreated wood burning – does not exceed 2.5MW, and

⁵⁵⁰ First Gas, Noonan. Paras 19 - 25

⁵⁵¹ NDHB, Wickham, para 7.4

- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area. and ⁽⁷⁷⁸⁾⁵⁵²
- 3) the discharge of particulates is less than 250mg/m³ of non-toxic particulates, corrected to 0°C, 12% CO₂, 1 Atmosphere, and a dry gas basis, and
- 4) the stack height is calculated in accordance with the chimney height requirements in H.3 'Chimney height requirements', and
- 5) the stack vertical efflux velocity is not less than 5m/s, and
- 6) the opacity of the discharge to air when measured visually in accordance with AS3543–2014, *Use of standard Ringelmann and Australian Standard miniature smoke charts*, is not as dark as or darker than Ringelmann Shade No. 1 for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing, providing that the opacity of the discharge is reduced as far as practicable, and
- 7) the opacity of the discharge to air when measured by photoelectric means in accordance with AS3543-2014 does not equal or exceed 52% for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing providing that the opacity of the discharge is reduced as far as practicable.

Note: *This rule does not apply to the discharge of contaminants to air as a result of using the energy from the burning device (for example, the drying of wood in a kiln, foundry furnaces where metal is smelted, incinerators or other fuel burning equipment associated with industrial processes) – this type of discharge is a discretionary activity under Rule C.7.2.7. Additionally, where there is more than one burning device on one property, the total generating capacity of the site must be less than the specifications for the relevant fuel.* ⁵⁵³

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (s15(2A)).

C.7.1.7

Existing authorised burning for energy generation – restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation is a restricted discretionary activity provided:

⁵⁵² Clarification

⁵⁵³ Clarification

- 1) the existing air discharge is authorised by an existing resource consent at the time of the resource consent application, and
- 2) there is no increase in the scale or change to the type⁽⁷⁸¹⁾ of the discharge as authorised by the existing resource consent.

Notification:

Applications processed under this rule are precluded from public notification.

Matters of discretion :

- 1) Best practicable option measures to avoid, remedy or mitigate the adverse effects on smoke sensitive areas including⁽⁷⁸²⁾ and neighbouring dwelling places or properties, and⁵⁵⁴
- 1A The location of the discharge in relation to sensitive areas, and⁽⁷⁸³⁾
- 2) The method of discharge, including stack height, design and exit velocity, and
- 3) Emission control equipment, its effectiveness, operation and maintenance, and
- 4) Combustion rate, efficiency, equipment operation and maintenance, and
- 5) Fuel use, quality (including sulphur content), storage and handling, and
- 6) Requirement for and contents of, a management plan, and
- 7) Emission limits (concentrations and or rates) on the discharge, and⁵⁵⁵
- 8) Monitoring and requirements for sampling points, and⁽⁷⁸⁴⁾
- 9) Local air quality, and compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the Ministry for the Environment 'Good Practice Guide for Assessing Discharges to Air from Industry, June 2008'⁵⁵⁶

Note:

This rule does not apply to the discharge of contaminants to air as a result of using the energy from the burning device (for example the drying of wood in a kiln, foundry furnaces where metal is smelted, incinerators or other fuel burning equipment associated with industrial processes).⁽⁷⁸⁵⁾

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation (s15(2A)).

⁵⁵⁴ Reinstate as per Wickham NDHB answers to questions

⁵⁵⁵ NDHB, Wickham answers to questions

⁵⁵⁶ Refining NZ, Chilton, para 34

C.7.1.8

Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity

The discharge of contaminants into air from any burning that is not a permitted, restricted discretionary or non-complying activity in section C.7.1 of this Plan:⁵⁵⁷

- 1) permitted activity under rule C.7.1.1 'Outdoor burning – permitted activity', or
- 2) permitted activity under rule C.7.1.2 'Outdoor burning in the Whangarei and Kerikeri airsheds – permitted activity', or
- 3) permitted activity under rule C.7.1.3 'Outdoor burning for fire training purposes – permitted activity', or
- 4) permitted activity under rule C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity', or
- 5) permitted activity under rule C.7.1.5 'Burning for energy (electricity and heat) generation less than 40kW – permitted activity', or
- 6) permitted activity under rule C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity', or
- 7) restricted discretionary activity under rule C.7.1.7 'Existing authorised burning for energy generation – restricted discretionary activity', or
- 8) non-complying activity under rule C.7.1.9 'Outdoor burning – non-complying activity',

is a discretionary activity.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from any burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from any burning (s15(2A)).

C.7.1.9

Outdoor burning – non-complying activity

The outdoor burning of:

- 1) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and
- 2) wood treated with Copper Chrome Arsenic (CCA) or other chemicals, and
- 3) timber treated with preservatives or impregnated with chemicals, for example, medium density fibreboard (MDF) and chipboard, and
- 4) construction or demolition waste, and

⁵⁵⁷ Clarification

- 5) plastics, and
- 6) paint and other surface coating materials, and
- 7) tar, and
- 8) rubber, and
- 9) materials containing asbestos, and
- 10) synthetic material including but not limited to foams, fibreglass, batteries, chemicals, paint and other surface coating materials, and
- 11) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and
- 12) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principle waste, and
- 13) sludge from industrial processes, and
- 14) municipal, commercial, institutional, domestic, or industrial waste, and
- 15) any container that has been used for the purpose of storing hazardous substances,

that is not:

- 16) a permitted activity under rule C.7.1.3 'Outdoor burning for fire training purposes – permitted activity', or
- 17) a permitted activity under rule C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity',

is a non complying activity.

Note: *The National Environmental Standards for Air Quality generally prohibits the burning of bitumen on a road, coated wire, tyres, oil, waste and gas at landfills.*

The RMA activities this rule covers:

- ~~Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
 - ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
 - Discharge of any contaminant into air from any outdoor burning from any industrial or trade premises 15(1)(c)).
 - Discharge of any contaminant into air from any outdoor burning (s15(2A)).
-

C.7.2 Other air discharges

C.7.2.1

Wet abrasive blasting – permitted activity

Wet abrasive blasting (including water blasting) is a permitted activity provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁸⁹⁾
- 2) all working and surrounding areas are kept free of substantial accumulations of used abrasive blasting mediums and other debris after each blasting session and such material must be removed by the end of each working day, and
- 3) used abrasive blasting mediums and other debris must be contained to the extent that no hazardous substances are discharged into water, and
- 4) the abrasive blasting medium is not greater than 5 percent by dry weight free silica, and
- 5) any discharge into water does not cause beyond a 20 metre radius in the receiving waters from the point of discharge:
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) a water quality standard to be exceeded, or⁽⁷⁹⁰⁾
 - c) increase the temperature by more than 3 degrees Celsius, or
 - d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than 1 pH unit, or
 - e) cause the dissolved oxygen to be less than 5 mg/L, or
 - f) any conspicuous change in the colour or visual clarity, or
 - g) the rendering of fresh water unsuitable for consumption by farm animals, or
 - h) any significant adverse effects on aquatic life ecosystem health.⁵⁵⁸

The RMA activities this rule covers:

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants onto land where it may enter water (s15(1)(b)).
- Discharge contaminants into land and air from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into land and air from any other place or source (s15(2A)).
- Discharge of contaminant or water from wet abrasive blasting into water (s15(1)(a)).

- Discharge of contaminant from wet abrasive blasting 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 water (s15(1)(b)).
- Discharge of contaminant from wet abrasive blasting from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from wet abrasive blasting from any industrial or trade premises onto or into land (s15(1)(d)).
- Discharge of contaminant from wet abrasive blasting onto or into land or into air (s15(2A)).⁽⁷⁹¹⁾

C.7.2.2

Dry abrasive blasting within an enclosed booth – permitted activity

Dry abrasive blasting within a purpose-built enclosed blasting booth is a permitted activity provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁹²⁾
- 2) the enclosed booth is fitted with an air extraction system that discharges all contaminants and exhaust air into a vent or emissions stack, and
- 3) the air extraction system is maintained at all times to remove at least 95% of particulate matter from the discharge, and
- 4) items being blasted are completely contained within the abrasive blasting booth, and
- 5) all doors, windows and other openings to the abrasive blasting booth are closed when blasting, and
- 6) the discharge from the air extraction system is at least 50 metres from any dust sensitive area on another property.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of contaminant from dry abrasive blasting from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from dry abrasive blasting into air (s15(2A)).

C.7.2.2A

Venting natural gas – permitted activity

The discharge of natural gas, by way of venting, as a consequence of natural gas transmission and distribution activities, is a permitted activity provided:

- 1) the discharge does not cause noxious, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and
- 2) the total amount of natural gas vented does not exceed 150 cubic metres (at standard conditions temperature and pressure conditions) per hour, and
- 3) venting does occur for more than one hour in any 24-hour period, and
- 4) the point of discharge is at least 2 metres away from any potential ignition source.⁵⁵⁹

C.7.2.3

Discharges to air from a closed landfill – permitted activity

Discharges into air from any closed landfill ~~is~~ **are** a permitted activity provided:

- 1) the landfill was closed before the 1 September 2017, and⁵⁶⁰
- 2) the discharge does not result in any **noxious, dangerous,** offensive or objectionable odour, smoke, ~~spray or~~ dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety,** beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁹⁴⁾⁵⁶¹
- 3) there are no significant health and safety exposure risks from landfill gas on the subject site where public access is allowed, and
- 4) **landfill gas at the property boundary does not exceed the following in-ground concentrations:**
 - a) **one percent methane by volume, or**
 - b) **0.5 percent carbon dioxide by volume, and**⁽⁷⁹⁵⁾
- 5) in circumstances where the closed landfill is **authorised by in receipt of** an existing resource consent to discharge to air, prior to the expiry of the consent it ~~can~~ **is** ~~be~~ demonstrated to the regional **council, that conditions (2) and (3) of this rule are met by a risk assessment prepared by a suitably qualified and experienced practitioner, that conditions (2) and (3) of this rule are met.**

The RMA activities this rule covers:

- **Discharge contaminants into air from industrial and trade premises (s15(1)(c)).**
- **Discharge contaminants into the air from any other place or source (s15(2A)).**
- **Discharge of contaminant from any closed landfill from any industrial or trade premises into air (s15(1)(c)).**
- **Discharge of contaminant from dry closed landfill into air (s15(2A)).**

⁵⁵⁹ First Gas

⁵⁶⁰ Clarification

⁵⁶¹ Clarificaiton

C.7.2.4

Discharges to air from industrial and trade activities - permitted activity

The discharge of contaminants to air from the following industrial and trade activities is a permitted activity:

- 1) premises for the manufacture or preparation or cooking of food or beverages for human consumption but excluding:
 - a) the extraction, distillation, or purification of animal or vegetable oil or fat other^{wise} than as a process incidental for the cooking of food, and
 - b) any process for the rendering or reduction or drying of animal matter (including feathers, blood, bone, skin or offal), and
 - c) any processes for the drying of milk or milk products, and
- 2) the refilling, storage, dispensing and sale of fuels, and
- 3) the operation of drycleaning facilities consuming solvents, and
- 4) the application of spray coating activities **in quantities not more than 30 litres per day,** and⁵⁶²
- 5) the operation of air conditioning systems and ventilation systems, and
- 6) the operation of industrial and commercial refrigeration systems, and
- 7) moving or stationary engine exhaust systems, and
- 8) indoor combustion of fuels for fire fighting training or emergency fire fighting purposes, and
- 9) premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and
- 10) premises used for the application of surface coatings, including printing or manufacture of packaging materials and the printing of paper **but excluding spray coating facilities detailed above**⁵⁶³, and
- 11) premises used for processes involving dyeing, printing, or finishing of yarns, threads, woven, non-woven or knitted fabrics or garments, but excluding: chemical reactions of monomers for the production of synthetic threads, fellmongery, tanning, the curing of leathers or wool scouring, and
- 12) premises used for the sale, servicing, or repairs to motor vehicles, trailers, boats or like equipment, including body and engine repairs, panel beating and fibre-glassing, and
- 13) yards used to hold stock and/or buildings used solely for animal slaughtering and skinning, and
- 14) premises used for saw milling, joinery, cabinet making, furniture restoration and finishing, wood craft manufacture, but excluding the production of any form of particle-board, hardboard, medium density fibre-board or similar product), and
- 15) premises or activities where water vapour or steam are released, and
- 16) premises used for fumigation for quarantine purposes, and

⁵⁶² NDHB, Wickham, para 6.10

⁵⁶³ Clarification

- 17) the construction, repair, maintenance and demolition of buildings, and
- 18) the refilling, storage and dispensing of tallow, and
- 19) the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and
- 20) the loading and unloading and on-site movement of materials ~~having a dust producing capacity~~⁵⁶⁴, and
- 21) a transfer station or recycling depot, and
- 22) premises used for the bulk storage, ~~mixing~~ and distribution of fertiliser, and⁵⁶⁵
- 23) quarrying operations, ~~earthworks~~ and clean fill operations.
- 24) ~~rotational plastic moulding.~~⁽⁷⁹⁷⁾
- 25) ~~a poultry hatchery or poultry feed mill.~~⁵⁶⁶

provided:

- 26) the discharge does not result in any ~~noxious, dangerous,~~ offensive or objectionable odour, smoke, ~~spray or~~ dust, or any noxious or dangerous levels of ~~airborne contaminants including those that adversely affect traffic or aircraft safety,~~ beyond the boundary of the subject property or in the coastal marine area.⁽⁷⁹⁸⁾

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).

C.7.2.5

Discharges to air from the use of public roads by motor vehicles - permitted activity

The discharge of dust to air from the use of public roads by motor vehicles, is a permitted activity provided ~~that the relevant road controlling authority:~~

- 1) ~~provides on its website, the current edition of the New Zealand Transport Agency capital funding criteria applicable to the mitigation of dust generation or a link to this document; and~~
- 2) ~~provides on its website, an up-to-date list of sites in the district that have been assessed by the road controlling authority against the current New Zealand Transport Agency criteria and indicate the sites where funding has been sought from the New Zealand Transport Agency.~~⁵⁶⁷
- 1) ~~the relevant road controlling authority has a current programme in place that sets out the priority sites in the district for mitigating the effects of dust on dust sensitive areas.~~

The RMA activities this rule covers:

- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~

C.7.2.6

⁵⁶⁴ Clarification

⁵⁶⁵ Ravensdown, Taylor, para 2.36

⁵⁶⁶ Tegal, van de Munckhof, para 56

⁵⁶⁷ FNDC and WDC answers to our questions

Discharges to air not specifically regulated in the Plan - permitted activity

The discharge of contaminants to air that is not specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under another rule in C.7.2 of this Plan is a permitted activity provided:

- 1) the discharge is not from an industrial or trade premises; and other than for discharges from motor vehicles, aircraft, trains, or vessels; the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁸⁰⁰⁾⁵⁶⁸
- 2) the discharge is not from dry abrasive blasting, except as provided for by rule C.7.2.6B 'Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity'.⁵⁶⁹

The RMA activities this rule covers:

- Discharge contaminants into the air from any other place or source (s15(2A)).⁽⁸⁰¹⁾

⁵⁶⁸ NZTA, Heppelthwaite, para 9.52.

⁵⁶⁹ Clarification

C.7.2.6A

Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance - permitted activity

Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance is a permitted activity provided:

- 1) there are must be no spray sensitive activities within 30m of the activity, and
- 2) there is must be an exclusion zone that prevents public access within 15m of the activity, and
- 3) the quantity of paint containing diisocyanates or organic plasticisers applied in a continuous application at a single location must does not exceed 18 liters per day., and
- 4) there must not be is no any discharge of surface coating material to water or to land in circumstances which may result in the surface coating material entering water.⁵⁷⁰

The RMA activities this rule covers:

- Discharge of contaminant from spray application of surface coatings containing diisocyanates or organic plasticisers from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from spray application of surface coatings containing diisocyanates or organic plasticisers from any industrial or trade premises onto or into land (s15(1)(d)).
- Discharge of contaminant from spray application of surface coatings containing diisocyanates or organic plasticisers onto or into land or into air (s15(2A)).

C.7.2.6B

Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity

Dry abrasive blasting of infrastructure outside of an enclosed booth is a controlled activity provided:

- 1) It is not undertaken over a water body or in the coastal marine area, and
- 2) it is not undertaken within 100 meters of an occupied building on another property, and
- 3) it is only undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and
- 4) abrasive material used in abrasive blasting must contain no more than 5% free silica by dry weight, and
- 5) waste and debris from abrasive blasting must be removed from the site to the extent practicable.

Matters of control

- 1) the effects on water quality and aquatic ecosystem health ecologically sensitive receiving environments, and⁵⁷¹

⁵⁷⁰ Clarification

⁵⁷¹ Clarification

- 2) effects on occupied buildings, and
- 3) the risk of contaminating land, and
- 4) effects on human health, and⁵⁷²
- 5) timing, location and duration of the activity, and
- 6) the use of covers, tarpaulins or cladding over area of the structure to be worked on.⁵⁷³

The RMA activities this rule covers:

- Discharge of contaminant from dry abrasive blasting 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 water (s15(1)(b)).
- Discharge of contaminant from dry abrasive blasting from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from dry abrasive blasting from any industrial or trade premises onto or into land (s15(1)(d)).
- Discharge of contaminant from dry abrasive blasting onto or into land or into air (s15(2A)).

C.7.2.6C

Existing authorised air discharges from industrial and trade activities - restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for discharges to air associated with an industrial or trade activity that is not specifically provided for by another rule in this Plan, is a restricted discretionary activity provided:

- 1) the existing air discharge is authorised by an existing resource consent at the time of the resource consent application, and
- 2) there is no increase in the scale of or change to the type of the discharge as authorised by the existing resource consent.

Applications processed under this rule are precluded from public notification

Matters of discretion:

- 1) effects on dust, odour, smoke and spray sensitive areas including neighbouring dwelling places or properties, and
- 2) the location of the discharge in relation to dust, odour, smoke and spray sensitive areas, and
- 3) the method of discharge, and
- 4) emission control equipment, its operation and maintenance, and
- 5) requirement for a management plan, and
- 6) emission limits (concentrations and/or rates) on the discharge, and

⁵⁷² Clarification

⁵⁷³ NZR, Chilton, para 41

- 7) local air quality, **and** compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004, **and** ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the Ministry for the Environment 'Good Practice Guide for Assessing Discharges to Air from Industry, June 2008'.⁽⁸⁰⁴⁾⁵⁷⁴

The RMA activities this rule covers:

- Discharge of contaminant or water, incidental to a discharge to air, into water (s15(1)(a)).
- Discharge of contaminant, incidental to a discharge to air, 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 water (s15(1)(b)).
- Discharge of contaminant from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant, incidental to a discharge to air, from any industrial or trade premises onto or into land (s15(1)(d)).

C.7.2.7

Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity

The discharge of contaminants to air that ~~is~~ **are**⁽⁸⁰⁵⁾ not specifically a permitted (including through C.7.2.6 'Discharges to air not specifically regulated in the plan - permitted activity'), controlled, restricted discretionary, non-complying or prohibited activity under another rule in this Plan, **are** ~~is~~ a discretionary activity.⁵⁷⁵

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
 - Discharge contaminants into the air from any **other** place or source (s15(2A)).
-

⁵⁷⁴ C.7.1.7 NZR, Chilton, para 34

⁵⁷⁵ Clarification

C.8 Land use and disturbance activities

This is an index and guide to the rules in this section. It does not form part of the Plan. Refer to specified rules for detailed requirements.

NOTE - THIS INDEX / GUIDE HAS NOT BEEN UPDATED AS A RESULT OF RECOMMENDED CHANGES TO PROVISIONS

Stock exclusion

Rule	Page
C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing artificialClarification watercourse – permitted activity'	151
C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity'	151
C.8.1.3 'Access of livestock to a significant wetland, an outstanding freshwater body, and/or the coastal marine area – non-complying activityConsequential amendment'	152

Cultivation

Rule	Page
C.8.2.1 'Land preparationCultivation – permitted activity'	154
C.8.2.1 'Land preparationCultivation – permitted activity'	155

Earthworks

Rule	Page
C.8.3.1 'Earthworks – permitted activity'	153
C.8.3.2 'Earthworks - controlled activity'	154
C.8.3.1 'Earthworks – permitted activity'	155

Vegetation clearance

Rule	Page
<u>C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal hazardriparian and foredune management area – permitted activity'</u>	156
<u>C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal hazardriparian and foredune management area – permitted activity'</u>	157
<u>C.8.4.2 'Vegetation clearance - discretionary activity'</u>	158

Bores

Rule	Page
<u>C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity'</u>	158
<u>C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity'</u>	159
<u>C.8.5.2 'Construction or alteration of a bore – controlled activity'</u>	159
<u>C.8.5.2 'Construction or alteration of a bore – controlled activity'</u>	159

Re-building

Rule	Page
<u>C.8.6.1 'Re-building of materially damaged or destroyed buildings – restricted discretionary activity'</u>	160
<u>C.8.6.1 'Re-building of materially damaged or destroyed buildings – restricted discretionary activity'</u>	160

C.8.1 Livestock⁵⁷⁶ exclusion

Note: Catchment specific rules E.0.7 'Access of livestock to the bed of a water body or permanently flowing artificial watercourse in the Mangere catchment – permitted activity' and E.0.9 'Access of livestock to the bed of a water body in the Whangarei Harbour catchment – permitted activity' apply and take precedence over rule C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing artificial watercourse – permitted activity'.

C.8.1.1A

Access of livestock to the bed of an ephemeral or intermittently flowing river – permitted activity

The access of livestock to an ephemeral river or an intermittently flowing river is a permitted activity.⁵⁷⁷

C.8.1.1

Access of livestock to the bed of a water body or continually permanently⁵⁷⁸ flowing artificial⁽⁸⁰⁷⁾ watercourse – permitted activity

The access of livestock to a natural wetland, the bed of a lake or a continually permanently⁵⁷⁹ flowing river, or a continually permanently⁵⁸⁰ flowing artificial watercourse drain is a permitted activity,⁽⁸⁰⁸⁾ provided:

- 1) native indigenous wetland vegetation in a natural wetland is not damaged or⁽⁸¹⁰⁾ destroyed, and⁵⁸¹

1A) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a public water supply intake servicing more than 25 people; and⁵⁸²

2A) livestock are effectively excluded from inanga spawning sites, and⁵⁸³

- 2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse drain⁵⁸⁴ in accordance with the requirements in Table 7 'Dates when livestock must be effectively excluded from water bodies and continually permanently⁵⁸⁵ flowing artificial watercourses.' the following table⁽⁸¹¹⁾, and
- 3) livestock crossing points used by livestock (excluding deer)⁽⁸¹²⁾ more than once per week must be bridged or culverted by the dates in Table 7 'Dates when livestock must be effectively excluded from water bodies and continually permanently⁵⁸⁶ flowing artificial watercourses.' the following table⁽⁸¹³⁾, and

⁵⁷⁶ Clarification

⁵⁷⁷ Clarification

⁵⁷⁸ Clarification

⁵⁷⁹ Clarification

⁵⁸⁰ Clarification

⁵⁸¹ Delete 'indigenous' – F&G, Myers, para 67

⁵⁸² WDC, FNDC and their answers to question 19. (see also Clause 6(3)(c) of NES Plantation Forestry)

⁵⁸³ Minister of Conservation, Petrove

⁵⁸⁴ Clarification

⁵⁸⁵ Clarification

⁵⁸⁶ Clarification

- 4) at a **livestock crossing point** that is not required to be bridged or culverted, **livestock** are:
- actively led or** ⁽⁸¹⁴⁾ driven across the **water body or artificial watercourse river or drain** ⁽⁸¹⁵⁾, and ⁵⁸⁷
 - effectively excluded** from the river or drain between crossings by the dates in Table 7 'Dates when livestock must be effectively excluded from water bodies and **continually permanently** ⁵⁸⁸ flowing artificial watercourses.' **the following table** ⁽⁸¹⁶⁾

Table 7 Dates when livestock must be effectively excluded from water bodies and **continually permanently ⁵⁸⁹ flowing **drains artificial watercourses**. ⁵⁹⁰**

Livestock type	<u>Continually</u> Permanently flowing rivers, streams and <u>artificial watercourses</u> drains greater than 1m wide and 30cm ⁽¹⁷⁾ deep	All <u>continually</u> permanently flowing rivers, streams and <u>artificial watercourses</u> drains	Natural wetlands (excluding significant wetlands) <u>>2000 m² (18)</u>	Lakes (>1ha) and significant wetlands
Pigs and dairy cows	Excluded from the date this Rule C.8.1.1 ⁵⁹¹ becomes operative	Excluded from 1 January 2023		
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in I ‘Maps <u>Ngā mahere matawhenua</u> ’:			Excluded from the date this Rule C.8.1.1 ⁵⁹² becomes operative
	Excluded from 1 January 2025	Excluded from 1 January 2030	Excluded from 1 January 2025	
	Hill country areas as mapped in I ‘Maps <u>Ngā mahere matawhenua</u> ’: No exclusion required.			

* **Rivers, streams and artificial watercourses that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.** ⁽⁸²⁰⁾

The RMA activities this rule covers:

- Restrictions on use of land (s9(2)).**
- Restrictions on certain uses of beds of lakes and rivers (s13(2)).**
- Access of livestock to a river, lake, ⁵⁹³ natural wetland or artificial watercourse (s9(2))**

⁵⁸⁷ NZDF

⁵⁸⁸ Clarification

⁵⁸⁹ Clarification

⁵⁹⁰ Change to last column in response to Dairy NZ, Depree, para 114

⁵⁹¹ Clarification

⁵⁹² Clarification

⁵⁹³ Clarification

- Access of **livestock** to the bed of a lake or river, or the bed of a wetland forming part of a lake or river (s13(2))⁽⁸²¹⁾

C.8.1.2

Access of livestock to rivers, lakes, and wetlands – ~~restricted~~ discretionary activity

The access of **livestock** to a **natural wetland** **with an area greater than $>2000\text{ m}^2$** ⁵⁹⁴⁽⁸²²⁾, the bed of a lake or a **continually permanently**⁵⁹⁵ flowing river, or a **continually permanently**⁵⁹⁶ flowing **artificial watercourse drain**⁽⁸²³⁾ that is not:

- 1) a permitted activity under C.8.1.1 'Access of livestock to the bed of a water body or **continually permanently**⁵⁹⁷ flowing **artificial** watercourse – permitted activity', or
- 2) a permitted activity under E.0.9 'Access of livestock to the bed of a water body or **continually permanently**⁵⁹⁸ flowing **artificial** watercourse in the Whangārei harbour catchment – permitted activity', or
- 3) a permitted activity under E.0.7 'Access of livestock to the bed of a water body or **continually permanently**⁵⁹⁹ flowing artificial watercourse in the Mangere catchment – permitted activity', or
- 4) a non-complying activity under C.8.1.3 'Access of livestock to **a significant wetland**, an outstanding freshwater body, ~~and~~ **or** the coastal marine area – non-complying activity'

is a ~~restricted~~⁽⁸²⁴⁾ discretionary activity.

Matters of discretion:

- 1) ~~Effects on water quality.~~
- 2) ~~The extent to which **livestock** can be **effectively excluded**.~~
- 3) ~~The methods and timing for excluding **livestock**.~~
- 4) ~~The sensitivity of the water body to the effects of **livestock** access.~~
- 5) ~~Effects on:~~
 - a) ~~Mahinga kai and access to mahinga kai, and~~
 - b) ~~Indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and~~
 - c) ~~Wāhi tapu, and~~
 - d) ~~mapped Sites and Areas of Significance to Tangata Whenua (refer to 'Maps')~~

Notification:

~~Resource consent applications under this rule are precluded from notification (limited or public)~~⁽⁸²⁵⁾.

⁵⁹⁴ Clarification

⁵⁹⁵ Clarification

⁵⁹⁶ Clarification

⁵⁹⁷ Clarification

⁵⁹⁸ Clarification

⁵⁹⁹ Clarification

The RMA activities this rule covers:

- ~~Restrictions on use of land (s9(2)).~~
- ~~Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
- Access of livestock to a natural wetland or artificial watercourse (s9(2)).
- Access of livestock to the bed of a lake or river, or the bed of a wetland forming part of a lake or river (s13(2)).

C.8.1.3

Access of livestock to ~~a significant wetland~~, an outstanding freshwater body, ~~and or~~ the coastal marine area – non-complying activity⁽⁸²⁷⁾

The access of livestock to an outstanding freshwater body or the coastal marine area, ~~or a significant wetland~~⁽⁸²⁸⁾ that is a not permitted activity under C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing watercourse – permitted activity'⁽⁸²⁹⁾ is a non-complying activity.

The RMA activities this rule covers:

- ~~Restrictions on use of land (s9(2)).~~
 - ~~Restrictions on use of coastal marine area (s12(3)).~~
 - ~~Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
 - ~~Access of livestock to a natural wetland (s9(2)).~~⁶⁰⁰
 - Access of livestock to the coastal marine area (s12(3)).
 - Access of livestock to the bed of a lake or river (s13(2)).
-

C.8.2 **Cultivation** **Land preparation**

C.8.2.1

Land preparation **Cultivation** – permitted activity

Land preparation Cultivation of land⁽⁸³¹⁾ is a permitted activity provided:

- 1) the activity is not undertaken in the catchment of an outstanding lake⁶⁰¹ or a dune lake with outstanding or high ecological value, and
- 2) the activity is not undertaken done⁶⁰² on erosion prone land highly erodible land⁽⁸³²⁾ or in an ephemeral stream⁶⁰³⁽⁸³³⁾, and

⁶⁰⁰ Clarification

⁶⁰¹ Consequential change to the recommended addition of "or a dune lake with outstanding or high ecological value".

⁶⁰² Clarification

⁶⁰³ Clarification (see deletion below in condition 2(b))

- a) five metres of a [natural wetland](#), the bed of a lake, or a continually or intermittently flowing river or stream, and
 - b) ~~an [ephemeral watercourse](#), and~~⁽⁸³⁴⁾ if associated with horticulture, it is ~~done undertaken~~⁶⁰⁴ in accordance with the *Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand)*, and⁽⁸³⁵⁾
- 4) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond [the zone of reasonable mixing](#) a 20 metre radius from a point of discharge⁽⁸³⁶⁾:
- a) any conspicuous change in colour or visual clarity, or
 - b) rendering fresh water unsuitable for consumption by farm animals, or
 - c) any significant adverse effects on aquatic [life ecosystem health](#)⁶⁰⁵

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- [Land preparation](#) (s9(2))
- ~~Damming and diversion of stormwater from land the subject of [land preparation](#) (s14(2)(a)).~~
- ~~Discharge of stormwater from land the subject of [land preparation](#) into water (s15(a)).~~
- ~~Discharge of stormwater from land the subject of [land preparation](#) onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).~~

C.8.2.2

[Land preparation](#) ~~Cultivation~~ – controlled activity

[Land preparation](#) ~~Cultivation~~ of land⁽⁸³⁸⁾ that is not a permitted activity under C.8.2.1 '[Land preparation](#) ~~Cultivation~~ – permitted activity' is a controlled activity.

Matters of control:

- 1) [Measures to avoid or mitigate adverse effects](#) on [surface and ground](#) water quality⁽⁸³⁹⁾, and
- 2) The scale, location, and timing of [land preparation cultivation](#)⁽⁸⁴⁰⁾, and
- 3) Erosion and sediment control measures.

[Notification](#)

~~Resource consent applications under this rule are precluded from notification (limited or public).~~⁽⁸⁴¹⁾

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~

⁶⁰⁴ Clarification

⁶⁰⁵ Clarification

- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)).~~
- Land preparation (s9(2)).
- Damming and diversion of stormwater from land the subject of land preparation (s14(2)(a)).
- Discharge of stormwater from land the subject of land preparation into water (s15(a)).
- Discharge of stormwater from land the subject of land preparation onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).

C.8.3 Earthworks

C.8.3.1

Earthworks – permitted activity

Earthworks outside of the bed of a river, or lake or wetland and the coastal marine area and any associated damming, diversion and discharge of stormwater⁶⁰⁶ are is⁽⁸⁴³⁾ a permitted activity provided:

- 1) the amount of earthworks at a particular location or associated with a project complies with the thresholds in the following table:

Table 8 Permitted activity earthworks thresholds

Location	Earthworks thresholds
Within 10m of a <u>natural wetland</u> , the bed of a <u>continually or intermittently flowing</u> ⁶⁰⁷ river or lake	200 square metres of exposed <u>earth</u> at any <u>one</u> ⁽⁸⁴⁴⁾ time, and 50 cubic metres of moved or placed <u>earth</u> in any 12 month period
Catchment of an <u>outstanding lake</u>	2500 square metres of exposed <u>earth</u> at any <u>one</u> time
<u>Erosion prone land</u> <u>Highly erodible land</u>	2500 square metres of exposed <u>earth</u> at any <u>one</u> time
High risk flood hazard area	50 cubic metres of moved or placed <u>earth</u> in any 12 month period
Coastal <u>hazard—riparian and foredune</u> management area ⁽⁸⁴⁵⁾	Excluding for <u>coastal dune restoration</u> , 200 square metres of exposed <u>earth</u> at any <u>one</u> time.

⁶⁰⁶ Clarifications

⁶⁰⁷ Clarification

Flood hazard area	100 cubic metres of moved or placed earth in any 12 month period
Contaminated land or potentially Contaminated land	25 cubic metres per 500 square metres of the piece of land ⁽⁸⁴⁶⁾ , or 30 cubic metres for each tank when removing or replacing a fuel storage system. ⁽⁸⁴⁷⁾
All Other areas ⁽⁸⁴⁸⁾	5000 square metres of exposed earth at any one time

1A) The discharge is not within 20 metres of a geothermal surface feature, and⁶⁰⁸

- 2) best practice erosion and sediment control measures are implemented in accordance with, set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016* (GD05)⁶⁰⁹⁽⁸⁴⁹⁾, are implemented for the duration of the activity, and⁽⁸⁵⁰⁾⁶¹⁰
- 3) batters and side castings are stabilised to prevent slumping, and
- 4) areas of exposed earth are stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, or otherwise contained, and
- 5) earth and debris are not deposited into, or in a position where they can enter, a natural wetland, a continually or intermittently flowing river, a lake, an artificial water course, or the coastal marine,⁶¹¹ and
- 6) the earthworks activity does not:
 - a) reduce the height of a dune crest in a coastal hazard riparian and foredune⁽⁸⁵¹⁾ management area, except where dunes must be are recontoured through removal of to remove introduced materials or to correct remediate dune blow-outs as part of coastal dune restoration work, or⁽⁸⁵²⁾⁶¹²
 - b) exacerbate flood or coastal hazard risk on any other property, or
 - c) create or contribute to the instability or subsidence of land on other property, or
 - d) divert flood flow onto other property, and
- 7) any associated damming⁶¹³ diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20 metre radius of the point of discharge⁽⁸⁵³⁾.⁶¹⁴
 - a) any conspicuous change in the colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or

⁶⁰⁸ NZ Geothermal Association

⁶⁰⁹ Clarification

⁶¹⁰ Jeff Kemp

⁶¹¹ Clarifications

⁶¹² Clarification

⁶¹³ Clarification

⁶¹⁴ NZTA, Heppelthwaite, para 9.47

c) any significant adverse effects on aquatic ~~life ecosystem health~~,⁶¹⁵ and

7A) information on the source and composition of any ~~clean fill material~~ and its location within the disposal site are recorded and provided to the regional council on request, and⁽⁸⁵⁴⁾

8) the regional council's compliance manager is given at least five working days' notice (in writing or by email) of any ~~earthworks~~ activity being undertaken within a ~~high risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in and~~⁶¹⁶ sand dunes within a ~~coastal hazard management area~~.⁽⁸⁵⁵⁾

Note:

~~It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.~~

Note: *work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity ~~associated with a project will could~~⁶¹⁷ modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.*⁽⁸⁵⁶⁾

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)).~~
- ~~The use of land for earthworks (s9(2)).~~
- ~~Damming and diversion of stormwater from land the subject of earthworks (s14(2)(a)).~~
- ~~Discharge of stormwater from land the subject of earthworks into water (s15(1)(a)).~~
- ~~Discharge of stormwater from land the subject of earthworks into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).~~

C.8.3.2

Earthworks - controlled activity

~~Earthworks outside of the bed or of a river or lake, wetland and the coastal marine area⁽⁸⁵⁸⁾ that is not a permitted activity under rule C.8.3.1 'Earthworks — permitted activity', that exceed 5000 square metres of exposed earth at any time at a particular location or associated with a project~~

⁶¹⁵ Clarification

⁶¹⁶ Clarification

⁶¹⁷ Clarification

area and any associated damming, diversion and discharge of stormwater are is⁽⁸⁵⁹⁾ a controlled activity,⁶¹⁸ provided:

1A) the earthworks are not located:

- a) within 10 metres of a natural wetland, the bed of a continually or intermittently flowing⁶¹⁹ river or lake, or
 - b) in a catchment of an outstanding lake, or
 - c) on erosion prone land, or
 - d) in a flood hazard or high risk flood hazard area
 - e) in the coastal riparian and foredune management area.
- 1) the amount of earthworks at a particular location or associated with a project complies with the thresholds in the following table:⁽⁸⁶⁰⁾

Table 9 Controlled activity thresholds

Location	Earthworks thresholds
Within 10 metres of a natural wetland, the bed of a river or lake	200 square metres of exposed earth at any one time, and 50 cubic metres of moved or placed earth in any 12 month period
Catchment of an outstanding lake	2500 square metres of exposed earth at any one time
Highly erodible land	2500 square metres of exposed earth at any one time
High risk flood hazard area	50 cubic metres of moved or placed earth in any 12 month period
Coastal hazard management area	Excluding for coastal dune restoration, 200 square metres of exposed earth at any one time
Flood hazard area	1000 cubic metres of moved or placed earth in any 12 month period

2) the earthworks does not:

- a) reduce the height of a dune crest in a coastal hazard management area, and
- b) exacerbate flood or coastal hazard risk on any other property, and
- c) create or contribute to the instability or subsidence of land on other property, and
- d) divert flood flow onto other property.⁽⁸⁶¹⁾

⁶¹⁸ Clarifications

⁶¹⁹ Clarification

Matters of control:

- 1) The design and adequacy of erosion and sediment control measures .
- 2) The location, extent, timing, and duration of [earthworks](#).
- 3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- 4) Adverse effects on water bodies and coastal water.
- 5) Management of flooding effects and ~~the ability to avoid~~ [increased](#) [increasing](#) natural hazard risks ⁶²⁰ on other property.
- 6) Adverse effects on the following, where present in adjacent fresh water bodies or the coastal marine area:
 - a) wāhi tapu, and
 - b) mapped Sites and Areas of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua').

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)).~~
- The use of land for [earthworks](#) (s9(2))
- Damming and diversion of stormwater from land the subject of [earthworks](#) (s14(2)(a)).
- Discharge of stormwater from land the subject of [earthworks](#) into water (s15(1)(a)).
- Discharge of stormwater from land the subject of [earthworks](#) into or onto land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).

C.8.3.2A

Earthworks in a flood hazard area - controlled activity

Earthworks in ~~a~~ [the flood hazard area](#) that involve more than 50 cubic metres, but not ~~more than~~ ~~exceeding~~ 1000 cubic metres, of [earth](#) being moved or placed in any 12 month period area ~~and any associated damming, diversion and discharge of stormwater~~ are a controlled activity, ~~provided:~~

- 1) ~~The [earthworks](#) does not:~~
 - a) ~~exacerbate flood hazard risk (including the diversion of flood flow) on any other property, and~~
 - b) ~~create or contribute to the instability or subsidence of land on other property.~~ ^{(55) 621}

Matters of control:

⁶²⁰ Clarifications

⁶²¹ Clarification

- 1) The design and adequacy of erosion and sediment control measures.
- 1A) Effects of flood hazard risks, land instability and land subsidence on an other property.
- 2) The location, extent, timing, and duration of earthworks.
- 3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- 4) Adverse effects on water bodies and coastal water.
- 5) Management of flooding effects and the ability to avoiding increased natural hazard risks on other property.
- 6) Adverse effects on the following, where present in adjacent fresh water bodies or the coastal marine area:
 - a) wāhi tapu, and
 - b) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua').

The RMA activities this rule covers:

- The use of land for earthworks (s9(2)).
- Damming and diversion of stormwater from land the subject of earthworks (s14(2)(a)).
- Discharge of stormwater from land the subject of earthworks into water (s15(1)(a)).
- Discharge of stormwater from land the subject of earthworks into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).

C.8.3.3

Earthworks – discretionary activity

Earthworks outside of the bed or of a river or lake, a wetland, and or the coastal marine area⁽⁸⁶⁴⁾ area and any associated damming, diversion and discharge of stormwater that are is⁽⁸⁶⁵⁾ not a permitted or controlled activity under another rule in section C.8.3 of this Plan a controlled activity under rule C.8.3.2 'Earthworks – controlled activity', are is a discretionary activity.⁽⁸⁶⁶⁾

~~1. — a controlled activity under C.8.3.2A Earthworks in a flood hazard area – controlled activity~~⁶²²

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).
- The use of land for earthworks (s9(2)).
- Damming and diversion of stormwater from land the subject of earthworks (s14(2)(a)).
- Discharge of stormwater from land the subject of earthworks into water (s15(1)(a)).

- Discharge of stormwater from land the subject of earthworks into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).

C.8.4 Vegetation clearance in the coastal riparian and foredune management area

C.8.4.1

Vegetation clearance and coastal dune restoration within the coastal hazard riparian and foredune management area – permitted activity

Vegetation clearance and coastal dune restoration in the coastal hazard riparian and foredune management area and any associated damming, diversion and discharge of stormwater is are a permitted activity, provided:^{(868) 623}

- 1) No native indigenous dune vegetation is removed or cleared, and⁶²⁴
- 2) excluding coastal dune restoration, the area of cleared vegetation does not exceed 200 square metres in any 12 month period, and
- 3) for coastal dune restoration, cleared areas are replanted (during the period 1 May to 30 September the appropriate planting season) with native indigenous dune vegetation as soon as practicable, but no later than three two months after clearance. The appropriate planting season is 1 May until 30 September, and^{(869) 625}
- 4) there is no disturbance of indigenous or migratory bird nesting sites, and
- 5) the vegetation clearance does not exacerbate coastal hazard risks on other property, and
- 6) for coastal dune restoration or vegetation clearance on vegetated sand dunes, the regional council's compliance manager is given at least 10 working days' notice (in writing or by email) of the start date of any works, and
- 7) for coastal dune restoration, the Department of Conservation is given at least 10 working days' notice (in writing or email) of the start date of any works, and
- 8) any discharge of sediment stormwater originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
 - a) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or
 - c) any significant adverse effects on aquatic life ecosystem health.⁶²⁶

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).

⁶²³ Clarification

⁶²⁴ Consequential

⁶²⁵ Clarification

⁶²⁶ Clarification

- Discharge of contaminants into environment (s15(1)(a)).
- Use of land for [vegetation clearance](#) and [coastal dune restoration](#) (s9(2)).
- Damming and diversion of stormwater from land the subject of [vegetation clearance](#) or [coastal dune restoration](#) (s14(2)(a)).
- Discharge of stormwater from land the subject of [vegetation clearance](#) or [coastal dune restoration](#) (s15(1)(a)).
- Discharge of stormwater from land the subject of [vegetation clearance](#) or [coastal dune restoration](#) into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).

C.8.4.2

~~Clearance of native woody~~ [Vegetation clearance in riparian areas](#)⁽⁸⁷¹⁾ – permitted activity

[Vegetation clearance](#) within 10 metres of a [natural wetland](#) or within 10 metres of the bed of a [continually or intermittently flowing river or lake](#) ~~outside rivers, lakes, wetlands, the coastal hazard management area, and the coastal marine area~~⁽⁸⁷²⁾ [and any associated damming, diversion and discharge of stormwater](#) ~~are~~ is a permitted activity, provided:⁶²⁷

- 1) the area of cleared vegetation does not exceed [200 square metres](#) ~~the following thresholds~~ in any 12 month period~~;~~ [and](#)
 - a) ~~200 square metres within 10 metres of a natural wetland or the bed of a river or lake, or~~
 - b) ~~five hectares on highly erodible land if the cleared area is replanted with woody vegetation within six months from completion of the clearance, or~~⁽⁸⁷³⁾
 - c) ~~5000 square metres on highly erodible land if the cleared area is not replanted with woody vegetation, and~~⁽⁸⁷⁴⁾
- 2) vegetation is felled away from rivers, lakes, natural wetlands ~~and the coastal marine area~~⁽⁸⁷⁵⁾ except where it is unsafe or impractical to do so, and
- 3) ~~vegetation is not cleared by fire on peat soils, and~~⁽⁸⁷⁶⁾
- 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it ~~has the potential can~~⁶²⁸ to mobilise under heavy rain or flood flows and:
 - a) be deposited on [other property](#), or
 - b) divert or dam water, or
 - c) cause bed or bank erosion, or
 - d) damage receiving environments, downstream infrastructure, or property, and
- 5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:

⁶²⁷ Clarifications

⁶²⁸ Clarification

- a) any conspicuous change in colour or visual clarity, or
- b) the rendering of fresh water unsuitable for consumption by farm animals, or
- c) any significant adverse effects on aquatic **life ecosystem health**.⁶²⁹

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a)).~~
- Use of land for **vegetation clearance** (s9(2))
- ~~Damming and diversion of stormwater from land the subject of **vegetation clearance** (s14(2)(a)).~~
- ~~Discharge of stormwater from land the subject of **vegetation clearance** (s15(1)(a)).~~
- ~~Discharge of stormwater from land the subject of **vegetation clearance** into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).~~⁽⁸⁷⁷⁾

C.8.4.3

Vegetation clearance - discretionary activity

Vegetation clearance in the **coastal riparian and foredune management area**, or within 10 metres of a **natural wetland**, or within 10 metres of the bed of a **continually or intermittently flowing river** or lake **area** and any associated damming, diversion and discharge of stormwater that is not a **permitted activity in section C.8.4 of this Plan**:

1) ~~permitted activity under C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area – permitted activity', or~~

2) ~~permitted activity under C.8.4.2 'Clearance of native woody vegetation – permitted activity'~~⁶³⁰

is a discretionary activity.⁶³¹

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- The use of land for **vegetation clearance** (s9(2)).
- ~~Damming and diversion of stormwater from land the subject of **vegetation clearance** (s14(2)(a)).~~
- ~~Discharge of stormwater from land the subject of **vegetation clearance** (s15(1)(a)).~~
- ~~Discharge of stormwater from land the subject of **vegetation clearance** into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).~~⁽⁸⁷⁹⁾

⁶²⁹ Clarification

⁶³⁰ Clarifications

⁶³¹ Clarification

C.8.5 Bores

C.8.5.1

Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity

The construction or alteration of a bore for geotechnical or groundwater investigation, contaminated land investigation, mineral exploration, or mineral extraction is a permitted activity provided:⁶³²

- 1) The bore is not constructed in contaminated land, and⁽⁸⁸⁰⁾
 - 1A) The discharge is not within 100 metres of a geothermal surface feature, and⁶³³
- 2) it is not for the purpose of taking groundwater, except for the removal of a sample(s) for groundwater quality or level analysis, and
- 3) where more than one aquifer is penetrated, construction of the bore must not create a hydraulic connection between the aquifers, and
- 4) the bore is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 5) the bore is decommissioned and permanently closed within 90 days from the start of its construction, and
- 6) the regional council's compliance manager is notified (in writing or by email) of:
 - a) the construction or alteration of the bore at least 10 working days prior to the start of the work, and
 - b) the decommissioning and closure of the bore within 10 days of the completion of the work, and
- 7) the records required under Section 4 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)* and any groundwater quality records must be kept and forwarded to the regional council no later than one month after the bore is decommissioned.

Note:

It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project will could⁶³⁴ modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.⁽⁸⁸¹⁾

⁶³² Oil Companies, Proffitt, para 7.3

⁶³³ NZ Geothermal Association

⁶³⁴ Clarification.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2)).
- The use of land for the construction or alteration of a bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a)).
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)).

C.8.5.2

Alteration or decommissioning of a bore – permitted activity

The alteration or decommissioning of a bore is a permitted activity provided:

- 1) any alteration does not change the depth of the bore, and
- 2) it is done in accordance with Sections 2 and 4 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 3) the regional council's compliance manager is notified (in writing or by email) of the alteration or decommissioning of the bore within 10 days of the completion of the work.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2)).
- The use of land for the alteration or decommissioning of a bore (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a)).
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)).

C.8.5.3

Construction or alteration of a bore – controlled activity

The construction or alteration of a bore that is not:

- 1) a permitted activity under rule C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity', or
- 2) a permitted activity under rule C.8.5.2 'Alteration or decommissioning of a bore – permitted activity',

is a controlled activity, provided the bore is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*.⁶³⁵

⁶³⁵ Clarification (the condition is too subjective and is best dealt with as a matter of control, see matter of control 3A below.)

Matters of control:

- 1) Pump testing requirements, and
- 2) The location of the bore, including distance from any refuse disposal site, wastewater discharge site, or offal pit, and
- 3) The bore design (including bore head security),⁶³⁶⁽⁸⁸⁴⁾ construction (including depth), operation and maintenance requirements, and

3A) Ensuring compliance with the requirements set out in the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001), and

- 4) Measures to avoid, remedy or mitigate:⁽⁸⁸⁵⁾
 - a) Effects on the quality and quantity of groundwater and connected surface water⁽⁸⁸⁶⁾, and
 - b) Effects on tangata whenua and their taonga, and
- 5) Provision of information related to the construction of the bore.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2)).
- The use of land for the construction or alteration of a bore (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a)).
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b))⁽⁸⁸⁷⁾

C.8.5.4

Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity

The construction, alteration, or decommissioning of a bore that is not a permitted or controlled activity under any other rule in C.8.5 this Plan:

1. a permitted activity under rule C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity', or
2. a permitted activity under rule C.8.5.2 'Alteration or decommissioning of a bore – permitted activity', or
3. a controlled activity under rule,⁶³⁷

is a discretionary activity.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2)).

⁶³⁶ Clarification

⁶³⁷ Clarification.

- The use of land for the construction, alteration, or decommissioning of a bore (s9(2)).
 - Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a)).
 - Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)).
-

C.8.6 Re-building

C.8.6.1

Re-building of materially damaged or destroyed buildings – restricted discretionary activity

The re-building of a habitable building in a [high risk coastal hazard area](#) or [high risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event is a restricted discretionary activity, provided:

- 1) the application includes a natural hazard assessment from a suitably qualified professional, and

~~2) natural hazard risk to other property is not increased.~~⁶³⁸

Matters of discretion:

- 1) The [location and](#) design of the building to withstand natural hazard risk, [taking into account the nature of the hazard risk and how it might change over a 100-year timeframe, including the expected effects of climate change.](#)
- 2) ~~The potential~~ [Measures to avoid exacerbating](#) ~~to exacerbate~~ existing natural hazard risk as a result of the proposed re-building.
- 3) ~~The ability~~ [Measures](#) to avoid increasing natural hazard risks [on other property.](#)⁽⁸⁸⁹⁾

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ [Re-building of materially damaged or destroyed buildings,](#) (s9(2)).

C.8.6.2

Re-building of materially damaged or destroyed buildings – non-complying activity

The re-building of a habitable building in a [high risk coastal hazard area](#) or [high risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event, that is not a:

- 1) restricted discretionary activity under rule C.8.6.1 'Re-building of materially damaged or destroyed buildings – restricted discretionary activity'

is a non-complying activity.

⁶³⁸ Consequential

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ Re-building of materially damaged or destroyed buildings,
(s9(2)).
-

D Policies | Ngā kaupapa

D.1 Tangata whenua

D.1.1

When an analysis of effects on tangata whenua and their taonga is required

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their taonga⁽¹⁾ if one or more of the following is likely:

- 1) adverse effects on mahinga kai⁽²⁾ and or access to mahinga kai⁽³⁾, or
- 2) any damage, destruction and or loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga which Māori have a special relationship with⁽⁴⁾, or
- 3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities⁽⁵⁾, or
- 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
- 5) adverse effects on tāiapure, mataitai or Māori non-commercial fisheries⁽⁶⁾, or
- 6) adverse effects on protected customary rights⁽⁷⁾, or
- 7) adverse effects on Sites and Areas of Significance to Tangata Whenua mapped in the Regional Plan (refer I 'Maps | Ngā mahere matawhenua').

Note: The continued inclusion of clause 4 in this policy depends on the outcome of the appeals on the matter in the Regional Policy Statement.¹

D.1.2

Requirements of an analysis of effects on tangata whenua and their taonga

If an analysis of the effects of an activity on tangata whenua and their taonga is required in a resource consent application⁽⁸⁾ the analysis² must:

- 1) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their taonga, and
- 2) have regard to (but not be limited to):
 - a) any relevant planning document recognised by an iwi authority (lodged with the council) to the extent that its content has a bearing on the resource management issues of the region³, and
 - b) the outcomes of any consultation with tangata whenua with respect to the consent application, and

¹ Clarification

² Clarification

³ Clarification

- c) statutory acknowledgements in Treaty Settlement legislation, and
- 3) follow best practice, and
- 4) specify the tangata whenua ~~community on whose behalf that~~ the assessment ~~relates to is being made~~⁴, and
- 5) be evidence-based, and
- 6) incorporate, where appropriate, mātauranga Māori, and
- 7) identify and describe all the cultural resources and activities that may be affected by the activity⁽¹¹⁾, and
- 8) identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and
- 9) identify, where possible, how to avoid, remedy or mitigate the ~~adverse effects on~~ cultural ~~effects values~~⁵ of the activity that are more than minor, and
- 10) include any other relevant information.

D.1.3

Affected ~~parties persons~~⁽¹²⁾

The following persons must be considered an affected person with regard to notification⁽¹³⁾ where the adverse effects on the following resources and activities are minor or more than minor¹:

Table 10 Circumstances where tangata whenua are adversely affected for purposes of notification

Person	Resource or activity
The tangata whenua entity community ⁽¹⁵⁾ identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga'.	Cultural resources or activities identified in an analysis of effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga'.
The committee of management of a taiāpure.	Taiāpure
The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai.	Mataitai
The Tangata Kaitiaki/Tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana.	Non-commercial Māori fisheries

⁴ Clarification

⁵ Clarification

D.1.4

Managing effects on Places of Significance to Tangata Whenua

Resource consent for an activity may only be granted if the adverse effects from the activity on the values of Places of Significance to Tangata Whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.⁶

D.1.5

Places of Significance to Tangata Whenua

For the purposes of this Plan, a Place of Significance to Tangata Whenua ~~in the coastal marine area or a water body:~~

1A is in the coastal marine area, or in a water body, where the values which may be impacted are related to any of the following:

- i) soil conservation, or
- ii) quality and quantity of water, or
- iii) aquatic ecosystems and indigenous biodiversity, and

1) is:

- a) a historic heritage resource, or
- b) ancestral land, water, site, wāhi tapu, or other taonga, and

2) is either:

- a) a Site or Area of Significance to Tangata Whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or
- b) a Landscape of Significance to Tangata Whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified⁽¹⁶⁾, and

3) has one or more of the following attributes:

- a) historic associations, which include but are not limited to:
 - i. stories of initial migration, arrival and settlement, or
 - ii. patterns of occupation, ~~both including~~ permanent, ~~and~~ temporary or seasonal occupation, or
 - iii. the sites of conflicts and the subsequent peace making and rebuilding of iwi or hapū, or
 - iv. kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or
 - v. alliances to defend against external threats, or
 - vi. recognition of notable tupuna, and sites associated with them, or
- b) traditional associations, which include but are not limited to:

⁶ Transpower, Whitney, para 86

- i) resource use, including trading and trading routes between groups (for instance – with minerals such as matā/obsidian), or
 - ii) traditional travel and communication linkages, both on land and sea, or
 - iii) areas of mana moana for fisheries and other rights, or
 - iv) use of landmarks for navigation and location of fisheries grounds, or
 - v) implementation of traditional management measures, such as rāhui or tohatoha (distribution), or
 - c) cultural associations, which include but are not limited to:
 - i) the web of whanaungatanga connecting across locations and generations, or
 - ii) the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or
 - iii) respect for authority, such as rangatiratanga, and respect for relationships, such as tuakanatanga, or⁷
 - d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:
 - i) the role of the atua Ranginui and Papatūānuku, and their offspring such as Tangaroa and Tāne, or
 - ii) the recognition of the wairua of those with us and those who have passed away, or
 - iii) the need to maintain the mauri of all living things and their environment, and
 - 4) must:
 - a) be based on traditions and tikanga, and
 - b) be endorsed for evidential purposes by the relevant tangata whenua community, and
 - c) record the values of the place for which protection is required, and
 - d) record the relationship between the individual sites or resources (landscapes only), and
 - e) record the tangata whenua groups determining and endorsing the assessment, and
 - f) geographically define the areas where values can be adversely effected.
-

D.2 General

D.2.1

Rules for managing natural and physical resources

Include rules to manage the use, development and protection of natural and physical resources that:

⁷ Clarification

- 1) are the most efficient and effective way of achieving national and regional resource management objectives, and
- 2) are as **internally⁸** consistent as possible, and
- 3) use or support good management practices, and
- 4) minimise compliance costs, and
- 5) enable use and development that complies with the Regional Policy Statement for Northland **and the objectives of this Plan⁹**, and
- 6) focus on effects and, where suitable, use performance standards.

D.2.2

Social, cultural and economic benefits of activities

~~When considering resource consents,~~ Regard must be had to the social, cultural and economic benefits of ~~the~~ **a¹⁰** proposed activity,⁽¹⁷⁾ **recognising significant benefits to local communities, Maori and the region including local employment and enhancing Maori development particularly in areas of Northland where alternative opportunities are limited.**¹¹

D.2.2A

Climate change and development

Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design life of the development proposed and with reference to the latest national guidance and best available climate change projections.⁽¹⁸⁾

D.2.2B

Adaptive management

Regard should be had to the appropriateness of an adaptive management approach¹² where:

- a) **there is an inadequate baseline of information on the receiving environment, and**
- b) **the occurrence of potential adverse effects can be effectively monitored, and**
- c) **thresholds can be set to require mitigation action if more than minor adverse effects arise, and**
- d) **potential adverse effects can be remedied before they become irreversible.**¹³

⁸ Clarification

⁹ Clarification

¹⁰ Clarification

¹¹ Sweetwater Farms, hearings presentation.

¹² Adaptive management is **a means of managing activities where the effects are uncertain and the outcome of methods to avoid, remedy or mitigate those effects is also uncertain. Adaptive management regimes are primarily established through the setting of consent conditions that enable activities to be managed in response to monitoring of the effects of the activity.**

¹³ Fonterra, Willis, 5.17

D.2.2C

Benefits of regionally significant infrastructure⁽¹⁹⁾

Particular regard must be had to the national, regional and locally¹⁴ significant social, economic, and cultural benefits of regionally significant infrastructure.

D.2.2D

Managing Minor adverse effects arising from the establishment and operation of¹⁵ regionally significant infrastructure⁽²⁰⁾

1) Enable the establishment and operation (including consenting) of regionally significant infrastructure by allowing adverse effects where:

- a) The proposal is consistent with:
 - i) All policies in Section D.1 – Tangata Whenua, and
 - ii) D.2.6 – Managing adverse effects on historic heritage, and
 - iii) D.2. – Managing adverse effects on indigenous biodiversity, and
 - iv) D.2. – Managing adverse effects on natural character and outstanding natural features, and
- b) The proposal will not likely result in over allocation, and
- c) Other adverse effects are avoided, remedied, mitigated to the extent they are no more than minor.¹⁶

Enable the establishment and operation (including consenting) of regionally significant infrastructure by allowing any minor adverse effects providing where:

- a. The regionally significant infrastructure proposal is consistent with:
 - i. All policies in Section D.1 - Tangata Whenua, and
 - ii. D.2.6 - Managing adverse effects on historic heritage, and
 - iii. D.2.6A - Managing adverse effects on indigenous biodiversity, and
 - iv. D.2.7A - Managing adverse effects on natural character and outstanding natural features, and
- b. The regionally significant infrastructure proposal will not likely result in over allocation having regard to the allocation limits in H.6.3 'Allocation limits for rivers' and H.6.4 'Allocation limits for aquifers, and
- c. Other adverse effects arising from the regionally significant infrastructure are avoided, remedied, or mitigated or offset¹⁷ to the extent they are no more than minor.

D.2.2DD

Maintenance, repair and upgrading of regionally significant infrastructure¹⁸

¹⁴ Clarification

¹⁵ Restructure of Policy D.2.2D - WDC/FNDC (Wylie, Crawford)

¹⁶ WDC and FNDC planning evidence, para 48

¹⁷ Clarifications

¹⁸ WDC/FNDC (Wylie, Crawford) Restructure of Policy D.2.2D

Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where:

- a) The adverse effects whilst the maintenance or upgrading is being undertaken are not significant ; and
- b) The adverse effects after the conclusion of the maintenance or upgrading are the same or similar to those arising from the regionally significant infrastructure¹⁹ before the activity being undertaken.

D.2.2DDD

Appropriateness of regionally significant infrastructure proposals²⁰

When considering the appropriateness managing the adverse effects of a regionally significant infrastructure activity in circumstances where adverse effects are greater than envisaged in Policies D.2.2D and D.2.2DD²¹, have regard and give appropriate weight to:

- a) The benefits of the activity in terms of D.2.2C - Benefits of Regionally Significant Infrastructure, and
- b) Whether the activity must be recognised and provided for as directed by a national policy statement, and
 - ba) Any demonstrated functional need for the activity, and
 - bb) The extent to which any adverse environmental effects have been avoided, remedied or mitigated by route, site or method selection, and²²
- c) Any operational, technical or locational²³ constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects, and
- d) Whether the activity is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland, and
- e) The extent to which the adverse effects of the activity can be practicably reduced, inclusive of any positive effects and environmental offsets proposed. Such an assessment shall also take into account appropriate measures, when offered, to provide positive effects, either within the subject site or elsewhere provided that the positive effects accrue to the community of interest and / or resource affected,²⁴ and
- f) Whether a monitoring programme for any identified significant adverse effects with unknown or uncertain outcomes could be included as a condition of consent and an adaptive management regime (including modification to the consented activity) can be used to manage any uncertainty around the occurrence of residual adverse effects respond to such effects²⁵, and

¹⁹ Clarification

²⁰ WDC/FNDC (Wylie, Crawford) Restructure of Policy D.2.2D

²¹ WDC/FNDC (Wylie, Crawford) Clarification as to the intent of Policy D.2.2D.

²² Transpower, Whitney, para 96

²³ Clarification

²⁴ Clarification

²⁵ Clarification

- g) Whether the activity infrastructure proposal helps to achieve consolidated development and the efficient use of land and resources, including with the coastal marine area.²⁶

D.2.2E

Protection of regionally significant infrastructure

When considering new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure; ensure that the regionally significant infrastructure is not compromised.²⁷

D.2.2F

Renewable energy⁽²¹⁾

When considering activities associated with the generation of renewable energy:

- 1) have particular regard to the local, regional and national benefits of the generation of renewable energy generation.^{f28}
- 2) recognise the availability of renewable energy resources in Northland, which, in relation to resources managed by the regional council under S30 RMA, primarily includes including:
 - i) high temperature geothermal resources at Ngawha Springs,
 - ii) tidal resources, particularly in west coast harbours,
 - iii) hydroelectric resources on select higher flow/velocity river systems.
- 3) have particular regard to the practical constraints on considerations of large scale generation of renewable energy generation including:
 - i) The need for the generation of renewable energy generation to locate where the resource exists, and
 - ii) That effective generation of energy from geothermal resources will include the need to consumptively use geothermal heat and pressure.²⁹
 - iii) That effective generation of energy from tidal resources may include the need to dam or otherwise place equipment in the coastal marine area.
 - iv) That effective generation of energy from hydroelectric resources may include the need to divert, dam or otherwise restrict the flow of water.
 - v) The need to connect to the electricity supply network or national grid.

D.2.2G

Pest management⁽²²⁾

²⁶ NZR, Munro, para 5.6

²⁷ Transpower, Whitney, para 96

²⁸ Clarifications follow unless stated otherwise

²⁹ NZGA

Manage the adverse effects from [marine pests](#) and pests within the beds of water bodies by:

- 1) recognising that the introduction or spreading of [pests](#) within the coastal marine area and fresh water bodies could have significant and irreversible adverse effects on Northland's environment, and
- 2) recognising that the main risk of introducing and spreading of [pests](#) is from the movement of vessels, structures, equipment, materials and aquaculture livestock, and
- 3) decision makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of [pests](#), and
- 4) imposing [putting conditions in on](#) resource consents requiring that best [practice practicable option](#)³⁰ measures are implemented so that risk of introducing or spreading [pests](#) is effectively managed as a result of the consented activity.

D.2.3

Application of policies in the Regional Policy Statement for Northland to non-complying activities

The following policies in the Regional Policy Statement for Northland apply when considering a resource consent for a non-complying activity under Section 104D of the RMA:

- 1) Policy 4.4.1 – Maintaining and protecting significant ecological areas and habitats, and
- 2) Policy 4.6.1 – Managing effects on the characteristics and qualities of natural character, natural features and landscapes, and
- 3) Policy 4.6.2 – Maintaining the integrity of heritage resources, and
- 4) Policy 4.8.1 – Demonstrate the need to occupy space in the common marine and coastal area, and
- 5) Policy 5.1.1 – Planned and coordinated development, and
- 6) Policy 5.1.2 – Development in the coastal environment, and
- 7) Policy 5.1.3 – Avoiding the adverse effects of new uses(s) and development, and
- 8) Policy 5.3.3 – Managing adverse effects arising from regionally significant infrastructure, and
- 9) Policy 7.1.2 – New subdivision and land use within 10-year and 100-year flood hazard areas, and
- 10) Policy 7.2.2 – Establishing the need for hard protection structures.

D.2.4

Resource consent duration

When determining the expiry date for a resource consent, [have](#) particular regard [must be had](#) to:

³⁰ Clarification

- 1) the security of tenure for investment (the larger the investment, the ³¹ longer the consent duration), and
- 2) the administrative ⁽²³⁾ of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and³²
- 3) the reasonably foreseeable demands for the resource (the greater the foreseeable demands, the shorter the consent duration), and³³
- 4) certainty of effects (the less certain the effects, the shorter the consent duration), and
- 5) the extent of any existing investment (the larger the investment, the longer the consent duration), and⁽²⁴⁾
- 6) whether the activity is associated with Regionally Significant Infrastructure (generally longer consent durations for activities associated with Regionally Significant Infrastructure),⁽²⁵⁾ and
- 7) the following additional matters where the resource consent application is to re-consent an activity:
 - a) the applicant's past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice (the greater the compliance, the longer the consent duration significant previous non-compliance should generally result in a shorter duration), and⁽²⁶⁾
 - b) the applicant's compliance with relevant guidelines and/or codes of practice (the greater the compliance, the longer the consent duration), and
 - c) the applicant's adoption of good management practice (longer consent duration for the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).⁽²⁸⁾

D.2.5

Recognising community and tangata whenua values other plans and strategies

When considering a resource consent application:

- 1) have particular regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by the regional³⁴ council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002 to the extent that the content of the plan or strategy has a bearing on the resource management issues of the region,³⁵ and
- 2) have regard to the values of the local community and tangata whenua.

D.2.6

Managing adverse effects on historic heritage

³¹ Clarification

³² Fonterra, Willis, 5.14

³³ Fonterra, Willis 5.13

³⁴ Clarification

³⁵ Clarification

Manage the adverse effects of ~~an activities~~ on historic heritage by:

1A) avoiding significant adverse effects on historic heritage, and⁽²⁹⁾

- 1) recognising that **historic heritage sites** and **historic heritage areas** in **the coastal marine area and fresh water** identified in I 'Maps | Ngā mahere matawhenua' have been identified in accordance with **the values criteria outlined in⁽³⁰⁾ Policy 4.5.3 of the Regional Policy Statement for Northland, and³⁶**
- 2) recognising the following as being significant adverse effects to be avoided **in accordance with Policy 4.6.2 of the Regional Policy Statement for Northland:⁽³¹⁾**
 - a) the destruction of the physical elements of historic heritage, and
 - b) relocation of the physical elements of historic heritage, and
 - c) alterations **and additions⁽³²⁾** to the form and appearance of the physical elements of historic heritage, and
 - d) loss of context to the surroundings of historic heritage **sites or areas,⁽³³⁾** taking into account the scale of any proposal, and
- 3) recognising that despite (2), there **are will not likely to⁽³⁴⁾** be significant adverse effects if:
 - a) the historic heritage **is has already been** irreparably damaged **as assessed by a suitably qualified and experienced heritage professional⁽³⁵⁾** and there are significant health and safety **or navigational safety** risks if it were to remain, or³⁷
 - b) alterations, **additions,⁽³⁶⁾** repair or maintenance will not result in the loss, or significant degradation of, any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or
 - c) the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and
- 4) determining the likely adverse effects of proposals by taking into account:
 - a) the historic heritage values of the **historic heritage sites or historic heritage areas** as described in the **site or area assessment reports available on the regional council website, where available (refer to the regional council website), and⁽³⁷⁾**
 - b) the outcomes of any consultation with:
 - i) Heritage New Zealand **Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an archaeological site requiring an 'authority to modify').⁽³⁸⁾** the Department of Conservation or any other appropriate body **with statutory heritage protection functions³⁸**, and
 - ii) tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and
 - c) **where considered necessary,** an historic heritage impact assessment produced by a suitably qualified **and experienced** heritage professional, and

³⁶ GBC, Clarke, para 9.6

³⁷ GBC, Clarke, para 9.6

³⁸ Clarification

- d) any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including:
- i) Vulnerability (the resource is vulnerable to deterioration or destruction or is threatened by land use activities).
 - ii) Patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history).
 - iii) Public esteem (the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment).
 - iv) Commemorative (the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal).
 - v) Education (the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures).⁽⁴¹⁾
- 5) recognising that appropriate⁽⁴²⁾ methods of avoiding, remedying or mitigating adverse effects may include:
- a) careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and
 - b) the use of setback, buffers and screening from historic heritage, and
 - c) reversing previous damage or disturbance to historic heritage, and
 - d) improving the public use, value, or understanding of the historic heritage, and
 - e) the development of management and restoration conservation⁽⁴³⁾ plans, and
 - f) gathering and recording information on historic heritage by a suitably qualified and experienced heritage⁽⁴⁴⁾ professional, and
 - g) ~~accordance with implementing~~³⁹ the stabilisation, preservation and conservation principles of the ICOMOS New Zealand Charter Revised 2010, and^{(45) (46)}
- 6) determining if an archaeological advice note or Accidental Discovery Protocol advice note should be included if there is a possibility of unrecorded archaeology being encountered or the proposal will or may affect recorded archaeological sites. An advice note will outline that work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. ~~It is an offence to modify or destroy a site for any purpose without an authority, and~~⁴⁰⁽⁴⁷⁾
- 7) recognising that for the purposes of Section 95E of the RMA, Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 ~~shall be considered is an affected person in relation to resource consents and other~~ applications under the RMA affecting:

³⁹ Clarification

⁴⁰ Clarification

- a) Any listed items in the Regional this⁴¹ Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and
- b) Pre-1900 recorded and unrecorded archaeological sites.⁽⁴⁸⁾

D.2.6A (2.7 in S42)

Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features⁽⁴⁹⁾

Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:

- 1) Within the coastal environment, avoiding adverse effects of use and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character and outstanding natural features in the coastal marine area and in freshwater, and
- 2) Within the coastal environment, avoiding significant adverse effects of use and development on high less than outstanding natural character in waterbodies the coastal marine area and freshwater⁴², and
- 2A) Within the coastal environment, avoiding adverse effects of use and development on the characteristics and qualities which make up the outstanding values of outstanding natural landscapes, and
- 3) Outside of the coastal environment, avoiding significant adverse effects of use and development on outstanding natural features and natural character in waterbodies, and
- 4) Recognising that in relation to natural character in waterbodies (where not identified as outstanding natural character), appropriate methods of avoiding, remedying or mitigating adverse effects may include:
 - a) Ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and
 - b) In areas of high natural character in the coastal marine area, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and
 - c) In freshwater, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and
- 5) Recognising that in relation to outstanding natural features in water bodies outside the coastal environment, appropriate methods of avoiding, remedying or mitigating adverse effects may include:
 - a) requiring that the scale and intensity of bed disturbance and modification is appropriate taking into account the scale, form and vulnerability to modification of the feature;
 - b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics and qualities of the outstanding natural feature.

⁴¹ Clarification

⁴² Clarification

6) Recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.⁴³

D.2.7 (2.8 in S42)

Managing adverse effects on indigenous biodiversity

Manage the adverse effects of activities requiring resource consent on indigenous biodiversity⁽⁵⁰⁾ by:

1A) In the coastal environment:⁽⁵¹⁾

a) avoiding adverse effects on:

- i) indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
- ii) areas of indigenous vegetation and habitats of indigenous fauna, that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and
- iii) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and

b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:⁴⁴

- i) areas of predominantly indigenous vegetation, other than areas of mangroves to be pruned or removed for one of the purposes listed in D.5.22, and⁴⁵
- ii) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
- iii) indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and

1B) Outside the coastal environment:

a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:

- i) indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
- ii) areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and
- iii) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and

⁴³ NZTA, Heppelthwaite, para 10.12

⁴⁴ NZTA, Heppelthwaite, para 10.17

⁴⁵ Consequential

- b) avoiding, remedying or mitigating adverse effects so they are not significant on:
 - i) areas of predominantly indigenous vegetation
 - ii) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes
 - iii) indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, northern wet heathlands, headwater streams, spawning and nursery areas, and
- 1) recognising the following layers in I 'Maps' as showing areas of significant indigenous vegetation and habitats of indigenous fauna in the coastal marine area, in accordance with the assessment criteria of Appendix 5, Regional Policy Statement for Northland: recognising areas of significant indigenous vegetation and significant⁴⁶ habitats of indigenous fauna include the following layers in the coastal marine area, as mapped in accordance with the assessment criteria of Appendix 5 of the Regional Policy Statement for Northland 2016^{47, (52)}
 - a) Significant Ecological Areas, and
 - b) Significant Bird Areas, and
 - c) Significant Marine Mammal and Seabird Areas, and
- 2) recognising damage, disturbance or loss to the following as being likely potential⁴⁸ adverse effects:⁽⁵³⁾
 - a) connections between areas of indigenous biodiversity, and
 - b) the life-supporting capacity of the area of indigenous biodiversity, and
 - c) flora and fauna that are supported by the area of indigenous biodiversity, and
 - d) natural processes or systems that contribute to the integrity ecological complexes of^{f49} the area of indigenous biodiversity, and
- 3) assessing the potential adverse effects of the activity on against the⁽⁵⁵⁾ identified values of indigenous biodiversity, including by:
 - a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats⁵⁰, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and
 - aa) recognising that existing activities may be having existing acceptable effects, and⁵¹
 - b) recognising that discrete, localised or otherwise minor effects not⁽⁵⁶⁾ impacting on the ecological area indigenous biodiversity⁵² may be acceptable, and
 - c) recognising that activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible, and⁽⁵⁷⁾

⁴⁶ Clarification

⁴⁷ Clarification

⁴⁸ Clarification

⁴⁹ Clarification

⁵⁰ Clarification

⁵¹ NZTA, Heppelthwaite

⁵² Clarification

- 4) recognising that appropriate⁽⁵⁸⁾ methods of avoiding, remedying or mitigating adverse effects may include:
 - a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and
 - b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and
 - c) considering effect the minimisation of effects⁵³ during sensitive times such as indigenous freshwater fish spawning and migration periods, and
 - d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and
 - e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and
 - f) reversing previous damage or disturbance to areas of indigenous biodiversity, and⁽⁵⁹⁾
 - g) improving the public use, value or understanding to areas of indigenous biodiversity, and⁽⁶⁰⁾
 - h) the development of ecological management and restoration plans, and
- 5) recognising that biodiversity offsetting and environmental compensation (as defined in the Regional Policy Statement for Northland) may be appropriate after consideration of the methods in (4) above. significant residual adverse effects on biodiversity values should can be offset or compensated.⁵⁴
 - a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1⁽⁶¹⁾, and
 - b) after consideration of the methods in (4) above, and⁽⁶²⁾
- 6) recognising the benefits of activities that:
 - a) include the restoration and enhancement of ecosystems, habitats and indigenous biodiversity ecological complexes.⁽⁶³⁾
 - b) improve the public use, value or understanding to of ecosystems, habitats and indigenous biodiversity ecological complexes.⁽⁶⁴⁾⁵⁵

D.2.7A (2.9 in S42)

Managing adverse effects on land based values and infrastructure⁽⁶⁵⁾

When considering proposals activities in the coastal marine area and the beds of freshwater bodies, recognise that adverse effects may extend beyond the coastal marine area and freshwater bodies to:

- 1) Significant areas and values including:
 - a) Areas of outstanding and high natural character

⁵³ Clarification

⁵⁴ NZTA, Heppelthwaite

⁵⁵ NZTA, Heppelthwaite and for consistency

- b) Outstanding natural landscapes
 - c) Outstanding natural features
 - d) Historic heritage
 - e) Areas of significant indigenous biodiversity
 - f) Places of significance to tangata whenua
- 2) Land based infrastructure including:
- a) Toilets
 - b) Car parks
 - c) Refuse facilities
 - d) Boat ramps
 - e) Boat and dinghy storage

Decision-makers should have regard to:

- a) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and
- b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.⁵⁶

D.2.8 (2.10 in S42)

Precautionary approach to managing effects on significant indigenous biodiversity

Where there is scientific uncertainty about the adverse effects of activities on:

- 1) species listed as Threatened or At Risk in the New Zealand Threat Classification System including those identified by reference to the Significant Bird Area and Significant Marine Mammal and Seabird Area maps (refer Maps)⁵⁷, or
- 2) areas that meet criteria for 'significance' stated in Appendix 5 of the Regional Policy Statement, including any values ranked high by the Significant Ecological Areas maps (Refer Maps):
 - a) Significant Ecological Areas, and or
 - b) Significant Bird Areas, and
 - c) Significant Marine Mammal and Seabird Areas,⁵⁸

then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight.

⁵⁶ Clarification

⁵⁷ Clarification and replacement of d); and Forest and Bird, Legal Sub, Anderson, para 54.

⁵⁸ Consequential

D.3 Air

D.3.1

General approach to managing air quality

When considering resource consent applications for discharges to air:

- 1A) ensure that discharges of contaminants to air do not occur in a manner that causes or is likely to cause a hazardous, noxious, dangerous or toxic effect on human or animal health or ecosystems, and⁽⁶⁷⁾
- 1) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and
- 2) consider applying the H.3 'Chimney height requirements' when assessing the best practicable option for stack discharges, and
- 3) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on the surrounding environment sensitive areas, and
- 4) take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of the discharge on ambient air quality⁽⁶⁸⁾, and
- 5) take into account the cumulative effects of air discharges⁵⁹ and any constraints that may occur from the granting of the consent on the operation of existing activities, and
- 6) recognise that discharges to air may have adverse effects across the property boundary (including reverse sensitivity effects) and adverse effects on natural character, and⁽⁶⁹⁾⁵⁹
- 7) take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and
- 8) consider the following factors when determining consent duration:
 - a) scale of the discharge including effects, and
 - b) regional and local benefits arising from the discharge, and
 - c) location of the discharge including its proximity to sensitive areas, and
 - d) alternatives available, and
- 9) use national guidance produced by the Ministry for the Environment, including :
 - a) Good Practice Guidance on Odour, 2016, Good Practice Guide for Assessing and Managing Odour, 2016, and
 - b) Good Practice Guidance on Dust, 2016, Good Practice Guide for Assessing and Managing Dust, 2016, and
 - c) Good Practice Guidance on Industrial Emissions, 2016 Practice Guide for Assessing Discharges to Air from Industry Guidance on Industrial Emissions, 2016, or
 - d) any subsequent update or revision of these national guidance documents, and
- 10) recognise the long term economic and social benefits of industrial activities.⁶⁰

⁵⁹ Hort NZ, Wharfe, para 7.5

⁶⁰ Clarification - duplicates Clause 8 B

- 10) generally enable discharges of contaminants to air from industrial and trade premises provided the best practicable option for preventing or minimising the adverse effects of the discharge is adopted and significant adverse effects on human health, amenity values and ecosystems are avoided.⁶¹

D.3.2

Burning and smoke generating activities

When considering resource consent applications for the burning of waste or burning associated with an energy generation process:

- 1) avoid outdoor burning of waste materials in urban areas unless:
 - a) there is a significant public benefit, or
 - b) alternative options have been explored, are demonstrated to be impractical and adverse effects of the selected option are no more than minor, and⁶²
- 2) recognise that air discharges from crematoria and the cremation of human remains can be culturally sensitive to tangata whenua, and
- 3) recognise the need for the security of supply of energy in the region, which may include non-renewable sources, and
- 4) require that a smoke management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of smoke across the property boundary of where the activity is to take place. The smoke management plan must include:
 - a) a description of adjacent smoke sensitive areas, and
 - b) details of materials to be burnt, and
 - c) expected weather conditions, and
 - d) approximate length of time the burn will take, and
 - e) how the burn will be attended, and
 - f) details of good management practice that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed.

D.3.3

Dust and odour generating activities

When considering resource consent applications for discharges to air from dust and/or odour generating activities:⁶³

- 1) require a dust and/or odour management plan to be produced where there is a likelihood that there will be objectionable and or offensive discharges of dust and/or odour across the

⁶¹ Fonterra, Willis, 6.6

⁶² Clarification

⁶³ Clarification

property boundary ⁶⁴ where the activity is to take place. The dust ⁶⁵ and/or odour management plan must include:

- a) a description of dust ⁶⁵ or odour generating activities, and
 - b) adjacent ⁶⁶ potentially affected dust sensitive areas and/or odour sensitive areas, and
 - c) details of good management practices ⁶⁷ that will be used to control dust and/or odour to the extent that adverse effects from dust and/or odour at the boundary of the site are managed avoided, remedied or mitigated, and
- 2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry abrasive blasting or wet abrasive blasting.

Note: Policy D.3.3 does not apply to odour associated with the controlled discharge of gas containing an odourant (such as mercaptan) from pipelines and ancillary equipment. ⁶⁸

D.3.4

Spray generating activities

When considering resource consent applications for discharges to air from spray ⁶⁹ generating activities:

- 1) avoid aerial agrichemical spraying in urban areas unless:
 - a) there is a significant public benefit ⁷⁰, or
 - b) alternative options have been explored, and have been ⁷¹ are demonstrated to be impractical and adverse effects of the proposed aerial spraying are no more than ⁷² minor, and
- 2) require that a spray management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and/or offensive discharges of spray across the property boundary of where the activity is to take place. The spray management ⁷³ plan must include:
 - a) a description of the application spraying methods, and
 - b) chemicals to be used, and
 - c) qualifications ⁷⁴ of the applicators, and
 - d) adjacent spray sensitive areas, and
 - e) details of good management practices ⁷⁵ that will be used to control spray manage the risk of spray-drift ⁷⁶ to the extent that adverse effects from spray at the boundary of the site are managed avoided, remedied or mitigated. ⁷⁷

⁶⁴ Clarification

⁶⁵ Clarification

⁶⁶ Clarification

⁶⁷ Clarification

⁶⁸ First Gas

⁶⁹ Including agrichemical spraying and the application of surface coatings. (clarification)

⁷⁰ Clarification

⁷¹ Clarification

⁷² Clarification

⁷³ Clarification

D.3.5

Activities in the Marsden Point airshed

The Marsden Point Air Quality Strategy must be taken into account when considering resource consent applications for discharges to air in the Marsden Point airshed as shown in I 'Maps | Ngā mahere matawhenua'. **In particular, resource consent applications involving the discharge of sulphur dioxide (SO₂) to air must avoid adverse effects on the operation of regionally significant infrastructure within the Marsden Point Port Zone.⁷⁴**

D.4 Land and water

D.4.1

Water quality standards for rivers

A discharge of a contaminant into a river or any surface water flowing to a river must not cause any of the following river water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Outstanding rivers—	Other rivers
Nitrate (toxicity)	mg NO ₃ -N/L	annual median	≤1.0	≤1.0
		annual 95 th percentile	≤1.5	≤1.5
Ammonia (toxicity)	mg NH ₄ -N/L	annual median	≤0.03*	>0.03 and ≤0.24
		annual maximum	≤0.05*	>0.05 and ≤0.40

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.

These standards will be replaced with numeric freshwater quality objectives in accordance with the regional council's programme for implementing the National Policy Statement for Freshwater Management.⁽⁷²⁾

D.4.2

⁷⁴ Refining NZ

Water quality standards for lakes

A discharge of a contaminant into a lake or any surface water flowing to a lake must not cause any of the following lake water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Shallow lakes ($\leq 10\text{m}$)	Deep lakes ($>10\text{m}$)
Phytoplankton (chl-a)	mg Chl-a/ m^3	Annual median	>5 and ≤ 12	>2 and ≤ 5
		Annual maximum	>25 and ≤ 60	>10 and ≤ 25
Total nitrogen	mg/ m^3	Annual median	>500 and ≤ 800	>160 and ≤ 350
Total phosphorus	mg/ m^3	Annual median	>10 and ≤ 20	≤ 10
Ammonia (toxicity)	mg $\text{NH}_4\text{-N/L}$	Annual median	$\leq 0.03^*$	$\leq 0.03^*$
		Annual maximum	$\leq 0.05^*$	$\leq 0.05^*$

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.

These standards will be replaced with numeric freshwater quality objectives in accordance with the council's programme for implementing the National Policy Statement for Freshwater Management. ⁽⁷³⁾

D.4.3

Coastal water quality standards

The water quality standards in this policy and recommended amendments have been relocated to Appendix H.5⁽⁷⁴⁾

A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following coastal water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open coast
	mg/L	Median	>6.2	>6.3	>6.9	No change

Dissolved oxygen						from natural state
	mg/L	Minimum	4.6	4.6	4.6	4.6
Temperature	°C	Maximum change	3°	3°	3°	3°
pH			7.0–8.5	7.0–8.5	7.0–8.5	8.0–8.4
Turbidity	NTU	Median	<7.5	<10.8	<6.9	No change from natural state
Secchi depth	m	Median	>0.8	>0.7	>1.0	No change from natural state
Chlorophyll a	mg/L	Median	0.003	<0.004	<0.004	No change from natural state
Total phosphorus	mg/L	Median	<0.119	<0.040	<0.030	No change from natural state
Total nitrogen	mg/L	Median	<0.860	<0.600	<0.220	No change from natural state
Nitrite-nitrite-nitrogen	mg/L	Median	<0.580	<0.218	<0.048	No change from

						natural state
Ammoniacal-nitrogen	mg/L	Median	<0.099	<0.043	<0.023	No change from natural state
Copper	mg/L	Maximum	0.0013			0.0003
Lead	mg/L	Maximum	0.0044			0.0022
Zinc	mg/L	Maximum	0.0150			0.0070
Faecal coliforms	MPN/100mL	Median	Not applicable		≤14	≤14
		90th percentile	Not applicable		≤43	≤43
Enterococci	Enterococci/100mL	95th percentile	≤500	≤200	≤200	≤40

D.4.4

Coastal sediment quality standards

The coastal water quality standards in this policy and recommended amendments have been relocated to Appendix H.5 [↗](#)

A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following benthic sediment quality standards to be exceeded in the coastal marine area:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hatea River	Tidal Creeks	Estuaries	Open Coast
Copper	mg/kg	Maximum	65	18.7		
Lead	mg/kg	Maximum	50	30.2		
Zinc	mg/kg	Maximum	200	124		

Chromium	mg/kg	Maximum	80	52.3
Nickel	mg/kg	Maximum	21	15.9
Cadmium	mg/kg	Maximum	1.5	0.68

D.4.5

Maintaining overall water quality⁽⁷⁶⁾

When considering an application for a resource consent to discharge a contaminant into water:

1. have regard to the need to maintain the overall quality of water including the receiving water's physical, chemical and biological attributes and associated water quality dependent values, and
2. have regard to the coastal sediment quality guidelines in 'H.5 'Water quality standards and guidelines', and
1. to not grant a proposal if it will, or is likely, to exceed or further exceed a water quality standard in 'H.5 Water quality standards and guidelines'.that would allow a water quality standard or sediment quality standard to be exceeded or further exceeded will generally be declined. Resource consent may be granted if existing beneficial water quality dependent values of water are not adversely affected.⁽⁷⁷⁾⁷⁵

D.4.5A

Maintaining coastal water quality⁽⁷⁸⁾

When considering an application for a resource consent to discharge a contaminant into coastal water have particular regard to the coastal water quality standards and coastal sediment quality standards in H.5 'Water quality standards'.⁷⁶

D.4.6

Offsetting residual non-toxic contaminants

Regardless of the quality of the receiving waters, ensure that non-toxic contaminants that cannot be removed from a discharge are offset to the fullest extent practicable in the catchment of the water body or coastal water, such as by way of re-vegetating riparian margins and restoring or constructing wetlands.⁽⁷⁹⁾

D.4.7

Industrial Wwastewater discharges to water

An application to discharge industrial wastewater to water will generally not be granted unless

⁷⁵ Fonterra, Willis, 8.4 and 8.16

⁷⁶ Consequential change to the recommended amendments to Policy D.4.5

- 1) The best practicable option to manage the treatment and discharge of contaminants is adopted⁷⁷ Discharging wastewater from a farm, domestic or municipal source to water is the best practicable option⁽⁸¹⁾, or
- 2) there is no trade waste connection available to receive industrial or trade wastewater or the network operator is unable or unwilling to accept the discharge.⁽⁸²⁾

D.4.7A

Municipal, domestic and production land discharges to water⁷⁸

An application to discharge municipal, domestic, horticultural or farm wastewater to water will generally not be granted unless:

- 1) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices, and
- 2) a discharge to land has been considered and found not to be economically or practicably viable.

D.4.8

Zone of reasonable mixing

When determining what constitutes a the zone of reasonable mixing zone for an application to discharge a contaminant into water, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of a natural process from that contaminant), have particular regard to:⁷⁹

- 1) use using the smallest zone necessary to achieve the required water quality in the receiving waters as determined under Policy D.4.5⁸⁰; and
- 2) ensure ensuring that within the mixing zone is free from contaminant concentrations and levels of dissolved oxygen that will not cause acute toxicity effects on aquatic ecosystems^{81 (83)}.

D.4.9

Transitional policy under the National Policy Statement for Freshwater Management

- 1) When considering an application for a discharge, the consent authority must have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge will be avoided.

⁷⁷ Fonterra

⁷⁸ Fonterra

⁷⁹ Consequential change as a result of the amendment to the definition of zone of reasonable mixing.

⁸⁰ Consequential change because of the recommended amendment to D.4.5. The change also provides for reasonable mixing as sought by Refining New Zealand and others.

⁸¹ Clarification

- 2) When considering an application for a discharge the consent authority must have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their **secondary**⁽⁸⁴⁾ contact with fresh water, and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their **secondary**⁽⁸⁵⁾ contact with fresh water resulting from the discharge will be avoided.
- 3) This policy applies to the following discharges (including a diffuse discharge by any person or animal):
 - a) a new discharge, or
 - b) a change or increase in any discharge,
 - c) of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.
- 4) Clause 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.
- 5) Clause 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect.

D.4.10

Discharge of hazardous substances to land or water

- 1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to land or water, good management practices must be used to avoid, as far as practicable, **accidental spillages and** adverse effects on:⁸²
 - a) non-target organisms, and
 - b) the use and consumption of water by humans or livestock, and
 - ~~c) — accidental spillage, and~~⁸³
- 2) where a substance is not approved under the Hazardous Substances and New Organisms Act 1996 to be applied to land or into water, activities involving the use, storage or disposal of **those** hazardous substances must be undertaken using the best practicable options to:⁸⁴
 - a) as a first priority, avoid a discharge (including accidental spillage) of **the** hazardous substances **onto** land or into water, including reticulated stormwater systems, and ⁸⁵
 - b) as a second priority, ensure, where there is a residual risk of a discharge of **the** hazardous substances, including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.⁸⁶

⁸² Clarification

⁸³ Clarification

⁸⁴ Clarification

⁸⁵ Clarification

⁸⁶ Clarification

D.4.10A

Discharges from contaminated land

The Discharges of contaminants from contaminated land to air, land or water are managed or remediated to a level that:⁸⁷

- 1) allows contaminants to remain in the ground or in / groundwater, where it can be demonstrated that the level of residual contamination beyond the site boundary is not reasonably likely to result in pose a significant adverse effect on an unacceptable risk to human health or the environment; and⁸⁸
- 2) avoids mitigates adverse effects on potable water supplies; and⁸⁹
- 3) avoids, remedies or mitigates adverse effects on aquatic ecosystem health ecological values, water quality, human health and amenity values; while taking into account all of the following:⁹⁰
 - a) the physical constraints of the site and operational practicalities; and
 - b) the financial implications of the investigation, remediation, management and monitoring options; and⁹¹
 - c) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land; and⁹²
 - d) whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.⁽⁸⁶⁾

D.4.11

Discharges from landfills

The adverse effects on surface water, groundwater, and coastal water from discharges to land associated with landfills must be minimised by ensuring landfill design, construction, operation and maintenance include:

- 1) methods for leachate management, collection, treatment and disposal, and
- 2) methods for stormwater capture and control from both off-site and on-site sources, and
- 3) ~~methods maintenance and monitoring~~ to minimise contamination of the receiving environment, and

⁸⁷ Clarification

⁸⁸ Oil Companies

⁸⁹ Clarification

⁹⁰ Clarification

⁹¹ Clarification

⁹² Clarification

3A) receiving environment monitoring, and⁹³

- 4) ensuring landfills are managed in accordance with site-specific landfill management plans, and
- 5) ensuring new landfills are located in such a way as to avoid sensitive aquifers and aquifer recharge zones, and⁽⁸⁷⁾⁹⁴
- 6) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes into or onto land where they may enter water, and
- 7) ensuring landfills are closed and monitored in accordance with *A Guide for the Management of Closing and Closed Landfills in New Zealand* (Ministry for the Environment, 2001).⁹⁵

D.4.12

Application of biosolids to land

The application of biosolids to land must be managed in accordance with *Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003* (New Zealand Water and Wastes Association, 2003).

D.4.13

Achieving freshwater quantity related outcomes⁽⁸⁸⁾

Manage the taking, use, damming, and diversion of fresh water so that:

1. the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh and coastal water are safe-guarded, and
2. the natural hydrological variation of outstanding freshwater bodies and natural wetlands are not altered, and
3. rivers have sufficient flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes, and
4. flows and water levels support sustainable mahinga kai, and
5. saline intrusion in, and land subsidence above, aquifers is avoided, and
6. recreational and amenity values associated with fresh water are maintained.

D.4.14

Minimum flows for rivers⁽⁸⁹⁾

Apply the following minimum flows for Northland's rivers, unless a lesser minimum flow is approved under D.4.19 'Exceptions to minimum flows and levels':

1. for outstanding rivers, 100% of the seven-day mean annual low flow, and

⁹³ Clarification

⁹⁴ Clarification

⁹⁵ Clarification

2. for coastal rivers, 90% of the seven-day mean annual low flow, and
3. for small rivers, 80% of the seven-day mean annual low flow, and
4. for large rivers, 80% of the seven-day mean annual low flow.

D.4.15

Minimum levels for lakes and wetlands⁽⁹⁰⁾

Apply the following minimum levels for Northland's lakes and natural wetlands, unless a lesser minimum level is approved under D.4.19 'Exceptions to minimum flows and levels':

1. for deep lakes (greater than 10 metres in depth), median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state, and
2. for shallow lakes (less than or equal to 10 metres in depth), median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state, and
3. for natural wetlands, there is no change in their seasonal or annual range in water levels.

D.4.16

Allocation limits for rivers⁽⁹¹⁾

1. The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from rivers, and
 - b) applications for water permits for the taking and use of fresh water from rivers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 'Takes existing and the notification date of the plan – controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity'.
2. The quantities of fresh water that can be taken from rivers at flows below the median flow must not exceed whichever is the greater of:
 - a) The default allocation limits in the following table, or
 - b) the quantities authorised to be taken by:
 - i) permitted rules in this plan, and
 - ii) resource consents at the date of public notification of this plan less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - iii) resource consents for unauthorised takes that existed at the notification date of this plan.

Table 12 Default allocation limits for rivers	
River water quantity management unit	Default allocation limit
Outstanding rivers	10 percent of the seven-day mean annual low flow
Coastal rivers	30 percent of the seven-day mean annual low flow
Small rivers	40 percent of the seven-day mean annual low flow
Large rivers	50 percent of the seven-day mean annual low flow

D.4.17

Allocation limits for aquifers⁽⁹²⁾

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from aquifers, and
 - b) applications for water permits for the taking and use of fresh water from aquifers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 'Takes existing and the notification date of the plan – controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity'.
- 2) The quantities of fresh water that can be taken from aquifers must not exceed:
 - a) for the Aupouri aquifer,
 - i) the catchment-specific allocation limits in Table 13 'Allocation limits for the Aupouri aquifer management unit', and
 - b) for coastal aquifers, an allocation limit of whichever is the greater of:
 - i) a default allocation limit of 10 percent of the average annual recharge, or
 - ii) the quantities authorised to be taken by:
 1. permitted rules in this Plan, and
 2. resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 3. resource consents for unauthorised takes that existed at the notification date of this Plan, and

- c) for other aquifers, an allocation limit of whichever is the greater of:
- i) a default allocation limit of 35 percent of the average annual recharge, or
 - ii) the quantities authorised to be taken by:
 1. permitted rules in this Plan, and
 2. resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 3. resource consents for unauthorised takes that existed at the notification date of this Plan.

Table 13 Allocation limits for the Aupouri aquifer management unit		
Sub-aquifer	Allocation limit	
	m ³ /year	% annual average recharge
Aupouri-Waihope	1,278,200	15
Aupouri-Houhora	2,141,300	11
Aupouri-Motutangi	1,069,600	10
Aupouri-Waiparera	2,312,200	10
Aupouri-Paparore	3,787,500	35
Aupouri-Waipapakauri	1,192,800	20
Aupouri-Awanui	4,640,400	12
Aupouri-Sweetwater	4,675,000	35
Aupouri-Ahipara	922,500	12
Aupouri-other	Not applicable	15

D.4.17A

Avoiding over-allocation

For the purpose of assisting with the achievement of **Objective F.0.2** of this **Plan**.⁹⁶

- 1) apply the allocation limits set in H.6 'Environmental flows and levels' when considering and determining applications for resource consents to take, use, dam or divert fresh water, and⁽⁹³⁾
- 2) ensure that no decision will ~~not~~⁹⁷ likely result in over-allocation.⁽⁹⁴⁾

D.4.18

Integrated conjunctive surface water and groundwater management⁽⁹⁵⁾

Prepare and consider applications for resource consents to take groundwater in accordance with H.7 'Managing groundwater and surface water connectivity' so that surface and groundwater resources are managed in an integrated way.⁽⁹⁶⁾

Apply ~~minimum flows, minimum levels and allocation limits~~ set for rivers, lakes and ~~natural wetlands~~ to water takes from aquifers that are directly or highly connected. An application to take water from an aquifer with direct or high hydraulic connectivity to a **fully allocated** river or which would result in flows or levels to be reduced below a **minimum flow** or **minimum level** will generally not be granted. A resource consent may be granted under D.4.13 'Exceptions to minimum flows and levels.'

D.4.19

Exceptions to ~~Minimum flows and or~~ levels⁽⁹⁷⁾

For the purposes of assisting with the achievement of **Objective F.0.2** of this **Plan**⁽⁹⁸⁾, ensure that the minimum flows and levels in H.6 'Environmental flows and levels' apply to activities that require water permits pursuant to rules in this **Plan**.⁽⁹⁹⁾⁹⁸

Notwithstanding this general requirement, for rivers an alternative minimum flow (comprising the minimum flow set in H.6 'Environmental flows and levels' less a specified rate of flow particular to an activity) may be applied where ~~an application for a water permit that would allow water to be taken from a river, lake or natural wetland when flows or levels are below a minimum flow or minimum level will generally not be granted. A resource consent may be granted if~~⁹⁹

- 1) the water is to be taken, **dammed or diverted**⁽¹⁰²⁾ for:
 - 1) the health of people as part of a **registered drinking water supply**, or
 - 2) **root stock survival water**, the sole purpose of preventing the death of permanent viticulture or horticulture crops (excluding pasture species, animal fodder crops, and maize),¹⁰⁰ or

⁹⁶ Clarifications

⁹⁷ Clarification

⁹⁸ Clarifications

⁹⁹ Horticulture New Zealand

¹⁰⁰ Consequential change as a result of a recommended definition for root stock survival water.

- 3) an individual's reasonable domestic needs or the reasonable domestic needs of a person's animals for drinking water that is, or is likely, having an adverse effect on the environment and is not permitted by a rule in this Plan, or⁽¹⁰³⁾
 - a) the take is for a temporary and short term activity, or⁽¹⁰⁴⁾¹⁰¹
- 4) a non-consumptive take, purposes, or⁽¹⁰⁵⁾¹⁰²
- 2) a different minimum flow or minimum level has been set for the water body in a resource consent.¹⁰³

D.4.20

Reasonable and efficient use of water - irrigation

An application for a resource consent to take water for irrigation purposes must include an assessment using a field-validated⁽¹⁰⁷⁾ water balance model that considers land use, crop water use requirements, on-site physical factors such as soil water holding capacity, and climate factors such as rainfall variability and potential evapotranspiration. The model must reliably predict annual irrigation volume within an accuracy of 15 percent.⁽¹⁰⁸⁾ The annual volume calculated using the model must meet the following criteria:

- 1) an irrigation application efficiency of at least 80 percent, and
- 2) crop water requirements demand conditions¹⁰⁴ that occur in nine out of 10 years.

D.4.21

Reasonable and efficient use of water - group or community water supplies

An application for a resource consent to take or use water for group or community drinking or public¹⁰⁵ water supplies must include a water management plan to demonstrate water use¹⁰⁶ efficiency and must set out the current and likely future demand for water that addresses:

- 1) the number and nature of the properties that are to be supplied, and
- 2) how the water supplier will manage water availability during summer flow periods and drought events, and
- 3) the effectiveness and efficiency of the distribution network.

D.4.22

Reasonable and efficient use of water - other uses

A resource consent An application for resource consent to take water for any other use of water must include an assessment of reasonable and efficient use by, taking into account the nature of the activity, consideration of possible wastage and identifying if water will potentially be wasted

¹⁰¹ DOC, legal, para 142

¹⁰² Clarification

¹⁰³ Forest and Bird, legal submissions

¹⁰⁴ Clarification

¹⁰⁵ Clarification

¹⁰⁶ Clarification

and ⁽¹⁰⁹⁾ demonstrating that water will not be wasted and identify any ⁽¹¹⁰⁾ opportunities for re-use or conservation.¹⁰⁷

D.4.22A

Water user groups

The formation of water user groups should be encouraged to allow permit holders who choose to work with other water permit holders in the same catchment or subcatchment to temporarily share all or part of the water take authorised by their water permit provided:

- 1) all water permits are subject to conditions that specify a maximum rate of take, a daily volume, and a seasonal or annual volume; and¹⁰⁸
- 2) metering and telemetry of water abstraction¹⁰⁹ data is undertaken for all takes; and
- 3) all water permits are subject to common water take¹¹⁰ restriction conditions, or any discrepancies in restriction conditions are addressed prior to the formation of the group.⁽¹¹¹⁾

D.4.23

Conditions on water permits

Water permits for the taking and use of water under rules in this plan¹¹¹⁽¹¹²⁾ must include conditions that:

- 1) clearly define the take amount in instantaneous take rates and total volumes, including by reference to the temporal aspects of the take and use, and
- 2) unless there are exceptional circumstances⁽¹¹³⁾ or the water permit is for a temporary take or a non-consumptive take⁽¹¹⁴⁾ require that:
 - a) the water take is metered and information on rates and total volume of the take is provided electronically to the regional council, and
 - b) for water permits for takes equal to or greater than 10 litres per second, require⁽¹¹⁵⁾ the water meter to be telemetered to the regional council, and
- 3) clearly define when any restrictions and cessation of the water take must be restricted or cease⁽¹¹⁶⁾ occur to ensure compliance with freshwater water quantity limits environmental flows and levels set in this plan⁽¹¹⁷⁾, and
- 4) require the use of a backflow prevention system to prevent the backflow of contaminants to surface water or ground water from irrigation systems used to apply animal effluent, agrichemical or nutrients, and
- 5) ensure intake structures are designed, constructed and maintained to minimise adverse effects on fish species in accordance with good practice guidelines, and⁽¹¹⁸⁾

¹⁰⁷ GBC Winstone

¹⁰⁸ Clarification

¹⁰⁹ Clarification

¹¹⁰ Clarification

¹¹¹ Clarification

- 6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.

D.4.24

Transfer of water permits

An application to transfer a water permit, permanently or temporarily, pursuant to Section 136 of the RMA will generally be granted if:

- 1) both sites are in the same catchment (either upstream or downstream) or aquifer, and
- 2) other authorised takes are not adversely affected, and
- 3) there is no increase in the level of adverse effects on the health of aquatic ecosystems.

D.4.25

Activities affecting flood control schemes

Avoid activities that are likely to:

1. compromise the functional integrity of flood control schemes, or
2. impede access to flood control schemes for maintenance purposes.

D.4.26

New Land drainage⁽¹¹⁹⁾

Land drainage activities that require consent must:

- 1) maintain bed and bank stability, and
- 2) ensure that peatlands are not adversely affected, and
- 3) ensure that significant adverse effects on groundwater levels are avoided, and
- 4) ensure the effects of ground subsidence from de-watering are avoided, or where avoidance is not possible, remedied or mitigated, and⁽¹²⁰⁾
- 5) recognise maintain the values of existing natural wetlands, and¹¹²
- 6) maintain existing fish passage and where possible, encourage development of new fish passage opportunities. If land drainage leads to deteriorated or non-functional fish passages, new functional fish passage to fulfil the loss of passage is required. ⁽¹²¹⁾

D.4.27

Natural wetlands – requirements

Activities affecting a natural⁽¹²²⁾ wetland must should⁽¹²³⁾:

¹¹² Northland Fish and Game

- 1) **should** maintain the following important functions and values of wetlands, **including**¹¹³:
 - a) water purification **and nutrient attenuation**, and¹¹⁴
 - b) contribution to maintaining stream flows during dry periods, and
 - c) peak stream flow reduction, and
 - d) **providing** habitat for indigenous flora and **fauna, including ecological connectivity linking to**¹¹⁵**surrounding habitat**, and
 - e) **recreation, amenity and natural character values**¹¹⁶, and¹¹⁷
- 2) **must**¹²⁴ avoid, remedy, or mitigate **adverse** effects **on the important wetland functions and values**,¹¹⁸ or
- 3) **must** provide biodiversity offsetting or environmental biodiversity compensation, so that residual adverse effects **on the important functions and values of wetlands**¹¹⁹ are no more than minor.

D.4.28

Wetland – values

When considering resource consents for activities in wetlands, recognise:

- 1) the benefits of wetland creation, **and** restoration, **and the**¹²⁰ enhancement of wetland functions, and
- 2) **that** the values of **induced wetland** **or reverted wetland**¹²¹ are likely to relate to:
 - a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and
 - b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that don't require maintenance are of greater value), and
- 3) that the consent duration should be as long as **active** ~~the time it takes for the wetland restoration is required~~¹²² ~~to reach its expected end state values~~¹²⁵.

D.4.29

Freshwater fish

When considering resource consent applications for activities in freshwater bodies recognise:

¹¹³ Clarification

¹¹⁴ DOC, Marr, Appendix 3

¹¹⁵ Clarification

¹¹⁶ Clarification

¹¹⁷ F&G, Wilson, para 28

¹¹⁸ Clarification

¹¹⁹ Clarification

¹²⁰ Clarification

¹²¹ Clarification

¹²² Clarification

- 1) that in the absence of alternative evidence, most Northland **continually or intermittently flowing** rivers and some lakes and **natural wetlands** provide habitat for **Threatened or At Risk** indigenous fish species, and
- 2) that ~~some fish species are sensitive~~ **all fish species have varying degrees of sensitivity**⁽¹²⁶⁾ to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and
- 3) the need to maintain the ability for non-**pest** fish species to effectively move up and downstream of the activity site, and
- 4) opportunities to reduce the risk of spreading or introducing pest species, and
- 5) the benefits of avoiding:
 - a) **impact activities in continually or intermittently flowing rivers** during **fish** migration periods, and
 - b) spawning habitat disturbance, particularly during spawning periods.

D.4.30

Benefits of freshwater structures, dams and diversions

Recognise the significant benefits activities in water bodies can provide to local communities, Māori and the region, including:

- 1) socio-economic well-being and resilience of communities or industry, **or**
- 2) **regionally significant infrastructure**, **or**
- 3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, **or**
- 4) flood protection and the safeguarding of public health and safety, **or**
- 5) public access along, over or in the water body, **or**
- 6) **enabling community resilience of communities to climate change**,⁽¹²⁷⁾
- 7) **enhancing recreation opportunities including walking, bird watching, fishing, game bird hunting and boating**,
- 8) **for education and scientific research, and**
- 9) **for enhancing amenity and natural character**.⁽¹²⁸⁾

D.4.31

Land preparation, earthworks and vegetation clearance ~~Managing the effects of land-disturbing activities~~

When assessing an application for a resource consent for an **earthworks**⁽¹²⁹⁾, **vegetation clearance** and **or land preparation activity cultivation**⁽¹³⁰⁾ and any associated discharge, ensure that the activity **must**⁽¹³¹⁾:

- 1) **will** be done in accordance with established good management practices, and

- 2) avoid significant adverse effects, and avoid, remediate⁽¹³²⁾ or mitigate other adverse effects on:
 - a) human⁽¹³³⁾ drinking water supplies, and
 - b) areas of high recreational use, and
 - c) aquatic ecosystem health, and aquatic¹²³ species,⁽¹³⁴⁾ and receiving environments that are sensitive to sediment or phosphorus accumulation.¹²⁴

D.4.31A

Construction, alteration and decommissioning of bores

When considering an application for a resource consent for the construction, alteration or decommissioning of a bore, ensure that the activity will be done in accordance with established good management practices.⁽¹³⁶⁾

D.4.32

Exceptions to livestock exclusion requirements

When considering an application for a resource consent to allow livestock access to the bed of a lake or a continually¹²⁵ permanently¹²⁶ flowing river, a continually¹²⁶ permanently¹²⁶ flowing drain artificial watercourse⁽¹³⁷⁾, a natural wetland, or the coastal marine area, have particular⁽¹³⁸⁾ regard to:

- 1) any relevant priorities and recommendations in a farm environment plan prepared or approved¹²⁷ by the regional council, or in an industry approved farm environment plan⁽¹³⁹⁾, and
- 2) the need to extend the deadline for livestock to be effectively excluded on the grounds of significant practical constraints, and
- 3) the implementation of substitute measures mitigations⁽¹⁴⁰⁾ such as constructed wetlands to avoid or mitigate minimise⁽¹⁴¹⁾ losses of sediment and faecal microbes to downstream water bodies and coastal waters, and
- 4) the ecological¹²⁸ benefits of grazing the banks of water bodies, including suppression of weeds and maintenance of grass cover to minimise contaminant inputs to water bodies.⁽¹⁴²⁾

¹²³ Clarification

¹²⁴ DOC, Marr, Appendix 3

¹²⁵ Clarification

¹²⁶ Clarification

¹²⁷ Clarification

¹²⁸ Clarification

D.5 Coastal

D.5.1

Aquaculture – benefits

Recognise the significant benefits **existing and new**¹²⁹ aquaculture can provide to local communities, Māori and the region, including:

- 1) social, cultural and economic benefits, including local employment and enhancing Māori development (for example, by involvement in the aquaculture industry), particularly in areas of Northland where alternative opportunities are limited, and
- 2) supplementing natural fish and shellfish stocks by an alternative source of fish and shellfish, and
- 3) providing improved information about water quality, and
- 4) the significant opportunity **marae-based aquaculture** provides for Māori to enhance their well-being (through improving traditional customary kaimoana provision for marae), and
- 5) as a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986).

D.5.2

Aquaculture - avoid adverse effects

Aquaculture activities must avoid adverse effects (after taking into account any remediation or mitigation) on:

- 1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, and
- 2) residential activities in significant urban areas provided for in operative district plans, which activities are existing at 1 September 2017, **authorised** by unexercised resource consents or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, and
- 3) significant tourism **and/or** recreation areas, and
- 4) **recognised navigational routes**, and
- 5) anchorages referred to in cruising guides, pilot books and similar publications as being suitable for shelter in adverse weather, and
- 6) port or harbour approaches, and
- 7) existing aquaculture (either because there is no or limited space, or the area is at its production or ecological carrying capacity), and
- 8) the use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables, and
- 9) defence exercise areas, and

¹²⁹ Clarification

- 10) access lanes, as referred to by the Navigation Safety Bylaw, and
- 11) the management purpose or objectives of:
 - a) [tāiapure](#) or [mataitai](#), and
 - b) areas for which fisheries restriction methods have been established under the Fisheries Act 1996 and regulations, including any Māori Oyster Reserve or set netting ban, and
 - c) protected customary rights and customary marine titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and
 - d) wildlife refuges established under the Wildlife Act 1953, and
 - e) areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977, and
 - f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971⁽¹⁴³⁾, and
 - g) any marine park established by or through statutory or regulatory processes [and](#)
- 12) [Mooring Zones](#)⁽¹⁴⁴⁾

D.5.3

Aquaculture – avoid significant adverse effects

Aquaculture activities should avoid significant adverse effects on:

- 1) the integrity, functioning and resilience of coastal processes and ecosystems, and
- 2) public access to and along the coast, and
- 3) use or functioning of coastal reserves and conservation areas.

D.5.4

Aquaculture – general matters

New aquaculture activities should:

- 1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure, [facilities and operations](#) where required, and
- ~~2) provide for the integrated management of the associated activities, including any required land-based facilities and operations, and~~¹³⁰
- 3) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing [and](#)/or harvesting of shellfish where the aquaculture is for the purpose of [directly](#)⁽¹⁴⁵⁾ harvesting shellfish for human consumption, and
- 4) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

¹³⁰ Aquaculture NZ, Turner, para 52

D.5.5

Aquaculture – staged development

New aquaculture activities may be required to be developed and monitored in a staged manner where the potential adverse effects cannot adequately be predicted and may be significant. for example where:

1. the potential adverse effects cannot adequately be predicted, or
2. new species are farmed or new technology is used, or
3. the scale or type of marine farm warrants a cautious approach. ⁽¹⁴⁶⁾

D.5.6

Aquaculture – abandoned or derelict farms

Coastal permits for aquaculture activities involving structures in the coastal marine area must include conditions requiring:

- 1) the repair or removal of structures that have been abandoned or have fallen into a state of disrepair, and

Either

- 2) a bond or alternative surety to cover the actual and reasonable costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed, or
- 3) an alternative surety that reflects the reasonable:
 - a) likelihood of structures being abandoned or falling into a state of disrepair, and
 - b) the costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.

of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed. ⁽¹⁴⁷⁾

D.5.6A

Coastal Commercial Zone and Marsden Point Port Zone

Recognise that the purpose of the Coastal Commercial Zone and Marsden Point Port Zone is to enable the development and operation of existing and authorised maritime related commercial enterprises or industrial activities located within these zones. ¹³¹

¹³¹ GBC Winstone Aggregates

D.5.7

Coastal Commercial Zone and Marsden Point Port Zone

Development in the Coastal Commercial Zone and the Marsden Point Port Zone will generally be appropriate provided it is:

- 1) consistent with:
 - a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and
 - b) existing development on adjacent land above mean high water springs, and
 - c) development anticipated on the land above mean high water springs by the relevant district plan, or
- 2) associated with regionally significant infrastructure in the Marsden Point Port Zone. ⁽¹⁴⁸⁾

Development that is inconsistent with 1) or 2) to 3) will not necessarily be inappropriate. ¹³²

D.5.8

Whangārei City Centre Marine Zone

Recognise that the purpose of the Whangārei City Centre Marine Zone is to enable the development of structures for amenity and public good purposes.

D.5.9

Moorings outside Mooring Zones

Moorings outside Mooring Zones that require resource consent must:

- 1) have all necessary shore based toilet facilities, parking, dinghy storage and refuse disposal available long term, and
- 2) not by themselves or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, and ¹³³
- ~~3) not be allowed where the mooring will more likely than not set a precedent for additional new moorings in the same bay or inlet, and~~
- 4) demonstrate why it is not practical to be in a Mooring Zone, and
- 5) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless it is directly associated with a maritime related commercial enterprise or existing authorised industrial activity, and ^{(149) 134}
- 6) demonstrate why short-term anchorage or land-based vessel storage is not practical, and
- 7) not be in the following areas (refer: I 'Maps | Ngā mahere matawhenua')

¹³² Clarification

¹³³ Clarification

¹³⁴ GBC, Clarke, para 9.26

- a) Areas of Outstanding Natural Character, or
 - b) Historic Heritage Areas, or
 - c) Nationally Significant Surf breaks, or
 - d) Outstanding Natural Features, or
 - e) Regionally Significant Anchorage, **or**¹³⁵
 - ea) Sites or areas of significance to tangata whenua⁽¹⁵⁰⁾
- unless
- f) the mooring is associated with a property that is only legally accessible by water, or
 - g) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
 - h) the mooring is associated with a maritime related commercial enterprise **or existing authorised industrial activity** that could not otherwise be located within a Mooring Zone.¹³⁶

D.5.10

New moorings in Mooring Zones with limited shore-based facilities

Manage moorings in Mooring Zones with limited shore-based facilities by:

- 1) Recognising that shore-based facilities to serve moorings are limited or at capacity in the following mooring areas:

Table ## Mooring Zones with limited shore-based facilities

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay
Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai

- 2) Only granting coastal permits for moorings in these locations if the applicant can demonstrate that:

¹³⁵ Clarification

¹³⁶ GBC

- a) adequate parking and dinghy storage is available to serve the existing moorings and the proposed mooring at all times of the year, or
- b) adequate parking, toilet facilities, refuse disposal and dinghy storage are provided at all times of the year at their own on⁽¹⁵¹⁾ private property near the proposed mooring, and

e) 3) Where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at their private property in accordance with clause 2) 2.2, the coastal permit must include a condition limiting precluding the transfer of the mooring unless the services for the mooring will be provided from a property owned by the applicant. In this case, the coastal permit must include a condition restricting the transfer of the mooring to new owners of the property to new owners of the property.¹³⁷

D.5.11

Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer [I 'Maps | Ngā mahere matawhenua'](#)) by:

1. recognising the value of Regionally Significant Anchorages to the to the boating community as anchorages that are critical refuges during bad weather, and
2. avoiding structures that have adverse effects on the ability of vessels to anchor in a Regionally Significant Anchorage, except structures installed to reduce the environmental impact of repetitive anchoring and that are freely available for public use.

D.5.12

Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding and / or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publications.¹³⁸

D.5.13

Marinas – managing the effects of marinas

Marinas must:

- 1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:
 - a) refuse from vessels, and
 - b) sewage and sullage from vessels, and
 - c) recyclable material, including waste oils, from vessels, and
 - d) spills from refuelling operations and refuelling equipment, and
 - e) the discharge of stormwater generated from the marina complex, and

¹³⁷ Clarification

¹³⁸ Clarification

- 2) provide **for** shore-based facilities, including parking, public toilets, boat racks, public access, and
- 3) mitigate **for** any loss of public access to, along and within the coastal marine area, including **by** providing facilities such as public boat ramps and alternative access for other users, and
- 4) **take into account** **be designed and constructed in a manner that reflects** the benefits of landscaping and urban design treatment, and
- 5) **take into account** **be consistent with** any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.¹³⁹

D.5.14

Marinas – recognising the benefits of marina development

Recognise the benefits of marina development include:

- 1) efficient use of water space for boat storage, and
- 2) responding to demand for boat storage and associated services, and
- 3) opportunities to enhance public facilities and access to the coastal marine area, and
- 4) socio-economic opportunities through construction and ongoing operation.

D.5.15

Marina Zones – purpose

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

D.5.16

Marina Zones – structures

When considering coastal permit applications for **non-marina related** structures (including moorings) in Marina Zones, decision-makers must have regard to:

- 1) whether granting a coastal permit would hinder the development of a marina in that part of the Marina Zone, and
- 2) the need for conditions to limit the duration of a consent to enable marina development to proceed.¹⁴⁰

D.5.17

Marinas and moorings in high demand areas

¹³⁹ Consequential

¹⁴⁰ Consequential

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage in:

- 1) Mangonui, and
- 2) Kerikeri, and
- 3) Russell, and
- 4) Ōpua, and
- 5) Tutukaka, and
- 6) Mangawhai.¹⁴⁴

D.5.17A

Reclamation

Recognise the potential benefits of reclamations when they are undertaken to:

- 1) maintain or repair an authorised reclamation; and
- 2) carry out rehabilitation or remedial works; and
- 3) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.⁽¹⁵²⁾ 142

D.5.17B

Unlawful reclamation

Recognise the following matters when considering the authorisation of an unlawful reclamation in the coastal marine area:

- 1) the extent of social or economic benefit provided to the public, including whether the reclamation is necessary to enable the operation of infrastructure; and
- 2) the length of time the unlawful reclamation has existed; and¹⁴³
- 3) the extent to which removal of the reclamation is practicable; and
- 4) whether there will be more significant adverse effects resulting from the works required to remove the reclamation, compared with retaining the reclamation.⁽¹⁵³⁾

D.5.18

Dredging, disturbance and deposition activities

¹⁴¹ NZ Fairy Tern Trust, Rogan, page 8; DOC, Beauchamp, paras 29 to 44; McConchie; Mangawhai Waka Ama

¹⁴² Clarification

¹⁴³ Clarification

Dredging, disturbance and deposition activities should not:

- 1) cause long-term erosion within the coastal marine area or on adjacent land, and
- 2) cause damage to any authorised structure.

D.5.18A

Benefits of dredging, disturbance and deposition activities

Recognise that dredging, disturbance and deposition activities may be necessary:

- 1) for the continued operation of existing infrastructure, or
- 1A) for the operation, maintenance, upgrade or development of regionally significant infrastructure, or¹⁴⁴
- 2) to maintain and improve access and navigational safety within the coastal marine area, or
- 3) for beach re-nourishment or replenishment activities, or
- 4) to protect, restore or rehabilitate the significant values associated with a mapped 'significant area' or
- 5) when it is undertaken in association with the deposition of material for beneficial purposes, including the restoration or enhancement of natural systems and features that contribute towards reducing the impacts of coastal hazards.⁽¹⁵⁴⁾

D.5.19

Disposal Dumping (deliberate disposal) of dredge spoil and other waste material

Discourage the disposal dumping (deliberate disposal) of dredge spoil and other waste in the coastal marine area, unless:⁽¹⁵⁵⁾

- 1) it is for beach maintenance, enhancement or replenishment, or the replenishment of other geomorphological features such as banks or spits, or ecological restoration, or⁽¹⁵⁶⁾⁽¹⁵⁷⁾
- 2) it is for restoration, maintenance or enhancement of natural coastal defences that provide protection against coastal hazards, or
- 3) it is associated with a reclamation, or
- 4) it is associated with the operation of regionally significant infrastructure and the dumping does not occur within a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Significant Ecological Area,
 - b) Nationally Significant Surfbreak,
 - c) Area of Outstanding Natural Character,
 - d) Outstanding Natural Feature,

¹⁴⁴ Transpower New Zealand

- e) Site or Area of Significance to Tangata Whenua, or
- f) Historic Heritage Area.⁽¹⁵⁸⁾

The disposal dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with clauses 1 to 3 4 above may be appropriate, if it is demonstrated that the dumping location is the best practicable option, given the type of material to be dumped disposed of.¹⁴⁵

D.5.20

Dredging, disturbance and deposition effects on areas with significant values

When considering a resource consent application for dredging, disturbance or deposition that is likely to have an adverse effect on any mapped (refer to 'Maps'):

- 1) Outstanding Natural Character, or
- 2) Outstanding Natural Feature, or
- 3) Significant Ecological Area, or
- 4) Significant Bird Area, or
- 5) Marine Mammal and Seabird Area, or
- 6) Historic Heritage Area, or
- 7) Nationally or Regionally Significant Surf Break

take into account whether the proposal provides for any of the following beneficial activities:

- 8) protects, restores or rehabilitates the significant values associated with one or more of the areas listed in 1-7 above, or
- 9) improves water quality, connections between water bodies or between freshwater bodies and coastal water, or other natural processes, or
- 10) provides educational, scientific or passive recreational opportunities that will enhance the understanding and long term protection of the significant values of the area, or
- 11) is in association with scientific research and analysis, or
- 12) is in association with the operation, maintenance and protection of regionally significant infrastructure, or
- 13) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
- 14) is dredging or other disturbance of the foreshore and seabed in existing artificial watercourses or modified watercourses, or
- 15) is in association with the mitigation of natural hazards, or
- 16) is in association with the operation, maintenance and protection of existing river schemes and land drainage schemes, or
- 17) is in association with the repair, maintenance, reconstruction and removal of authorised structures, or

¹⁴⁵ Clarification

- 18) involves sand extraction within areas where this has previously occurred and adverse effects have been demonstrated as being no more than minor.⁽¹⁵⁹⁾

D.5.21

Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

- 1) demonstrate that adopt the best practicable option to manage noise so that it does not exceed a reasonable level is being used to minimise noise,⁽¹⁶⁰⁾ and
- 2) in the case of marine seismic surveying, demonstrate compliance with *Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveying Operations* (Department of Conservation, 2013), and
- 3) require an acoustic assessment where the activity may cause significant adverse effects on marine animals, and⁽¹⁶¹⁾
- 4) demonstrate that there are no more than minor avoid adverse effects on marine mammals listed as Threatened or At Risk in the New Zealand Threat Classification System lists⁽¹⁶²⁾ including as identified by reference to Significant Marine Mammal and Seabird Area maps (refer Maps)¹⁴⁶,
- 5) avoid, remedy or mitigate other adverse effects on marine mammals, having regard to taking into account the location and duration of the proposed activity and whether the purpose of the proposal:¹⁴⁷
 - a) is to be undertaken in association with scientific research and analysis, or
 - b) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
 - c) is to be undertaken in association with the operation, maintenance and protection of Regionally Significant Infrastructure, or
 - d) is in association with the mitigation of natural hazards.⁽¹⁶³⁾

D.5.22

Mangrove removal – purpose

Subject to Policy D.2.7, resource consent for mangrove pruning or removal:¹⁴⁸

- 1) may be granted when it is necessary to maintain, restore or improve one or more of the following:
 - a) indigenous biodiversity and aquatic ecosystem health ecological values, natural features, scheduled historic places, or

¹⁴⁶ Clarrification

¹⁴⁷ Clarification

¹⁴⁸ Forest and Bird legal, para 59

aa) habitats that have been displaced or colonised by mangroves, including rush marsh, salt marsh and intertidal flats, or¹⁴⁹

ab) areas within which mangroves have previously been lawfully pruned or removed, or¹⁵⁰

- b) public recreation and walking access to, or along, the coastal marine area, or
- c) connections with reserves or publicly owned land and the coast, or
- d) public use and public amenity values, or
- e) water access for vessels and navigation, or
- f) public health and safety, including sightlines and traffic safety, or
- g) access to the coast from marae, or to areas of traditional use, or
- h) ongoing authorised activities, or
- i) infrastructure, or
- j) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or
- k) tidal flows, or
- l) scientific research, and

2) must not be granted where it is for the purpose of improving private views.

D.5.23

Mangrove removal outcome

If the desired outcome of the mangrove removal is a return to sandy conditions, or maintain or enhance ecological values, then the resource consent applicant must scientifically demonstrate how the desired outcome will be achieved.⁽¹⁶⁴⁾

D.5.24

Mangrove removal – adverse effects

When considering resource consents for mangrove removal, recognise have regard to that mangrove removal can result in a range of potential adverse effects, in particular:¹⁵¹

- 1) effects on ecological values including:
 - a) disturbance, displacement or loss of fauna and habitat including rare, threatened, at risk species, and

¹⁴⁹ MHRS, Coffey, para 9.5

¹⁵⁰ Consequential to clause (4) insertion into Rule C.1.4.3, resulting from Mangawhai Harbour Restoration Society evidence

¹⁵¹ DOC, Silver, para 137

- aa) disturbing or displacing birds classified as Threatened or At Risk under the New Zealand Threat Classification System, including as identified by reference to the Significant Bird Area and Significant Marine Mammal and Seabird Area maps (refer Maps), and¹⁵²
- b) disturbing ecological sequences, ~~or~~ corridors, and
- c) ~~areas important for linking significant ecological areas, and~~¹⁵³
- d) ~~restricting faunal migration and movement and to shorebird breeding and feeding, and~~¹⁵⁴
- e) removal of a buffer to sensitive ecological areas, and
- f) disturbance of the foreshore and seabed, ~~effects of~~ including compaction, sediment redistribution, ~~and~~ mangrove biomass deposition ~~and storage~~¹⁵⁵, and
- 2) increased ~~risk of~~¹⁵⁶ coastal erosion where mangroves provide a buffer against coastal processes causing erosion, and
- 3) ~~effects on tangata whenua cultural values, and~~
- 4) amenity impacts from removal and disposal including noise, smoke, odour and visual impacts, and
- 5) short and long term effects on local sediment characteristics and hydrodynamics ~~and~~
- 6) ~~effects on changes to~~¹⁵⁷ natural character.⁽¹⁶⁵⁾

D.5.25

Marine pests

Protect Northland from the adverse effects from ~~marine pests~~ by:

1. recognising that the introduction or spreading of ~~marine pests~~ could have significant and irreversible adverse effects on Northland's marine environment, and
2. recognising that the main risk of introducing and spreading of ~~marine pests~~ is from the movement of vessels, structures, equipment, marine livestock and materials, and
3. decision makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of ~~marine pests~~, and
4. putting conditions in resource consents requiring that best practicable option measures are implemented so that there is a very low risk of introducing or spreading ~~marine pests~~ as a result of the consented activity.⁽¹⁶⁶⁾

D.5.26

Significant surf breaks

¹⁵² Clarification and replacement of d); and Forest and Bird, Legal Sub, Anderson, para 54.

¹⁵³ Duplication of b)

¹⁵⁴ Replaced with aa).

¹⁵⁵ Clarification

¹⁵⁶ Clarification

¹⁵⁷ Clarification

Provide for the use and enjoyment of Nationally and Regionally Significant Surf Breaks (refer I 'Maps | Ngā mahere matawhenua') by ensuring that:

- 1) resource consent applications for activities within the coastal marine area that are within a one kilometre radius of a Nationally Significant Surf Break or a Regionally Significant Surf Break are accompanied by an assessment of environmental effects of the activity on the identified values of the surf break, and

1A) adverse effects on Nationally Significant Surf Breaks are avoided, and¹⁵⁸

- 2) significant adverse effects on Regionally Significant Surf Breaks are avoided, and
- 3) access to Regionally Significant Surf Breaks is maintained or enhanced.

D.5.27

Managing effects on surf breaks

Have regard to the following effects on mapped surf breaks (refer I 'Maps | Ngā mahere matawhenua');

- 1) effects on the quality or consistency of the surf break by considering the extent to which the activity may:
 - a) change or interrupt coastal sediment dynamics, and
 - b) change or interrupt swell within the swell corridor including through reflection, refraction or diffraction of wave energy, and
 - c) change the morphology of the foreshore or seabed, and
 - 2) effects on:
 - a) amenity values, and
 - b) the feeling of wilderness or isolation.
-

D.6 Natural Hazards

D.6.1

Appropriateness of hard protection structures

New **hard protection structures** may be considered appropriate when:

- 1) alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have greater adverse effects on the environment, or
- 2) they are the only practical means to protect: **existing or proposed:**⁽¹⁶⁷⁾¹⁵⁹
 - a) **Existing or planned** regionally significant infrastructure, or

¹⁵⁸ Surfbreak Society

¹⁵⁹ KiwiRail

- b) existing core local infrastructure (district parks and reserves, network infrastructure and local roads), or⁽¹⁶⁸⁾ ¹⁶⁰
- c) concentrations of existing vulnerable development, and
- d) they provide a better outcome for the local community, district or region, compared to if the hard protection structure was not built, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

D.6.2

Design and location of hard protection structures

New hard protection structures must:

- 1) be located as far landward as possible in order to retain as much of the existing natural defences against coastal hazards as possible, and¹⁶¹
- 2) be designed and constructed by a suitably qualified and experienced professional, and
- 3) incorporate the use of soft protection measures where practical, and
- 4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise of one metre by 2115 (100 years).

D.6.3

Re-building of materially damaged or destroyed buildings in high risk hazard areas

Resource consent may only be granted for the re-building of materially damaged or destroyed buildings in high risk flood hazard areas and high risk coastal hazard areas if the natural hazard risk to the building is demonstrated to be reduced (compared with the risk to the building previously) and hazard risk to other property is not increased.

¹⁶⁰ Clarification

¹⁶¹ Clarification

D.6.4

Flood hazard management – flood defences

Recognise the significant benefits that [flood defences](#) play in reducing flood hazard risk to people, property and the environment.

D.6.5

Flood hazard management – development within floodplains

Development in [flood hazard areas](#) and [continually or intermittently flowing](#) rivers (including high [risk flood hazard areas](#)) must not increase the risk of adverse effects from flood hazards on [other property](#) or another person's use of land or property.¹⁶²

¹⁶² Clarification

E Catchments |Ngā whaitua

Catchments objective

New Objective – Catchment specific values

Recognise the following values in the Doubtless Bay, Waitangi, Pouto, Mangere and Whangarei Harbour catchments:

1. Cultural and recreational uses associated with fresh and coastal waters.
2. The ability to gather mahinga kai.
3. The natural character of waterbodies and their margins.
4. The quality of habitat for aquatic native species.
5. Access to freshwater for productive uses.

E.0.1A - Catchments

When considering resource consent applications in the Doubtless Bay, Waitangi, Pouto, Mangere and Whangarei Harbour catchments have particular regard to the following:

- 1) Reducing the amount of sediment entering waterways from hill slope and stream-bank erosion.
- 2) Improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather mahinga kai.
- 3) Protecting the ecosystem health and natural character of freshwater bodies, particularly outstanding lakes.
- 4) Enabling the extraction and use of freshwater where this will not compromise other values or exceed a minimum flow or level, or an allocation limit.⁽¹⁾

Note: The following rules are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, Whangarei Harbour and Pouto catchments. Catchment-specific rules take precedence over other rules **in this Plan** (whether more or less restrictive).

Doubtless Bay catchment

E.0.1

Erosion control plans in the Doubtless Bay catchment - controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Doubtless Bay catchment (I 'Maps | Ngā mahere matawhenua') is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment **loss**¹⁶³ from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment **loss**¹⁶⁴ from areas of gully, landslide and earthflow erosion.

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ **Pastoral land use on High Sediment Yielding Land**⁽²⁾ (s9(2)).

E.0.2

Water takes from Lake Waiporohita - discretionary activity

The taking and use of fresh water from Lake Waiporohita for any purpose is a discretionary activity, provided:

- 1) water is not taken when a flow or water level is below a **minimum flow** or **minimum level**, and
- 2) any new take (after the notification date of this plan) does not cause an **allocation limit** to be exceeded.

The RMA activities this rule covers:

- ~~Restrictions relating to water~~ **The taking and use of freshwater from Lake Waiporohita** (s14(2) and s14(3)(b)).¹⁶⁵

Note:

Poutō catchment

E.0.3

Water takes from a lake in the Poutō catchment - permitted activity

The taking and use of water from a lake in the Poutō catchment (refer I 'Maps | **Ngā mahere matawhenua**') (other than for reasonable stock drinking or domestic needs **which are allowed under s14(3)(b) of the RMA**¹⁶⁶) is a permitted activity, provided:

- 1) there is only one take per property, and
- 2) the take is from a lake that is two hectares or more in area, and
- 3) the total daily take does not exceed:
 - a) from Outstanding Freshwater Bodies (lakes) (refer I 'Maps | **Ngā mahere matawhenua**'), 10 cubic metres or 200 litres per hectare **of property**¹⁶⁷, up to a maximum of 20 cubic metres, or
 - b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare **of property**¹⁶⁸ up to a maximum volume of 50 cubic metres, and

¹⁶³ Clarification

¹⁶⁴ Clarification

¹⁶⁵ FF legal submissions

¹⁶⁶ Clarification

¹⁶⁷ Clarification

¹⁶⁸ Clarification

- 4) water is not taken when the lake water level is below a minimum level, and
- 5) the take does not adversely affect the reliability of any existing authorised take, and
- 6) a screen must cover the intake structure of surface water takes and have a minimum aperture (mesh size) of 1.5 millimetres to protect native fish species, and the velocity across the screen must not exceed 0.3 metres per second, and
- 7) the take does not lower the water level in a [natural wetland](#), and
- 8) the reticulation system is constructed and maintained to minimise leakage and wastage, and
- 9) the water user must provide the regional council with:
 - a) their name, address, and phone number, and
 - b) the location of the water take, and
 - c) the nature of the water use, and
- 10) at the written request of the regional council, a water meter is installed and water [take](#) ¹⁶⁹ and use records are provided to the regional council.

The RMA activities this rule covers:

- ~~Restrictions relating to water~~ The taking and use of freshwater from a lake in the Pouto catchment ⁽⁴⁾ (s14(2)).

Note: Where the conditions of this rule cannot be met C.5.1.10 'Other water takes – discretionary activity' applies.

E.0.4

New plantation forestry in the Poutō Forestry Restriction Area - restricted discretionary activity

New [plantation forestry](#) that exceeds five hectares per property in the Forestry Restriction Area - Poutō catchment (refer to Maps [\[Ngā mahere matawhenua\]](#)), is a restricted discretionary activity.

Matters of discretion:

- 1) The total area and location to be planted.
- 2) Potential effects of reduced surface water yield to lakes and water levels in lakes.
- 3) The sensitivity of the ecological, cultural or recreational values of the lake to reduced water levels.
- 4) The potential effects of the activity on water quality and aquatic ecosystems.
- 5) [The positive effects of the activity.](#) ⁽⁵⁾

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ New plantation forestry in the Poutō Forestry Restriction Area ⁽⁶⁾ (s9(2)).

E.0.5

¹⁶⁹ Clarification

New plantation forestry within 20 metres of outstanding Poutō Lakes - restricted discretionary activity

New [plantation forestry](#) within 20 metres of the bed of an [outstanding lake](#) in the Poutō catchment (refer I 'Maps | [Ngā mahere matawhenua](#)') is a restricted discretionary activity:

Matters of discretion:

- 1) The location and extent of trees within the setback, and
- 2) The potential effects of the activity on outstanding Poutō lakes
- 3) [The positive effects of the activity.](#) ⁽⁷⁾

The RMA activities this rule covers:

- [New plantation forestry within 20 metres of the bed of an outstanding Poutō lake \(s9\(2\)\).](#) ⁽⁸⁾

Waitangi catchment

E.0.6

Erosion control plans in the Waitangi catchment - controlled activity

[Pastoral land use](#) after 1 January 2025 on [high sediment yielding land](#) in the Waitangi catchment (refer I 'Maps | [Ngā mahere matawhenua](#)') is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment [loss](#)¹⁷⁰ from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment [loss](#)¹⁷¹ from areas of gully, landslide and earthflow erosion.
- 3) [Information and monitoring requirements.](#) ⁽⁹⁾

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ [Pastoral land use on High Sediment Yielding Land](#) ⁽¹⁰⁾ (s9(2)).

Mangere catchment

E.0.7

Access of livestock to the bed of a water body or [continually permanently](#) flowing watercourse in the Mangere catchment – permitted activity

The access of [livestock](#) to a [natural wetland](#), the bed of a lake or a [continually permanently](#)¹⁷² flowing river [or stream](#), or a [continually permanently](#)¹⁷³ flowing [artificial watercourse drain](#) ⁽¹¹⁾ in the Mangere Catchment (refer I 'Maps | [Ngā mahere matawhenua](#)') is a permitted activity, provided:

¹⁷⁰ Clarification

¹⁷¹ Clarification

¹⁷² Clarification

¹⁷³ Clarification

- 1) ~~Native~~⁽¹²⁾ ~~wetland~~ vegetation in a ~~natural wetland~~ is not ~~damaged or~~⁽¹³⁾ destroyed, and
- 2) other than at a ~~livestock crossing point~~, ~~livestock~~ are ~~effectively excluded~~ from the full extent of the water body or drain in accordance with the requirements in the following table, and
- 3) ~~livestock crossing points~~ used by ~~livestock~~ more than once per week ~~on average~~⁽¹⁴⁾ must be bridged or culverted by the dates in the following table, and
- 4) at a ~~livestock crossing point~~ that is not required to be bridged or culverted, ~~livestock~~ are:
 - a) ~~actively led or~~⁽¹⁵⁾ driven across the ~~water body or artificial watercourse~~ ~~river or drain~~,⁽¹⁶⁾ and
 - b) ~~effectively excluded~~ from the river or drain between crossings by the dates in the following table.

Note: Recommend amending text above to align with that used in Rule C.8.1.1

Table 14 Dates when livestock must be effectively excluded from water bodies and ~~continually permanently~~¹⁷⁴ flowing ~~drains~~ ~~artificial watercourses~~¹⁷⁵ in the Mangere Catchment.

Livestock type	<u>Continually</u> Permanently flowing rivers, streams and <u>artificial watercourses</u> drains greater than 1m wide and 30cm deep *(17)	All continually permanently flowing rivers, streams and <u>artificial watercourses</u> drains (18)	Natural wetlands >2000m² (excluding significant wetlands)	Lakes (>1ha) and significant wetlands
Pigs and dairy cows	Excluded from the date this rule becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date this rule becomes operative.	Excluded from the date this rule becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas and Hill country areas as mapped in I 'Maps Ngā mahere matawhenua':			
	Excluded by 1 January 2025.	Excluded from 1 January 2030	Lowland areas Excluded from 1 January 2025. Hill Country areas – no exclusion required ¹⁷⁶	
	Hill country areas as mapped in I 'Maps Ngā mahere matawhenua' No exclusion required ¹⁷⁷			

*Rivers, streams and artificial watercourses that ~~continually permanently~~ contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property.

¹⁷⁴ Clarification

¹⁷⁵ Consequential amendment – for consistency with Rule C.8.1.1

¹⁷⁶ Consequential amendment as a result of re-formatting table

¹⁷⁷ Consequential amendment as a result of re-formatting table

Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.⁽²¹⁾

Note: Where the conditions of this rule cannot be met C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity' applies.

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ Access of livestock to a river, lake, natural¹⁷⁸ wetland or artificial watercourse⁽²²⁾ (s9(2)).
- ~~Restrictions on certain uses of~~ Access of livestock to the⁽²³⁾ beds of a lake, or a river, or the bed of a wetland forming part of a lake or river¹⁷⁹ (s13(2)).

E.0.8

Erosion control plans in the Mangere catchment - controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Mangere catchment (refer I 'Maps | Ngā mahere matawhenua') is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment loss¹⁸⁰ from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss¹⁸¹ from areas of gully, landslide and earthflow erosion.
- 3) ~~Information and monitoring requirements.~~⁽²⁴⁾

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ Pastoral land use on High Sediment Yielding Land⁽²⁵⁾ (s9(2)).

Whangārei Harbour catchment

E.0.9

Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity

The access of livestock to a natural wetland, the bed of a lake or a continually permanently flowing river or stream or a continually permanently flowing artificial watercourse drain⁽²⁶⁾ in the Whangārei Harbour Catchment (refer I 'Maps | Ngā mahere matawhenua') is a permitted activity, provided:

- 1) native⁽²⁷⁾ wetland vegetation in a natural wetland is not damaged or⁽²⁸⁾ destroyed, and
- 2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or drain in accordance with the requirements in the following table⁽²⁹⁾, and

¹⁷⁸ Clarification

¹⁷⁹ Clarification (for consistency with C.8.1.1)

¹⁸⁰ Clarification

¹⁸¹ Clarification

- 3) **livestock crossing points** used by **livestock** more than once per week **on average** ⁽³⁰⁾ must be bridged or culverted by the dates in the following table, and
- 4) at a **livestock crossing point** that is not required to be bridged or culverted, **livestock** are:
 - a) **actively led or** ⁽³¹⁾ driven across the water body or **artificial watercourse river or drain**, ⁽³²⁾ and
 - b) **effectively excluded** from the river or drain between crossings by the dates in the following table.

Note: Recommend amending text above to align with that used in Rule C.8.1.1

Table 15 Dates when livestock must be excluded from water bodies in the Whangarei Harbour catchment.

Livestock type	Continually Permanently flowing rivers, streams and <u>artificial watercourses drains</u> ⁽³³⁾ greater than 1m wide and 30cm ⁽³⁴⁾ deep ⁽³⁵⁾	All continually permanently flowing rivers, streams and <u>artificial watercourses drains</u> ⁽³⁶⁾	Natural wetlands <u>>2000m²</u> (excluding significant wetlands)	<u>Continually Permanently flowing</u> ⁽³⁷⁾ rivers upstream of swimming sites on Hātea and Raumanga rivers (refer I ‘Maps <u>Ngā mahere matawhenua</u> ’)	Lakes (>1ha) and significant wetlands
Pigs and dairy cows	Excluded from date this rule becomes operative.	Excluded from 1 January 2023.			Excluded from two years after the date this rule becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in I ‘Maps <u>Ngā mahere matawhenua</u> ’:			Excluded from the date this rule becomes operative.	
	Excluded by 1 January 2025	Excluded from 1 January 2030	Excluded from 1 January 2025.		
	Hill country areas as mapped in I ‘Maps <u>Ngā mahere matawhenua</u> ’: No exclusion required.				

*Rivers, streams and artificial watercourses that **continually permanently** contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks. ⁽³⁹⁾

Note: Where the conditions of this rule cannot be met C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity' applies.

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ Access of livestock to a river, lake, natural¹⁸² wetlands and or artificial watercourses⁽⁴⁰⁾ (s9(2)).
- ~~Restrictions on certain uses of~~ Access of livestock to the⁽⁴¹⁾ beds of a lakes and or rivers or the bed of a wetland forming part of a lake or river¹⁸³ (s13(2)).

E.0.10

Erosion control plans in the Whangārei Harbour catchment - controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Whangārei Harbour catchment (refer I 'Maps Ngā mahere matawhenua') is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment loss¹⁸⁴ from areas of gully, landslide and earthflow erosion, and
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss¹⁸⁵ from areas of gully, landslide and earthflow erosion, and
- 3) Information and monitoring requirements.⁽⁴²⁾

The RMA activities this rule covers:

- ~~Restrictions on use of land~~ Pastoral land use on High Sediment Yielding Land⁽⁴³⁾ (s9(2)).

¹⁸² Clarification

¹⁸³ Clarification

¹⁸⁴ Clarification

¹⁸⁵ Clarification

F Objectives | Ngā whāinga

Note: The scope for the addition of the objectives in this section is discussed in the *General approach S42A report*, in the section titled *Scope for adding the objectives and policies*.

F.0.1

Objective

Manage the use, development, and protection of Northland's natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- 1) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- 2) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and
- 3) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

F.0.2

Freshwater quantity objectives^{186 (1)}

Manage the taking, use, damming and diversion of fresh water so that:

- 1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded, and
- 2) the significant values, including⁽²⁾ hydrological variation in of⁽³⁾ outstanding freshwater bodies and natural wetlands are protected not altered⁽⁴⁾, and
- 3) the extent of littoral zones in lakes are maintained, and⁽⁵⁾
- 4) continually flowing¹⁸⁷ rivers have sufficient flows and flow⁽⁶⁾ variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish⁽⁷⁾, and
- 5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies⁽⁸⁾, and
- 6) adverse effects associated with saline intrusion and land subsidence are avoided saline intrusion intrusion in, and land subsidence above, aquifers is avoided⁽⁹⁾, and
- 7) it is a reliable resource for consumptive and non-consumptive uses.⁽¹⁰⁾
- 8) Recreational and amenity values associated with fresh water are maintained.⁽¹¹⁾

Note: This objective was included in this this plan pursuant to Policy B1 of the National Policy Statement for Freshwater Management 2017.

F.0.3

¹⁸⁶ Clarification

¹⁸⁷ Clarificatioon

Water quality management¹⁸⁸

Manage the use of land and discharges of contaminants to land and water¹⁸⁹ so that:

- 1) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and
- 2) the health of people and communities, as affected by contact with fresh and coastal water is safeguarded, and
- 3) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and
- 4) the significant values of outstanding freshwater bodies and significant natural¹⁹⁰ wetlands are protected, and¹⁹¹
- 5) sustainable mahinga kai, recreational and amenity and other social and cultural values are supported, and
- 6) economic opportunities are provided to people.⁽¹²⁾

Note: Freshwater quality objectives required by Policy A1 of the National Policy Statement for Freshwater Management 2017 will be included in this Plan at a later date as per the Council's programme for implementing the National Policy Statement.⁽¹³⁾

F.0.4

Indigenous ecosystems and biodiversity

In the coastal marine area and in fresh waterbodies safeguard ecological integrity in the coastal marine area and in fresh waterbodies by:

- 1) protecting ecological complexes and areas of significant indigenous vegetation and significant habitats of indigenous fauna, and¹⁹²
- 2) maintaining regional indigenous biodiversity in the region, and
- 3) where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally Threatened or At Risk species, and
- 4) preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established pests within the region.

F.0.5

Enabling economic wellbeing

Northland's natural and physical resources are managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.⁽¹⁴⁾

¹⁸⁸ Clarification

¹⁸⁹ Clarification

¹⁹⁰ Clarification

¹⁹¹ DOC, legal, para 60(f)

¹⁹² Kemp, para 11

F.0.6

Regionally significant infrastructure

Recognise the national, regional and local benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repairs, upgrading and removal.¹⁹³

F.0.7

Security of energy supply

Northland's energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.⁽¹⁵⁾

F.0.8

Use and development in the coastal marine area

Use and development in the coastal marine area:

- 1) makes efficient use of space occupied in the common marine and coastal area, and
- 2) is of a scale, density and design compatible with its location, and
- 3) recognises the need to maintain and enhance the public open space qualities and recreational opportunities of the coastal marine area, and¹⁹⁴
- 4) is provided for in appropriate places and forms, and within appropriate limits.

F.0.9

Tangata whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.⁽¹⁶⁾

F.0.10

Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our the regional economy are minimised by:

- 1) increasing our the understanding of natural hazards, including the potential influence of climate change on natural hazard events, and
- 2) becoming better prepared for the consequences of natural hazard events, and

¹⁹³ Transpower, Whitney, para 76

¹⁹⁴ Clarification

- 3) avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas, and
- 4) not compromising the effectiveness of existing defences against natural hazards (natural and man-made), and
- 5) enabling appropriate hazard mitigation measures to be implemented created to protect existing vulnerable development, and¹⁹⁵
- 6) promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities, and
- 7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.⁽¹⁷⁾

F.0.11

Improving Northland's natural and physical resources

Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.

F.0.12

Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua

Protect from inappropriate use and development:

- 1) the qualities and characteristics that make up:
 - a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
 - b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
 - c) natural character in fresh waterbodies outside the coastal environment, and
 - d) outstanding natural landscapes in the coastal marine area, and
- 2) the integrity of historic heritage in the coastal marine area.
- 3) the values of places of significance to tangata whenua in the coastal marine area and fresh waterbodies

F.0.13

Air quality

Adverse effects from discharges to air are managed by:

- 1) minimising cross boundary effects on sensitive areas from discharges of dust, smoke, agrichemical spraying, and odour.

¹⁹⁵ Clarifications

- 2) protecting dust, odour, smoke and spray sensitive areas from exposure to dangerous and/or noxious levels of gases or airborne contaminants.
- 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but those existing discharges should be able to continue providing they are employing best practice.¹⁹⁶
- 4) maintaining and, where possible, enhancing ambient air quality in urban areas where it is degraded by avoiding, remedying or mitigating the cumulative effects of air discharges on human health, cultural values, amenity values and the environment.¹⁹⁷

F.0.14

Hazardous substances and contaminated land

Protect human health, and minimise the risk to the environment to acceptable levels, from:

- 1) discharges of hazardous substances, and
- 2) discharges of contaminants from contaminated land.¹⁹⁸

¹⁹⁶ Hort NZ, Wharfe, para 7.44

¹⁹⁷ NDHB, Wickham, para 3.9

¹⁹⁸ Hort NZ, Wharfe, para 6.16

G Administrative matters | [Ngā take whakahaere](#)

G.1 Cross-river coastal marine area boundary

The cross-river coastal marine area boundary is shown on the maps – refer to 'Maps | [Ngā mahere matawhenua](#)'.

Under the RMA, the cross-river coastal marine area boundary is referenced to the mouth of the river – the lesser of one kilometre upstream of the mouth of the river or the point upstream calculated by multiplying the width of the river by five. Only the cross-river coastal marine area is shown on the maps. The mouth of the river can be determined by back-calculating from the cross-river coastal marine area boundary.

Where the landward boundary of the coastal marine area aligns with a physical structure in the river (for example, a bridge) the landward boundary is the seaward side of the structure, and the structure is not in the coastal marine area.

For rivers where the cross-river coastal marine area boundary is not shown in the maps (in 'Maps | [Ngā mahere matawhenua](#)'), and which enter the sea on the open coast and not through estuaries, inlets or harbours, the cross-river coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point it enters the sea, as shown in the following diagram:



For rivers where the cross-river coastal marine area boundary is not shown in the maps (in 'Maps | [Ngā mahere matawhenua](#)'), and which enter the sea through estuaries, inlets or harbours:

- 1) Where those rivers *are* shown on the Land Information New Zealand Topo 50 Series, the cross-river coastal marine area boundary is the point at the seaward end of the river where on the applicable map, the river is marked as beginning to widen from a single blue line, and
- 2) Where those rivers *are not* shown on the Land Information New Zealand Topo 50 Series, the coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point where the width of the river begins to exceed three meters, as shown in the following diagram:



Where it is necessary to fix the width of the river for the purposes of determining the cross-river coastal marine area boundary, the width of a river is the shortest distance between the banks of the river at mean high water springs.

G.2 Statutory acknowledgements

It is a legal requirement ⁽⁴⁾ to attach statutory acknowledgements to regional plans and regional policy statements. Rather than attaching statutory acknowledgements to the Regional Plan and Regional Policy Statement, the approach taken is to have a single companion document recording all statutory acknowledgements – *Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland*. This can be viewed on the regional council's website.

What is a statutory acknowledgement?

The Treaty of Waitangi is considered the founding document of New Zealand. It recognises the special relationship between Māori and the Crown. It is the basis from which Māori and the Crown negotiate terms to address grievances in relation to omissions and acts by the Crown which are contrary to the Treaty principles. One mechanism used (to address grievances) in settlement legislation that has an impact for local government is through statutory acknowledgements.

A statutory acknowledgement is a formal acknowledgement by the Crown recognising the mana of tangata whenua in relation to a specified area. It recognises the particular cultural, spiritual, historical, and traditional association of an iwi or hapū with the statutory area.

Statutory acknowledgements are only over Crown-owned land and may apply to rivers, lakes, wetlands, landscapes estuaries/harbours and other coastal areas. Where a statutory acknowledgement is noted in regards to a river, lake, wetland or coastal area, the acknowledgement only applies to the bed, being Crown-owned.

Statements associated with a statutory acknowledgement are set out in Treaty of Waitangi settlement legislation. The text for each statutory acknowledgement includes:

- identification and description of the statutory area,
- a statement of association detailing the relationship between the relevant iwi or hapū with the statutory area, and
- the specific requirements of the statutory acknowledgement.

Statutory acknowledgements enhance the ability of iwi and hapū to participate in Resource Management Act 1991 processes. It includes requirements for council to:

- have regard to effects on statutory acknowledgment areas when determining notification of resource consent applications, and
- provide summaries of resource consent applications to the iwi or hapū.

G.3 Financial contributions

Note: From 18 April 2022, resource consents will no longer be able to include a condition requiring a financial contribution. ⁽²⁾

The RMA requires the Regional Plan to specify the circumstances when a financial contribution may be imposed, the manner in which the level of contribution that may be imposed will be determined, and the general purposes for which the contribution may be used.

Financial contributions are available to compensate for the adverse effects that cannot otherwise be adequately avoided, remedied, mitigated or offset.

If adverse effects can be adequately avoided, remedied, mitigated or, offset, and this is identified in a resource consent application, then financial contributions will not be required. However, the regional council may require financial contributions or a contractual agreement if remediation, mitigation or offsetting is dependent on a third party.

The following provisions set out:

1. the circumstances when financial contributions may be imposed, and
2. the purposes for which financial contributions may be required and used, and
3. the method for determining the contribution, and
4. matters that the regional council will have regard to when deciding:
 - a) whether to impose a financial contribution,
 - b) the type of contribution, and
 - c) the amount of any contribution, and the general provisions that would apply.

Table 16 Circumstances and purposes for financial contributions

Circumstance	Purpose
<p><i>Aquatic habitats of indigenous species</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem values.</p>	<ol style="list-style-type: none"> Restore or enhance aquatic habitats at the site, or to provide an offset or environmental compensation by restoring or enhancing aquatic habitat characteristics at another suitable location where avoiding, remedying or mitigating adverse effects at the site is not practicable or effective, or Provide for research and/or protection to enhance aquatic habitats.
<p><i>Wetlands</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem, water quality, water quantity, soil</p>	<ol style="list-style-type: none"> Offset effects by enhancing another suitable wetland of similar habitat where such a wetland is available, or Offset effects by creating a new wetland at an appropriate site, or Enhance another part of the wetland that is adversely affected, including if appropriate,

conservation or flood mitigation values of a wetland.	cost associated with maintaining the original state of the wetland.
<p><i>Discharges</i></p> <p>Where a resource consent is granted for a discharge that does not meet environmental standards in this Plan because it is not cost-effective or practicable to do so.</p>	Provide on-site mitigation or remediation measures, or works in other areas to mitigate or offset the effects of the discharge.
<p><i>Disturbance to the foreshore or seabed and margins</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on the foreshore, seabed or margins.</p>	Mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the foreshore, seabed or margins, including, but not limited to, maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and including contribution to such measures elsewhere in the same general locality.
<p><i>Public access to, along and within the coastal marine area</i></p> <p>Where the activity for which a resource consent is granted will restrict or prevent existing lawful public access to, along or within the coastal marine area, except where such restrictions are necessary in accordance with Policy 19(3) NZCPS.</p>	Provide for alternative public access in the vicinity of the activity or at another similar location.
<i>Exclusive occupation of space</i>	Enhance public access or facilities in another similar location.
<p><i>General works</i></p> <p>Where the activity for which a resource consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.</p>	Provide works for the purpose of offsetting the adverse effects of the activity, including protecting, restoring or enhancing natural and physical resources elsewhere in the same general locality.
<i>Structures in the coastal marine area</i>	1. The removal of abandoned or derelict structures, or

Where the structure may cause a risk to navigational safety or public health and safety or cause adverse effects on the environment if abandoned, damaged or derelict.

2. The reinstatement of the environment, or
3. Any emergency repairs or rescue undertaken by the regional council on behalf of the consent holder in the event of any part of the structure breaking loose or causing a potential navigational hazard.

Amount of contribution

The amount of financial contribution must be an amount determined on a case-by-case basis by the regional council to be fair and reasonable. The amount must not exceed the reasonable cost of funding positive environmental effects required to offset the net adverse effects caused directly by the activity.

For the purposes of this section, 'net adverse effects' means a fair and reasonable assessment of the level of adverse effects after taking into account:

1. the extent to which significant adverse effects will be avoided, remedied or mitigated by other consent conditions, and
2. the extent to which there will be positive environmental effects from the activity which may offset any or all adverse effects, and
3. the extent to which other environmental compensation is offered as part of the activity which may offset any or all adverse effects.

Matters to be considered for financial contributions

In deciding whether or not to impose financial contributions, the types of contribution and their value, the regional council will have particular regard to the following matters:

1. Financial contributions must be for the purpose of avoiding, remedying, mitigating or offsetting adverse effects on natural and physical resources.
2. Financial contributions must be used to avoid, remedy, or mitigate or offset adverse effects of the same type as those caused or potentially caused by the activity for which consent is sought.
3. Preference will be given to the use of financial contributions at, or close to, the site of the activity for which consent is sought. This does not prevent the use of financial contributions at other locations when appropriate or agreed between parties to the application.
4. Financial contributions will only be required when:
 - a) the avoidance, remedy or mitigation of adverse effects could not be practically achieved by another condition of consent, or
 - b) a financial contribution would be more efficient than another condition of consent in achieving the avoidance, remedy or mitigation of adverse effects, or
 - c) a financial contribution is agreed by parties to the application to be the best outcome to avoid, remedy, mitigate or offset adverse effects on the environment.
5. An assessment as to whether a financial contribution is appropriate to the activity will be made on a case-by-case basis.
6. Preference will generally be for a financial contribution of money, except where land may be more appropriate.

General provisions

In imposing a financial contribution, the following general provisions will apply:

1. All financial contributions are GST inclusive.
2. Where the financial contribution is, or includes, a payment of money, the regional council may specify in the condition:
 - a) the amount to be paid by the consent holder or the methods by which the amount of the payment shall be determined, and
 - b) how payment is to be made, including whether payment is to be made by instalments, and
 - c) when payment must be made, and
 - d) whether the amount of the payment is to bear interest and, if so, the rate of interest, and
 - e) if the amount of the payment is to be adjusted to take account of inflation and, if so, how the amount is to be adjusted, and
 - f) whether any penalty is to be imposed for default in payment and, if so, the amount of the penalty or formula by which the penalty is to be calculated.
3. Where the financial contribution is, or includes, land, the value of the land must be determined by a registered valuer mutually agreed upon by the regional council and the resource consent applicant.
4. In granting a consent, the regional council must give reasons in its decision for its assessment of the value of the land.
5. Where the financial contribution is, or includes, land, the regional council may specify:
 - a) The location and the area of the land, and
 - b) when and how the land is to be transferred to, or vested in, the regional council. ⁽³⁾

G.4 Coastal occupation charging

Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging regime⁽⁴⁾ or state that there will be no coastal occupation charging. At this stage, the regional council has decided **not** to introduce a coastal occupation charging regime. However, this position may change in the future after consultation with the community.

H Appendices | Āpitihanga

H.1 Wastewater network management plans

A wastewater network management plan must include:

- 1) A description of the wastewater network, and
- 2) Identification of wet weather wastewater overflow points and a description of the frequency that they overflow on an annual average basis, and
- 3) A description of the receiving environments, and
- 4) A description of the network operator's best practicable option for preventing, responding to, and minimising the adverse effects of wastewater discharges, and
- 5) A description of the operation and maintenance programme for the network, and
- 6) Any prioritised programme for capital works.⁽¹⁾

H.2 Stormwater management plans

A stormwater management plan must be matched to the scale and complexity of the network and include the following:

- 1) Plans showing the stormwater catchment area and the public stormwater network, and
- 2) The expected performance of system as a result of likely development, and
- 3) Identification of existing drainage and flooding problems and potential flood hazards and other sensitive areas such as overland flow paths, and
- 4) The location of contaminated, and
- 5) The location of high risk industrial and trade premises, and
- 6) Methods by which the network operator will control the quality of stormwater discharged from industrial and trade premises to the public stormwater network, and
- 7) Any prioritised programme for capital works, and
- 8) The operation and maintenance programme for the network.⁽²⁾

H.3 Chimney height requirements

Scope of the requirements

- 1) This appendix is intended to provide a relatively simple method of calculating the approximate chimney height commonly desirable in normal circumstances.
- 2) This method is regarded as a general guide rather than a mathematically precise and absolute way of reaching a decision on chimney height. It may need to be modified or more appropriate methods used such as computer modelling in the light of particular local circumstances, such as a chimney in a narrow valley or near tall buildings or when emissions of contaminants not covered by this method are present.
- 3) the requirements are not applicable to all chimneys. In respect of this plan, it is applicable only to discharges from the operation of fuel burning equipment covered by C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity'. The regional council should also have regard to these requirements when assessing the 'best practicable

option' for any resource consent for a stack discharge which involve contaminants covered by this method.

General requirements

General

- 4) The method of calculation is based on the amount of flue gases the chimney is expected to emit as a function of the maximum rate of emission of sulphur dioxide. Modification of the result obtained may be necessary where there is a potential for pollution by gaseous emissions other than normal products of combustion.
- 5) Prejudice to health or nuisance from smoke, grit and dust should not occur where chimney heights are so calculated and where the other relevant requirements of the RMA are given effect to. It should be noted that non-compliance with grit and dust requirements cannot be avoided solely by increasing the height of a chimney. Dust arrestment plant may also be necessary in order to achieve compliance with rules in this Plan.
- 6) For small- and medium-sized oil-fired boilers, experience has shown that an insulated stack is necessary to avoid acid smut problems.
- 7) In Figures 1 to 6 below (the 'nomographs'), the chimney height has been calculated to ensure dispersion of the gases to achieve a theoretical maximum ground level concentration of 400 milligrams per cubic metre (about 0.16 parts per million by volume) of sulphur dioxide. This is less than the generally accepted threshold of odour for this gas of 1.1 milligrams per cubic metre (about 0.5 parts per million by volume).
- 8) This will also be taken by the regional council as demonstrating compliance with exposure levels for:
 - sulphur dioxide of 500 milligrams per cubic metre (ten minute time - weighted average exposure),
 - 350 milligrams per cubic metre as the hourly average of 10 minute means,
 - 125 milligrams per cubic metre as the 24 hour average and
 - 50 milligrams per cubic metre as the annual average

These figures are guideline air quality values for sulphur dioxide in New Zealand.

Efflux velocity

- 9) The diameter of a chimney top should be as small as possible in order to increase the efflux velocity of the flue gases. If the efflux velocity is insufficient, the plume tends to flow down the outside of the stack on the lee side and the effective chimney height is thus reduced. Efflux velocities of about 15 metres per second will avoid this downwash.
- 10) Such a velocity is impracticable for small boilers, but boilers equipped with forced draft fans only should have a chimney efflux velocity of not less than 5 metres per second at full load. Boilers equipped with induced draft fans should have a chimney efflux velocity of not less than 8 metres per second at full load for boilers rated up to 13,600 kilograms per hour, increasing to a maximum of 15 metres per second at full load for boilers rated at 204,000 kilograms per hour.
- 11) The method of calculation assumes that the appropriate efflux velocity will be achieved.

Combining of emissions

- 12) There are several adjacent furnaces in the same works, there are advantages in combining the waste gases, if possible, and discharging them through a common chimney. The larger volume

from the combined emissions has a higher thermal rise than the discharges from separate chimneys and the concentration of the flue gases reaching the ground is smaller.

Fuel types

- 13) For liquid or solid fuels, including untreated wood, the calculations of chimney height should be based on the maximum sulphur content of any fuel to be burned. It is also recommended that the minimum sulphur content of any fuel used in the calculations be 0.5 percent.
- 14) For natural gas and manufactured gas with zero or very low sulphur content, it is recommended that emission data for nitrogen oxides (NO_x) be applied and substituted for sulphur dioxide in the figures below. For furnaces using gas fuel in the aggregate not exceeding a rate of 5 megawatt, the main consideration is to avoid local down-draught effects. It is recommended that the height of the building containing the furnace, or buildings within 30 metres be taken as the "uncorrected stack height", and the nomograph of Figure 6 or three metres (whichever is the greater) be used to reach "corrected height". Usually no correction will be required for taller buildings 30 metres or more distant.
- 15) For furnaces or aggregates of furnaces of larger size, guidance as to uncorrected heights in typical situations would be approximately as follows.

Table 17 Uncorrected height guidance

Heat release (MW)	Required height (metres)
6	9
9	12
10	13

16. For processes receiving mixed fuels, the height should be based on one percent sulphur in the absence of further consideration of fuel types.

Dust emissions

17. The stack height is also based on the assumption that little dust or grit is produced in combustion or that an effective grit arrestor is fitted. It should be noted that when grit arrestors are fitted to wood burning plants, performance is likely to be less effective than on solid fuels because of the lower density of the material to be collected.

Method of calculating chimney heights

'Uncorrected chimney height' and 'final chimney height'

18. The first stage is the calculation of the 'uncorrected chimney height'. This is the height appropriate for the relevant maximum rate of sulphur dioxide emission when account has been taken of neighbouring sources of pollution, the local background level of pollution and the general character of the district.
19. The second stage is the calculation of the 'final chimney height'. This is the uncorrected chimney height amended if necessary to allow for the dispersal from the chimney being affected by the supporting building and by neighbouring buildings.

Calculation of 'uncorrected chimney height' - consideration of locality

20. The initial step is to consider the character of the surrounding district which for this purpose should be regarded as falling into one of the following categories:

Table 18 Categories for the character of the surrounding district	
Category	Description
A	Rural area, where background pollution is low, and where there is no industrial development within one kilometre of the new chimney.
B	A partially-developed area with scattered houses, low background pollution, and no other comparable industrial emissions within one kilometre of the new chimney.
C	A built-up residential area with only moderate background pollution and without other comparable background emissions.
D	An urban area of mixed industrial and residential development, with considerable background pollution and with other comparable industrial emissions within half a kilometre of the new chimney.
E	Heavy industrial or dense residential areas.

Note: Of the categories listed above, categories A, C and D are those considered to be generally applicable in Northland, covering rural, urban residential and industrialised areas respectively. Category E is applicable in areas where comparable emissions occur in close proximity and cumulative effects are significant.

21. In situations of existing significant air quality degradation, the regional council may choose to apply the more stringent requirements of category E to prevent or minimise further degradation.

Amount of sulphur dioxide emissions

22. The amount of sulphur dioxide likely to be emitted will be calculated as follows:

Table 19 Sulphur dioxide emission calculations	
Fuel	Calculation
Coal or solid fuel	Weight of sulphur dioxide emitted = $18 \times W \times S$ kg/hr where W = maximum burning rate ('000 kg/hr) and S = % sulphur content
Oil fuel	Weight of sulphur dioxide emitted = $20 \times W \times S$ kg/hr where W = maximum burning rate ('000 kg/hr), (1 tonne oil = 1,050 litres) and S = % sulphur content

Natural gas or LPG	Weight of NO _x emitted = $3.2 \times G$ kg/hr where G = maximum burning rate ('000 m ³ /hr). Note: Weight of NO _x emission is substituted for SO _x emission in nomographs
-----------------------	---

23. When it has been decided into which of the categories the surrounding district falls, reference is then made to the relevant chart in Figures 1 to 4, which relate to various mass emission rates of discharges. A line starting from the relevant sulphur dioxide emission on the left hand side of the appropriate chart and produced through the points A, B, C, D or E (representing the category into which the district falls) will indicate on the right hand side of the chart the appropriate uncorrected chimney height so indicated in order to allow for the average reduction in thermal lift compared with that of a similar emission of sulphur dioxide from coal firing.

Example 1

A new chimney is needed for a plant burning coal and emitting 127 kilograms of sulphur dioxide per hour. What is the uncorrected chimney height in a district category C and district category E? Reference to Figure 3 will show that the respective uncorrected chimney heights are 33 metres and 37.5 metres.

Calculation of final chimney height

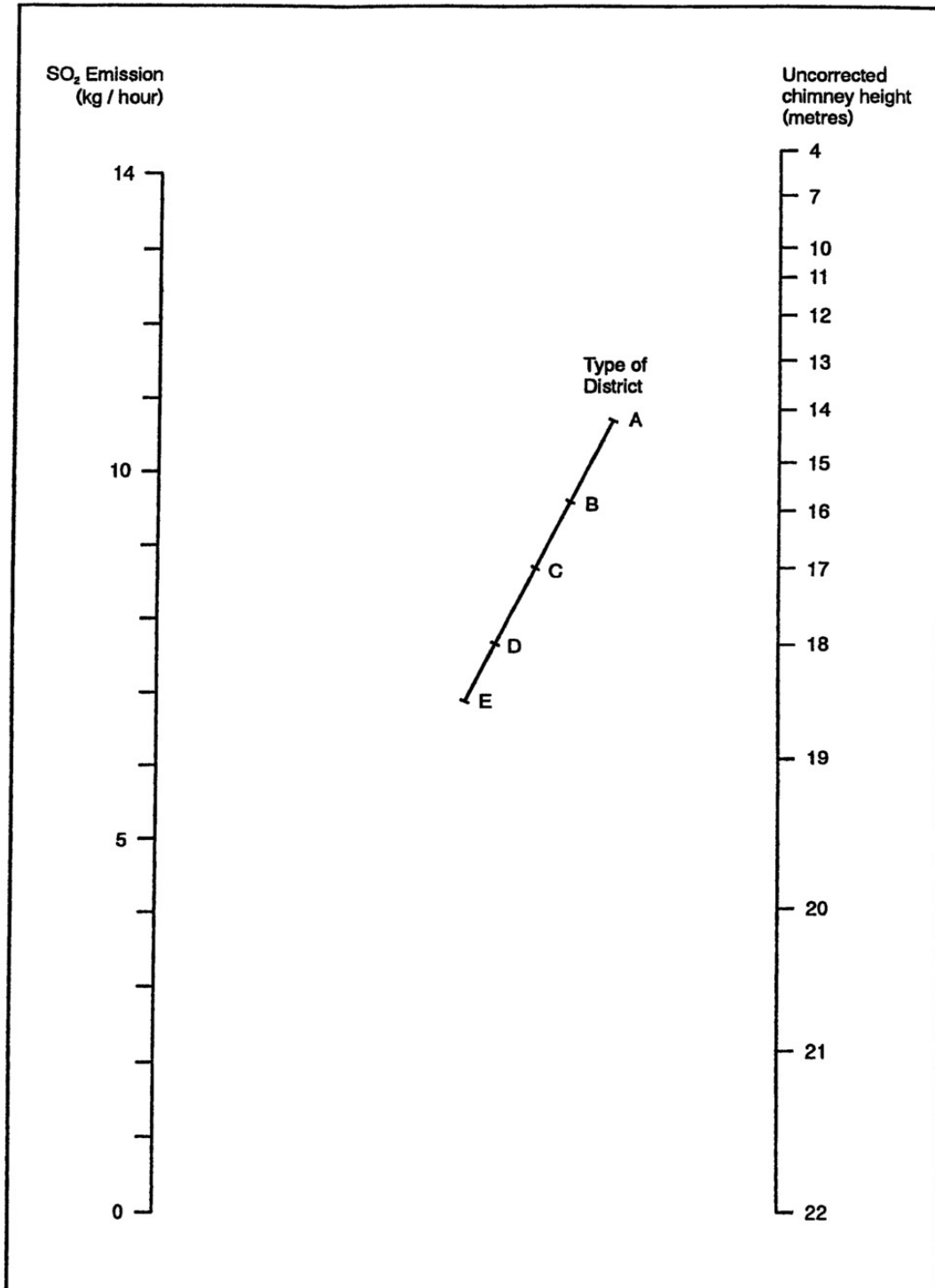
24. An uncorrected chimney height not less than 2.5 times the height of the building to which the chimney is attached or of any other building in the vicinity does not need to be corrected to allow for the effect of the building. In that case, the final chimney height is the same as the uncorrected chimney height, and no further calculation is necessary.
25. Corrections for the effects of buildings are, however, necessary when the uncorrected height is less than 2.5 times the height of such buildings and these establish in the final chimney height.
26. The correction is partly based on the ratio between the greatest length and height of the building (to the ridge), since the relationship between the greatest length and height influences the effect of down-draughts.
27. In a closely built-up area where the plant building is lower than adjacent buildings, the chimney should be regarded as being attached to an infinitely long building whose height is the average level of the roof tops in the immediate vicinity.
28. Reference is then made to the chart in Figure 5. A line starting from the relevant uncorrected chimney height on the left-hand side is produced through the point representing the building height to the reference line. From this point on the reference line, another line produced through a point representing the height of the building or its greatest length, whichever is lower, will indicate on the right-hand side of the chart the final chimney height, subject to any adjustment that may be necessary to ensure that this is never less than three metres above the ridge of the building, nor less than the uncorrected chimney height.

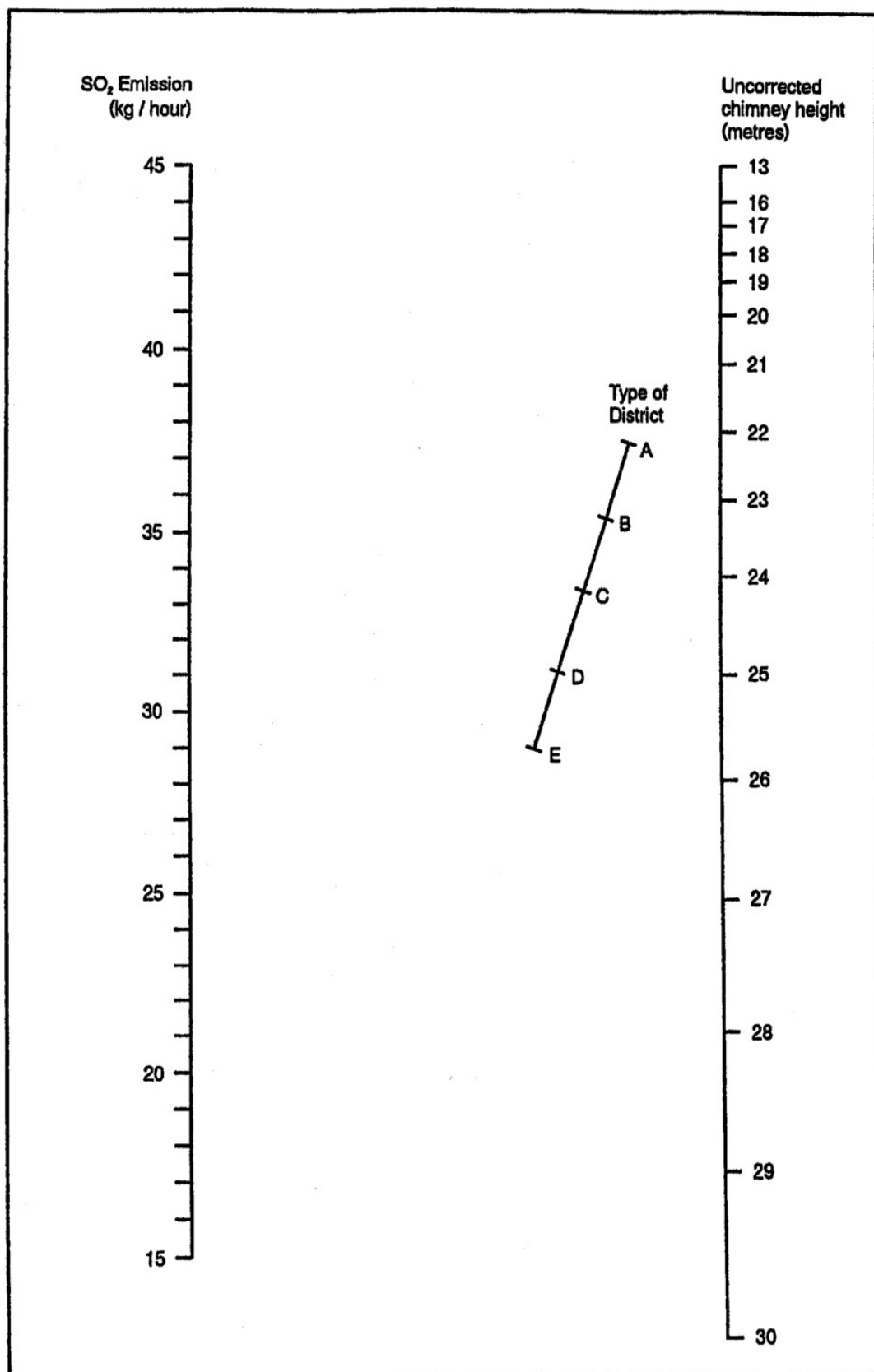
Example 2

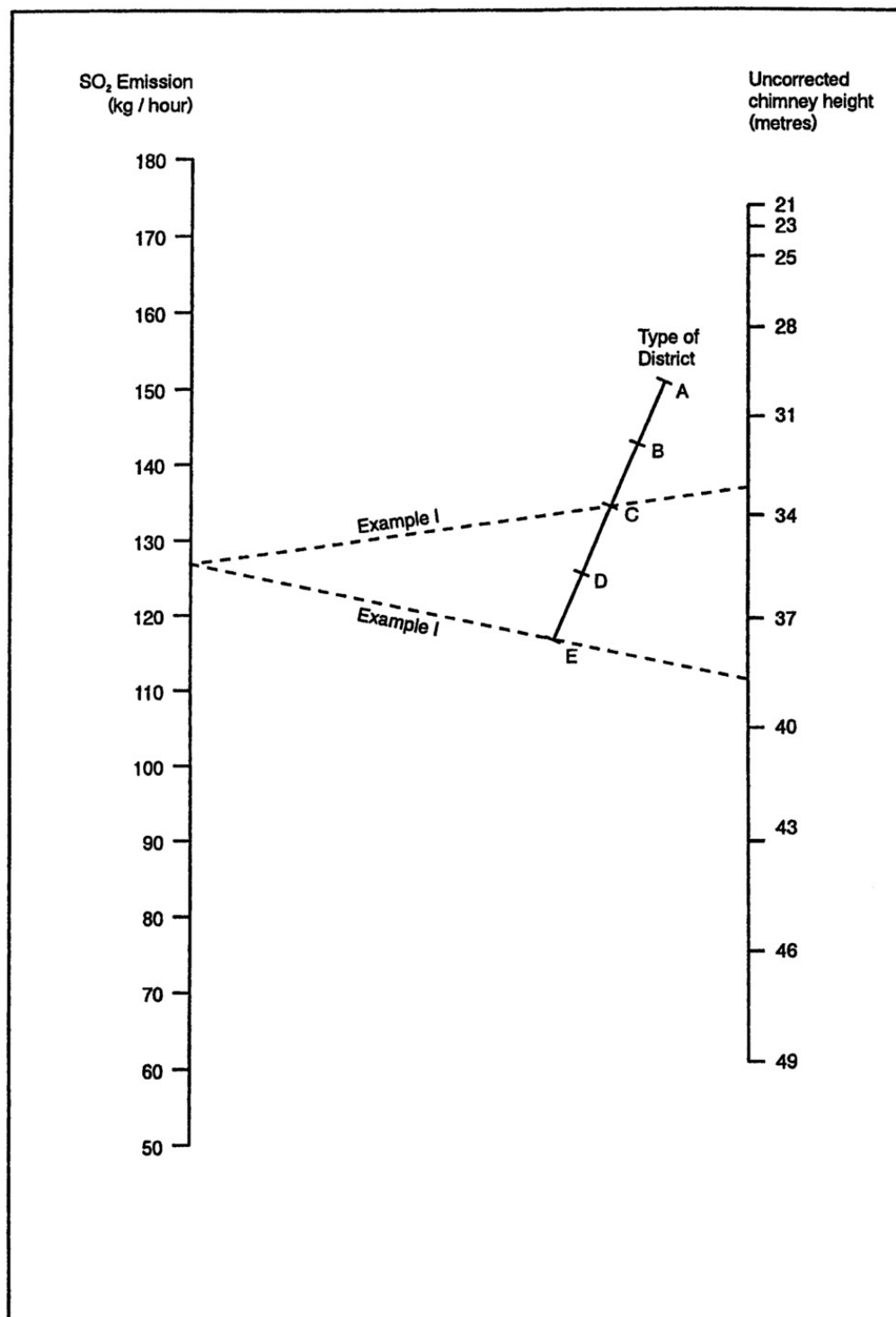
A chimney whose uncorrected height is 37 metres is attached to a building 31 metres in height to the ridge of the roof. What will the final chimney height have to be if the maximum width of the building is (a) 31 metres or more, (b) 15 metres and (c) 7 metres? Reference to Figure 5 will show the three cases represented by dotted lines and the corresponding final heights are 52 metres, 43 metres and 38 metres.

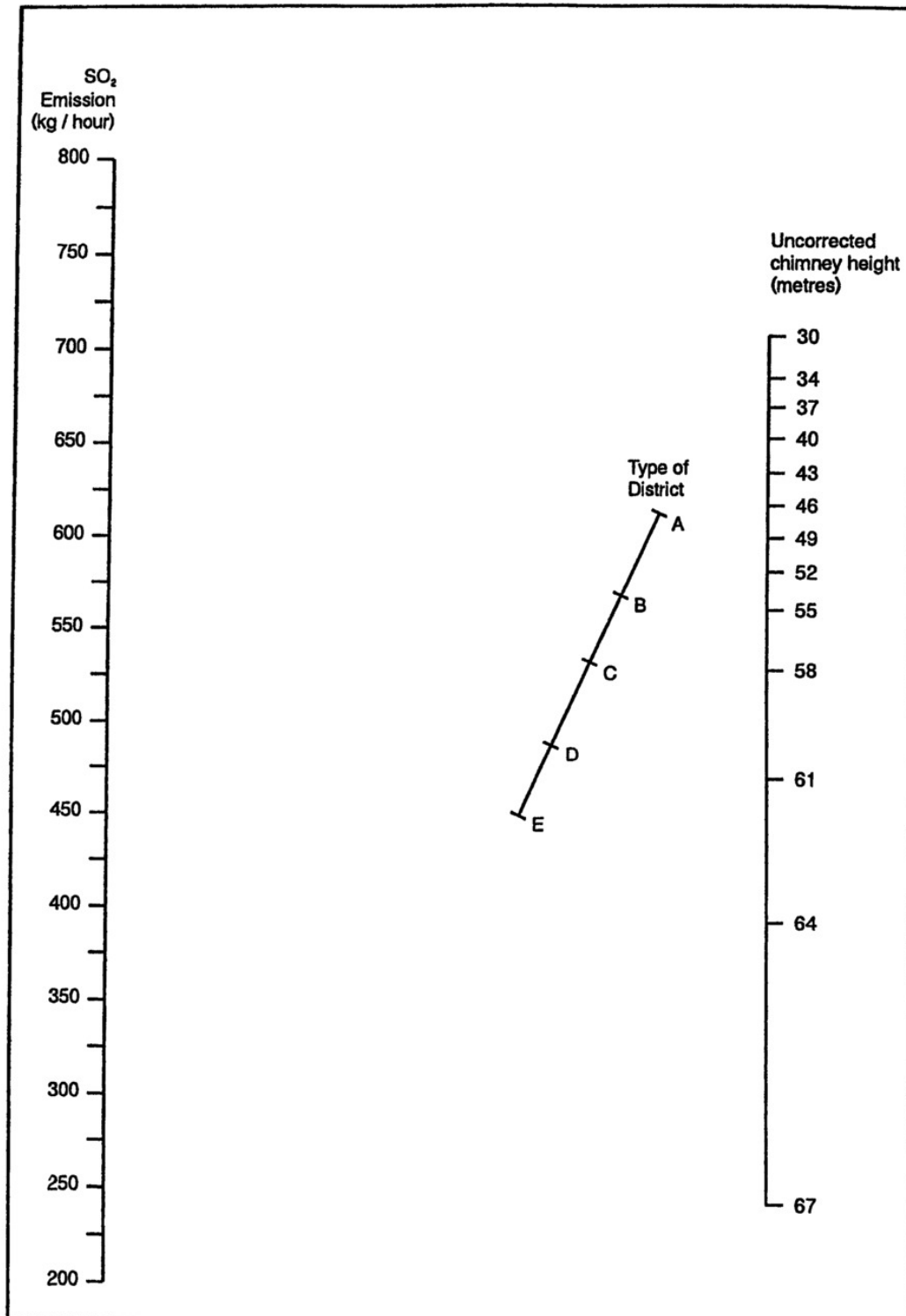
Example 3

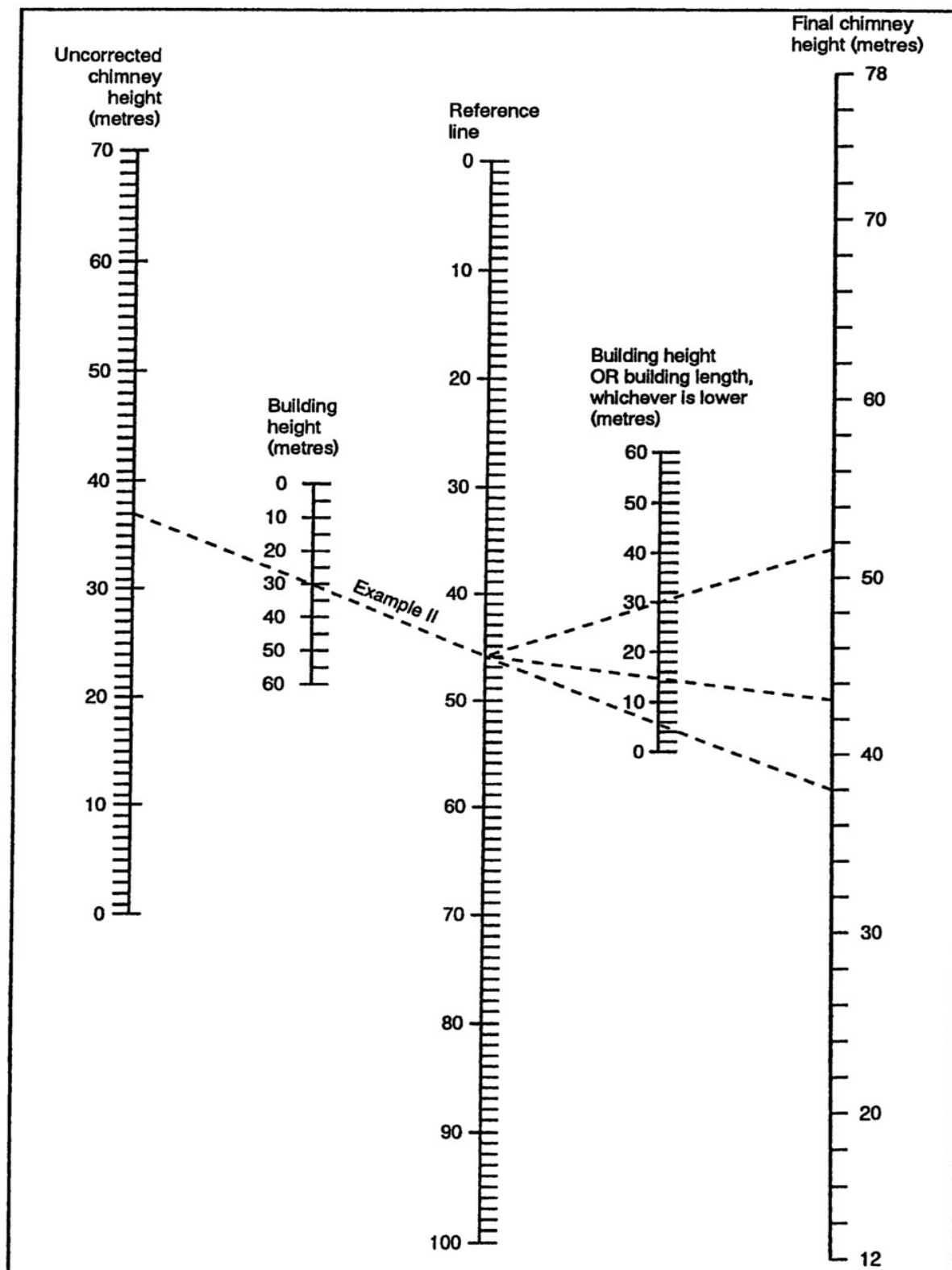
A chimney whose uncorrected height is calculated as 18 metres is associated with a building 24 metres in height to the ridge of the roof. What should the final chimney height be if the maximum width of the building is (a) more than 24 metres and (b) nine metres? Reference to Figure 5 will show the corresponding final heights to be 34 metres and 25 metres. The final heights are therefore 34 metres and 27 metres respectively, since they must be at least three metres above the ridge of the roof.

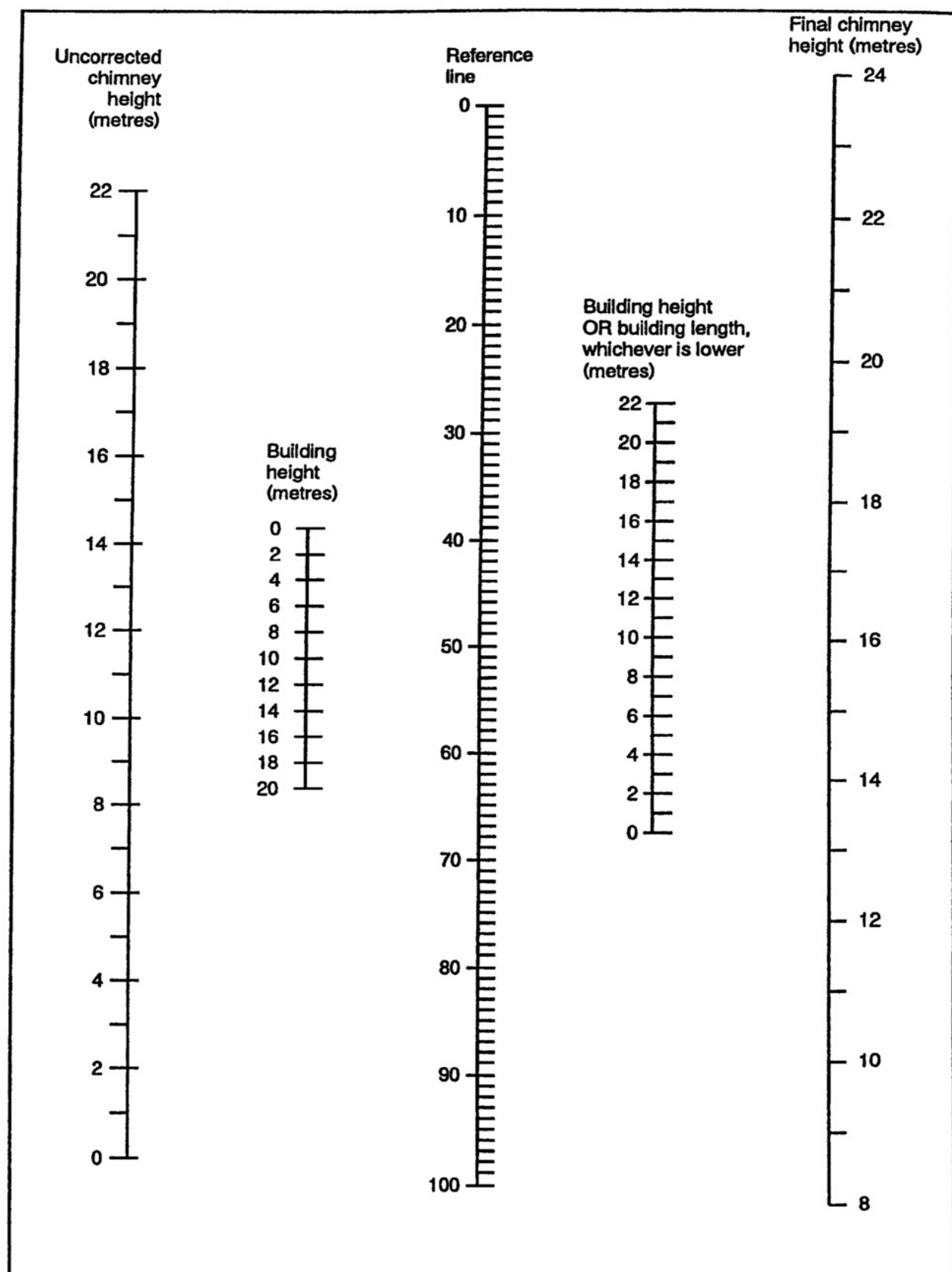












H.4 Erosion control plans

Erosion Control Plans ~~shall~~ **must** include the following:

- 1) The full name of the property owner, the owner's contact details (including email, postal address and telephone), property address and legal description.
- 2) Evidence of the qualifications and experience of the person who prepared the Erosion Control Plan and their contact details (including email, postal address and telephone).
- 3) Identification of land mapped as High Sediment Yielding Land within the property
- 4) Identification of gully, landslide and earthflow erosion within areas of the property mapped as High Sediment Yielding Land and an assessment of the extent to which these areas are sources of sediment (including geo-referenced photos of these areas and any previous sediment mitigation measures)
- 5) Identification of measures to reduce gully, landslide and earthflow erosion and incidental sediment loss from High Sediment Yielding Land, including but not limited to **livestock** exclusion (retirement), remedial planting, stocking rate, grazing / pasture management, **creation** **construction** of wetlands or bunds or other suitable methods to reduce sediment entering waterways.
- 6) Recommendations on priority measures that addresses the most critical sources of sediment first and timeframes for undertaking erosion / sediment mitigation measures.
- 7) A plan based on aerial imagery showing items (1) to (6) above at a scale of 1:10,000 or less.
- 8) Evidence to support the recommendations in item (6) above.⁽³⁾

H.5 Water quality standards and guidelines

Policy H.5.1 Water quality standards for continually or intermittently flowing rivers¹⁹⁹

The water quality standards in Table 20 'Water quality standards for ecosystem health in rivers' apply to Northland's continually or intermittently flowing rivers.

Table 20 Water quality standards for ecosystem health in rivers²⁰⁰

Water quality parameter (Attribute)	Unit	Compliance metric	Outstanding rivers	Other rivers
Nitrate (toxicity)	mg NO ₃ -N/L	Annual median	≤1.0	≤1.0
		Annual 95 th percentile	≤1.5	≤1.5
Ammonia (toxicity)	mg NH ₄ -N/L	Annual median	≤0.03*	≤0.24*
		Annual maximum	≤0.05*	≤0.40*
Temperature	°C	Summer period measurement of the Cox-Rutherford Index (CRI), averaged over the five (5) hottest days (from inspection of a continuous temperature record).	≤20°C	≤24°C
Dissolved oxygen	mg/L	7-day mean minimum	≥8.0	≥5.0
		1-day minimum	≥7.5	≥4.0
pH			6.5 < pH < 8.0	6.0 < pH < 9.0

**Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*

¹⁹⁹ Minister of Conservation

²⁰⁰ Minister of Conservation

Policy H.5.2 Water quality standards for lakes²⁰¹

The water quality standards in Table 21 'Water quality standards for ecosystem health in lakes' apply to Northland's lakes.

Table 21 Water quality standards for ecosystem health in lakes

Water quality parameter (attribute)	Unit	Compliance metric	Shallow lakes (≤10m)	Deep lakes >10m)(
Phytoplankton (chl-a)	mg NO ₃ -N/L	Annual median	≤1.0	≤1.0
		Annual maximum	≤1.5	≤1.5
Total nitrogen	mg/m ³	Annual median	≤800	≤350
Total phosphorus	mg/m ³	Annual median	≤20	≤10
Ammonia (toxicity)	mg NH ₄ -N/L	Annual median	≤0.03*	≤0.03*
		Annual maximum	≤0.05*	≤0.05*

**Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*

Policy H.5.3 Coastal water quality standards

The water quality standards in Table 20 'Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption' apply to Northland's coastal waters, after allowing for reasonable mixing.^{202 (4)} A discharge of a contaminant into coastal water or any surface water flowing to a coastal water must not cause any of the following coastal water quality standards to be exceeded. A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following coastal water quality standards to be exceeded.⁽⁵⁾

Table 22 Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption'

Attribute	Unit	Compliance Metric ⁽¹⁾	Coastal water quality management unit			
			Hātea River	Tidal creeks	Estuaries	Open coastal water ⁽¹⁾
Dissolved oxygen	mg/L	Annual median	>6.2	>6.3	>6.9	No change from natural state No discernible change ⁽⁹⁾
		Minimum	4.6		4.6	
Temperature	°C	Maximum change	3			
pH			7.0 - 8.5		8.0 - 8.4	
Turbidity	NTU	Annual median	<7.5	<10.8	<6.9	No change from natural state

²⁰² Consequential amendment because of the recommended amendments to D.4.5 and D.4.8.

Attribute	Unit	Compliance Metric ⁽¹⁾	Coastal water quality management unit			
			Hātea River	Tidal creeks	Estuaries	Open coastal water ⁽¹⁾
						No discernible change
<u>Secchi depth</u>	<u>m</u>	<u>Annual median</u>	<u>>0.8</u>	<u><10.8</u>	<u><6.9</u>	<u>No change from natural state</u> <u>No discernible change</u>
<u>Chlorophyll-a</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.003</u>	<u><0.004</u>	<u><0.004</u>	<u>No change from natural state</u> <u>No discernible change</u>
<u>Total phosphorus</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.119</u>	<u><0.040</u>	<u><0.030</u>	<u>No change from natural state</u> <u>No discernible change</u>
<u>Total nitrogen</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.860</u>	<u><0.600</u>	<u><0.220</u>	<u>No change from natural state</u> <u>No discernible change</u>

<u>Attribute</u>	<u>Unit</u>	<u>Compliance Metric</u> ⁽¹⁾	<u>Coastal water quality management unit</u>			
			<u>Hātea River</u>	<u>Tidal creeks</u>	<u>Estuaries</u>	<u>Open coastal water</u> ⁽¹⁾
<u>Nitrite-nitrate nitrogen</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.580</u>	<u><0.218</u>	<u><0.048</u>	<u>No change from natural state</u> <u>No discernible change</u>
<u>Ammoniacal nitrogen</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.099</u>	<u><0.043</u>	<u><0.023</u>	<u>No change from natural state</u> <u>No discernible change</u>
<u>Copper</u>	<u>mg/L</u>	<u>Maximum</u>	<u>0.0013</u>		<u>0.0003</u>	
<u>Lead</u>	<u>mg/L</u>	<u>Maximum</u>	<u>0.0044</u>		<u>0.0022</u>	
<u>Zinc</u>	<u>mg/L</u>	<u>Maximum</u>	<u>0.0150</u>		<u>0.0070</u>	
<u>Faecal coliforms</u>	<u>MPN/100mL</u>	<u>Median</u>	<u>Not applicable</u>	<u>≤14</u>	<u>≤14</u>	
		<u>Annual 90th percentile</u>	<u>Not applicable</u>	<u>≤43</u>	<u>≤43</u>	

<u>Attribute</u>	<u>Unit</u>	<u>Compliance Metric</u> ^()	<u>Coastal water quality management unit</u>			
			<u>Hātea River</u>	<u>Tidal creeks</u>	<u>Estuaries</u>	<u>Open coastal water</u> ^()
<u>Enterococci /100mL</u>		<u>Annual 95th percentile</u>	<u>≤500</u>	<u>≤200</u>	<u>≤200</u>	<u>≤40</u>

Policy H.5.4 Coastal sediment quality standards guidelines²⁰³

The coastal water sediment quality standards guidelines in Table 21 'Sediment quality standards guidelines for ecosystem health in coastal waters' apply to benthic sediments in Northland's coastal waters, after allowing for reasonable mixing²⁰⁴. A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following benthic sediment quality standards to be exceeded in the coastal marine area.⁽¹⁰⁾

Table 23 Sediment quality standards for ecosystem health in coastal waters

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hatea River	Tidal Creeks	Estuaries	Open Coast
Copper	mg/kg	Maximum	65		18.7	
Lead	mg/kg	Maximum	50		30.2	
Zinc	mg/kg	Maximum	200		124	
Chromium	mg/kg	Maximum	80		52.3	
Nickel	mg/kg	Maximum	21		15.9	
Cadmium	mg/kg	Maximum	1.5		0.68	

Note: The guideline values are for total recoverable concentrations of metals by dry weight (mg/kg).²⁰⁵

²⁰³ GBC Winstone, Refining New Zealand.

²⁰⁴ Consequential amendments because of the amendments to D.4.5 and D.4.8.

²⁰⁵ Clarification (as per Richard Griffith's recommendation in "Commentary on Coastal Sediment Standards" 25 October 2018.)

H.6 Environmental flows and levels

Policy H.6.1 Minimum flows for rivers⁽¹¹⁾

The minimum flows in Table 24 'Minimum flows for rivers' apply to Northland's rivers (excluding ephemeral rivers or streams) unless a lower minimum flow is approved provided for²⁰⁶ under D.4.19 'Exceptions to minimum flows and or levels'. Apply the following minimum flows for Northland's rivers, unless a lower minimum flow is approved under D.4.19 'Exceptions to minimum flows or levels':⁽¹²⁾

Table 24 Minimum flows for rivers

<u>River water quantity management unit</u>	<u>Minimum flow (l/s)</u>
<u>All other outstanding rivers</u>	100 percent of the <u>seven-day mean annual low flow</u>
<u>All other coastal rivers</u>	90 percent of the <u>seven-day mean annual low flow</u>
<u>All other small rivers</u>	80 percent of the <u>seven-day mean annual low flow</u>
<u>All other large rivers</u>	80 percent of the <u>seven-day mean annual low flow</u>

Notes:

- 1) The minimum flow will be applied at the point of take and any downstream flow recorder sites, as determined by the regional council.
- 2) The seven-day mean annual low flow (MALF) at flow recorder sites will be determined using the lowest average river flow for any 7-consecutive-day period for each year of record.
- 3) The MALF for other sites for which no measured flow data exists will be determined through gauging of river flows correlated with water level monitoring sites or flow recorded sites. The regional council will have discretion over the location and method for the gauging.

²⁰⁶ Clarification

Policy H.6.2 Minimum levels for lakes and natural wetlands

The minimum levels in Table 25 'Minimum levels for lakes and natural²⁰⁷ wetlands' apply to Northland's lakes (excluding artificially constructed water storage reservoirs) and natural wetlands unless a lower level is approved under D.4.19 'Exceptions to minimum flows and or levels'. Apply the following minimum levels for Northland's lakes and natural wetlands, unless a lesser minimum level is approved under D.4.19 'Exceptions to minimum flows or levels':²⁰⁸

Table 25: Minimum levels for lakes and natural²⁰⁹ wetlands

Management unit	Minimum level
<u>Deep lakes (greater than 10 metres in depth)</u>	<u>Median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state.</u>
<u>Shallow lakes (less than or equal to 10 metres in depth)</u>	<u>Median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state.</u>
<u>Natural wetlands</u>	<u>There is no change in their seasonal or annual range in water levels.</u>

²⁰⁷ Clarification

²⁰⁸ TEL, Matthews, para 55

²⁰⁹ Clarification

Policy H.6.3 Allocation limits for rivers²¹⁰

- 1) The quantity of fresh water than can be taken from a river⁽¹⁸⁾ at flows below the median flow must not exceed whichever is the greater of the following limits²¹¹:
 - a) the relevant limit in Table 26 'Allocation limits for rivers', or
 - b) the quantity authorised to be taken by:
 - i) permitted rules in this plan, and⁽²⁰⁾
 - ii) resource consents existing²¹² at the date of public notification of this Plan²¹³ less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - iii) takes that existed at the notification date of this Plan that are now subsequently authorised by resource consents under : C.5.1.6 'Replacement water permits for registered drinking water supplies - controlled activity',²¹⁴ C.5.1.7 'Takes existing at the notification date of the plan - controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity'.²¹⁵
- 2) The allocation limits specified²¹⁶ in Clause 1) include volumes allowed to be taken under section 14(3)(b) of the RMA and permitted to be taken by rules in this Plan, and the estimated or measured volumes associated with such takes should be considered when making decisions on applications water permits.²¹⁷
- 3) The allocation limits specified in Clause 1) apply ~~to rules in this plan that permit any activity involving the taking and use of fresh water from rivers, and~~²¹⁸ ~~rules in this plan that permit any activity involving the taking and use of fresh water from rivers, and~~ applications for water permits for the taking and use of fresh water from rivers, but do not apply to:
 - a) ~~applications for water permits for the taking and use of fresh water under: C.5.1.7 'Takes existing at the notification date of the plan – controlled activity', and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity', or~~²¹⁹
 - b) ~~applications for water permits for the taking and use of fresh water under: C.5.1.7 'Takes existing at the notification date of the plan – controlled activity', and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity', or~~
 - c) ~~quantities allowed to be taken under section 14(3)(b) of the RMA or permitted to be taken by rules in this Plan, or~~²²⁰
 - d) ~~non-consumptive takes~~⁽¹⁶⁾ ²²¹

²¹⁰ Fonterra, Willis

²¹¹ Fonterra, Gerard Willis/Clarification

²¹² Clarification

²¹³ Clarification

²¹⁴ FNDC and WDC (deal with replacement takes for public water supply)./Clarification

²¹⁵ FNDC and WDC

²¹⁶ Clarification

²¹⁷ Fonterra, Gerard Willis.

²¹⁸ Fonterra, Gerard Willis.

²¹⁹ Consequential change (moved above)

²²⁰ Fonterra, Gerard Willis.

²²¹ Fonterra, Willis, 7.22

Table 26: Allocation limits for rivers

River water quantity management unit	Default Allocation limit (m ³ /day)
Outstanding rivers	<u>10 percent of the seven-day mean annual low flow</u>
Coastal rivers	<u>30 percent of the seven-day mean annual low flow</u>
Small rivers	<u>40 percent of the seven-day mean annual low flow</u>
Large rivers	<u>50 percent of the seven-day mean annual low flow</u>

Notes:²²²

4) (1) The allocation limit will be applied at the point of take and any downstream flow recorder sites, as determined by the regional council.

5) (2) The seven-day mean annual low flow (MALF) at flow recorder sites will be determined using the lowest average river flow for any 7-consecutive-day period for each year of record.

6) (3) The MALF for other sites for which no measured flow data exists will be determined through gauging of river flows correlated with water level monitoring sites or flow recorded sites. The regional council will have discretion over the location and method for the gauging.

Policy H.6.4 Allocation limits for aquifers

- 1) The quantity quantities of fresh water that can be taken from an aquifers must not exceed the following limits:²²³⁽²⁹⁾
 - a) for the Aupouri aquifer, the catchment-specific allocation relevant⁽³⁰⁾ limits in Table 27 'Allocation limits for the Aupouri aquifer management unit' and minimum groundwater levels along the coastal margin required to prevent adverse effects associated with saline intrusion⁽³¹⁾, or
 - b) for a coastal aquifers⁽³²⁾, an allocation limit of whichever is the greater of:
 - i) a default allocation limit of 10 percent of the average annual recharge of the aquifer, and or⁽³³⁾
 - ii) the quantities of water authorised to be taken by:
 - 1) permitted rules in this plan, and⁽³⁴⁾
resource consents at the date of public notification date of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 2) takes that existed at the notification date of this plan that are now authorised by resource consents under under : C.5.1.6 'Replacement water permits for registered drinking water supplies - controlled activity',²²⁴ C.5.1.7 'Takes existing at the notification date of the plan - controlled activity', C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity', for unauthorised takes that existed at the notification date of this plan⁽³⁵⁾ and
 - c) for other aquifers, an allocation limit of whichever is the greater of:
 - i) a default allocation limit of⁽³⁶⁾ 35 percent of the average annual recharge, or
 - ii) the quantities authorised to be taken by:
 - 1) permitted rules in this plan, and⁽³⁷⁾
resource consents at the date of public notification date of this plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 2) takes that existed at the notification date of this plan that are no authorised by resource consents under : C.5.1.6 'Replacement water permits for registered drinking water supplies - controlled activity',²²⁵ C.5.1.7 'Takes existing at the notification date of the plan - controlled activity', C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity'.
- 2) The allocation limits specified in Clause 1) include volumes allowed to be taken under section 14(3)(b) of the RMA and permitted to be taken by rules in this Plan, and the estimated or measured volumes associated with such takes should be considered when making decisions on applications for water permits.²²⁶
- 3) The allocation limits specified in Clause 1) apply to rules in this plan that permit any activity involving the taking and use of fresh water from aquifers, and applications for water permits for the taking and use of fresh water from aquifers Fivers, but do not apply to:

²²³ Fonterra, Gerard Willis/Consequential change to the amendments to H.6.3.

²²⁴ FNDC and WDC (deal with replacement takes for public water supply)./Clarification

²²⁵ FNDC and WDC (deal with replacement takes for public water supply)./Clarification

²²⁶ Fonterra, Gerard Willis.

- a) ~~the taking and use of fresh water under : C.5.1.7 'Takes existing at the notification date of the plan – controlled activity', C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity', or~~
- b) ~~quantities allowed to be taken under section 14(3)(b) of the RMA or permitted to be taken by rules in this Plan, or~~²²⁷
- c) ~~non-consumptive components of takes, or~~²²⁸
- d) ~~the taking of water for temporary dewatering purposes, or~~⁽²⁸⁾
- e) ~~the taking and use of geothermal water and associated heat and energy.~~²²⁹

Table 27: Allocation limits for the Aupouri aquifer management unit

<u>Sub-aquifer</u>	<u>Allocation limit (m³/year)⁽³⁹⁾</u>
<u>Aupouri-Waihopo</u>	<u>1,278,200</u>
<u>Aupouri-Houhora</u>	<u>3,211,950</u>
<u>Aupouri-Motutangi</u>	<u>1,604,400</u>
<u>Aupouri-Waiparera</u>	<u>3,468,300</u>
<u>Aupouri-Paparore</u>	<u>3,787,500</u>
<u>Aupouri-Waipapakauri</u>	<u>1,192,800</u>
<u>Aupouri-Awanui</u>	<u>4,640,400</u>

²²⁷ Fonterra, Gerard Willis.

²²⁸ Fonterra

²²⁹ TEL, Matthews, para 36

<u>Aupouri-Sweetwater</u>	<u>4,675,000</u>
<u>Aupouri-Apihara</u>	<u>922,500</u>

H.7 Managing groundwater and surface water connectivity⁽⁴¹⁾

Table 28: Classifying and managing groundwater and surface water connectivity

Hydraulic Connection Category	Classification	Pumping Schedule	Management Approach
<u>Direct</u>	<u>Where the calculated surface water depletion effect is assessed as greater than 90% of the abstraction rate determined by the pumping schedule.</u>	<u>Abstraction rate equivalent to the maximum 7 day volume averaged over 7 days.</u> <u>Pumping duration of 7 days continuous abstraction.</u>	<u>The groundwater take will be managed as an equivalent surface water take for allocation purposes and subject to minimum flows and water levels set in H.6 'Environmental flows and levels'.</u>
<u>High</u>	<u>Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is greater than 60% of the abstraction rate determined by the pumping schedule.</u>	<u>Abstraction rate equivalent to the maximum 7 day volume averaged over 7 days.</u> <u>Pumping duration is calculated as follows:</u> <ol style="list-style-type: none"><u>For takes with a pumping duration less than 150 days, the maximum continuous period of abstraction at the abstraction rate, until the seasonal volume is fully utilised.</u><u>For takes with a pumping duration in excess of 150 days, a pumping duration of 150 days will be assumed.</u>	<u>The calculated surface water depletion effect is included in the surface water allocation regime set in H.6 'Environmental flows and levels'. The remainder of the seasonal volume is managed as groundwater allocation.</u> <u>Takes with a daily average abstraction rate greater than 1 L/s are subject to relevant minimum flows water and levels set in H.6 'Environmental flows and levels'.</u>

Hydraulic Connection Category	Classification	Pumping Schedule	Management Approach
Moderate	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is between 40% and 60% of the abstraction rate determined by the pumping schedule.	<p>Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season.</p> <p>Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.</p>	<p>The calculated surface water depletion effect is included in the surface water allocation regime set in H.6 'Environmental flows and levels'.</p> <p>The take is not subject to surface water minimum flows and water levels.</p>

The following requirements will assist implementation of D.4.18 'Integrated surface water and groundwater management':

- 1) An ²³⁰ assessment of hydraulic connection will be supported by a conceptual hydrogeological model that characterises the nature of local surface water/groundwater interaction. Estimation of the magnitude of surface water depletion will be undertaken using relevant analytical or numerical assessment techniques which are suitable for application in the hydrogeological setting identified;
- 2) Representative hydraulic properties for assessment of the magnitude of surface water depletion will be derived from aquifer testing as well as assessment of representative values from the wider hydrogeological environment;
- 3) Waterbodies characterised as ephemeral will be excluded from consideration of surface water depletion effects; and
- 4) Assessment of surface water depletion effects will take into account any non-consumptive component of the groundwater take.

H.8 Wetland definitions relationships

The following diagram illustrates the relationship between the different wetland definitions used in this Plan. It provides assistance in determining which definition applies in different circumstances. The [illustrated definitions diagram](#) originates from the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments" (see council's website). For clarification, when translating these definitions to this Plan the Proposed Regional Plan for Northland, 'Constructed wetland' is now used instead of "man-made wetland" to help distinguish between this and the [induced wetland](#) and [reverted wetland](#).

~~It provides assistance in determining which definition applies in different circumstances.~~

The regional council's wetland mapping indicates the location of [natural wetlands](#) and [constructed wetland](#) currently known to the regional council – this can be found on the regional council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of this Plan ~~the regional plan~~, because they are incomplete and wetland extent varies over time.

If there is any doubt over wetland extent, use: *Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand*. This report is available on Landcare Research's website.

'Wet heathland' describes habitat found in Northland that includes gumland and ironstone heathland. When seasonally wet and consisting of wetland vegetation this is wetland. [Wet heathland](#) is often found in mosaics with other low fertility habitat such as bog and heathland. This is vulnerable habitat and can have very high biodiversity values.

~~The illustrated definitions originate from the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments" (see council's website). For clarification, when translating these definitions to the Proposed Regional Plan for Northland, 'Constructed wetland' is now used instead of "man-made wetland" to help distinguish between this and the 'induced and reverted' wetland.~~²³¹

If you propose an activity and are unsure which definition applies to it, please contact Council for advice.⁽⁴²⁾

²³¹ GBC, Clarke, para 4.3

Wetlands

Permanently or intermittently wet area, shallow water or land water margin, that supports a natural ecosystem of plants and animals that are adapted to wet conditions.

Other (undefined) wetland that is not a natural or constructed wetland

Any wetland that is not a constructed wetland or wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes.

Constructed wetland

A wetland developed deliberately by artificial means or constructed on a site where:

- a wetland has not occurred naturally previously, and
- the current wetland vegetation cover cannot be delineated as indigenous, or
- a wetland has been previously constructed legally.

Examples include:

- effluent treatment and disposal systems
- stormwater management devices
- artificial water storage, detention dam, reservoir for firefighting, domestic and community water supply, or
- other artificial wetland and water bodies including open drainage channels (that are authorised, such as those in drainage schemes), engineered soil conservation structures and roadside drainage channels.

A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges.

Note: "Constructed wetland" is the same as "man-made wetland" in the Regional Policy Statement.



Natural wetland

Any wetland regardless of whether it is dominated by indigenous vegetation, that is not a 'constructed wetland' or 'other wetland'.

Significant wetland

A natural wetland that triggers the significance criteria in the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments".

This includes natural wetland comprising indigenous vegetation exceeding any of the following area thresholds:

- saltmarsh greater than 0.5 hectare in area, or
- shallow water (lake margins and rivers) less than two metres deep and greater than 0.5 hectare in area, or
- swamp greater than 0.4 hectare in area, or
- bog greater than 0.2 hectare in area, or
- wet heathland greater than 0.2 hectare in area, or
- marsh, fen, ephemeral wetlands or seepage/flush greater than 0.05 hectares in area.

Induced wetland

Formed naturally where wetland did not previously exist, because of human activities such as construction of roads and railways bunds. While not constructed for a specific purpose, this wetland can be artificial given that it arises through physical alteration of hydrology through mechanical modification.

Reverted wetland

Where a wetland reverts over time (for example, stock exclusion allows a wetland to revert to a previous wetland state). In this instance, the wetland has not been purposefully constructed by mechanical change to hydrological conditions.

H.9 Interpretation of noxious, dangerous, offensive and objectionable effects

1. Several rules in this Plan use the terms 'noxious', 'dangerous', 'offensive', and 'objectionable', particularly rules relating to the discharges of contaminants into air. These terms are also included in section 17 of the RMA. Whether an activity is 'noxious', 'dangerous', 'offensive' or 'objectionable' depends upon an objective assessment. A Regional Council enforcement officer's views will not be determinative but may trigger further action and will be one factor considered by the Court if formal enforcement action is taken.
2. There is no standard definition of 'noxious', 'dangerous', 'offensive', and 'objectionable' terms because of the need to take account of case law precedent as it develops, i.e. the Plan cannot override interpretations decided by the judiciary. However, the following notes are intended to provide some guidance for interpreting these terms:
 - 1) **NOXIOUS, DANGEROUS** - The Concise Oxford Dictionary defines 'noxious' as "harmful, unwholesome". Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans. 'Dangerous' is defined as "involving or causing exposure to harm". Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals. The Workplace Exposure Standards (Occupational Safety and Health Service, 1994) provide guidelines for those involved in occupational health practice, and can be used for interpreting the terms 'noxious' and 'dangerous'. The concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time weighted average standard on adjacent properties or public land. Although human health cannot be assured by compliance with this guideline, it can be used as a guide for protection of the general population.
 - 2) **OFFENSIVE, OBJECTIONABLE** – 'Offensive' is defined as "giving or meant to give offence disgusting, foul-smelling, nauseous, repulsive". 'Objectionable' is defined as "open to objection, unpleasant, offensive". Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:
 - i) Location of an activity and sensitivity of the receiving environment – For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.
 - ii) Reasonableness - Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.
 - iii) Existing uses - It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will be as follows:

- a) An assessment of the situation will be made by a council officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment will take into account the FIDOL factors - frequency, intensity, duration, offensiveness, location; and those matters identified below:

- i) If the discharge is deemed to be offensive or objectionable by the council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.
- ii) If the discharger disputes the council officer's assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
 - 1) assessments by more council officers
 - 2) asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours
 - 3) promoting the use of community working groups and other means of consultation between the affected community and the discharger
 - 4) using the services of an independent consultant to carry out an investigation, and/or community survey
 - 5) using the services of the Council's odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell
 - 6) undertaking an odour assessment using an olfactometer, or other appropriate technology
 - 7) leaving the matter to be determined by the Environment Court.

If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution, pursuant to the Resource Management Act 1991. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent application to be lodged.

- b) Further information can be found in the following guidance documents produced by the Ministry for the Environment:
 - i) Good Practice Guidance on Odour, and
 - ii) Good Practice Guidance on Dust, and
 - iii) Good Practice Guidance on Industrial Emissions⁽⁴³⁾

I Maps Ngā mahere matawhenua

View the maps in a GIS viewer: [Add link to maps](#) arcgis.com/arcgis/proxy/1myi98-www.nrc.govt.nz/rpmaps

~~Note – this is a link to the Proposed Plan maps. The Proposed Plan maps with staff recommended changes can be found [here](#)~~

The maps are only available via the GIS viewer.

The map layers are described in the following tables.

Coastal

Where the extent of a mapped layer in the coastal marine area coincides with the 'Indicative mean high water springs line', the mapped layer must be interpreted as extending up to actual mean high water springs - see following examples:

Example of mapped layer coinciding with Indicative mean high water springs line:



Example of mapped layer not coinciding with Indicative mean high water springs line:



Map layer	Description
Coastal zones: <i>Coastal Commercial Zone</i> <i>Marina Zone</i> <i>Mooring Zone</i> <i>Whangārei City Centre Marine Zone</i> <i>General Coastal Marine Zone</i>	Northland's coastal marine area is split into five zones: <ul style="list-style-type: none">• The Coastal Commercial Zone are locations within the coastal marine area where the primary purpose is to accommodate commercial activity. This zone includes existing ports and wharves used for commercial operations.• The Marina Zone are locations in the coastal marine area where the primary purpose is to accommodate or develop marina structures and/or activities.• The Mooring Zone are locations in the coastal marine area where the primary purpose is to accommodate and manage moorings.• The Whangārei City Centre Marine Zone is located upstream of the Te Matau a Pohe bridge in the Hātea River. It includes all areas of the coastal marine area located upstream of the bridge that are not identified as either a Marina Zone or a Mooring Zone.

	<ul style="list-style-type: none"> The General Coastal Marine Zone is the coastal marine area that is not zoned Coastal Commercial, Marina, Mooring or Whangārei City Centre Marine zones. This encompasses most of Northland's coastal marine area.⁽¹⁾
<p><i>Significant Ecological Areas</i></p> <p><i>Significant Bird Areas</i></p> <p><i>Significant Marine Mammal and Seabird Areas</i></p>	<p>The mapping is based on reports by Vince Kerr and Associates drafted 2015/2016 and revised 2017, that identify known:</p> <ul style="list-style-type: none"> Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement for Northland; and Areas set aside for full or partial protection of indigenous biodiversity under other legislation. <p>The following reports detail the assessments used to map significant ecological areas in the coastal marine area:</p> <ol style="list-style-type: none"> 1) Methodology Report – Mapping of significant ecological areas in Northland. 2) Identification and Mapping of Significant Ecological Marine Areas in Northland - Project Brief and Guide to Assessment. 3) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in harbours and estuaries: <ol style="list-style-type: none"> a) Hokianga Harbour Entrance and Lower Harbour Marine Values; b) Horahora Estuary Marine Values; c) Houhora Harbour Marine Values; d) Mangawhai Estuary Marine Values; e) Matapouri Marine Values; f) Ngunguru Estuary Marine Values; g) North Kaipara Harbour; h) Pārengarenga Harbour; i) Pataua Estuary Marine Values; j) Pickmere Channnel shellfish Marine Values; k) Rangaungu Marine Values; l) Ruakaka Estuary Marine Values; m) Taiharuru Marine Values; n) Tangatapu Bay of Islands Marine Values; o) Te Haumi Estuary Marine Values;

- p) Waipū Estuary Marine Values;
- q) Waitangi Estuary Marine Values;
- r) Whananaki Estuary Marine Values;
- s) Whangārei Harbour Marine Values.

4. Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in open coast areas (including toheroa beaches):

- a) Great Exhibition Bay **Biogenic Habitat**;
- b) Ahipara Banks;
- c) Berghan Point to Taupō Bay Coast;
- d) Black Rocks, Bay of Islands;
- e) Bland Bay Coast;
- f) Bream Head Coast;
- g) Cavalli Islands and coast;
- h) Doubtless Bay;
- i) Eastern Bay of Islands and Cape Brett Coast;
- j) Eastern Bay of Island Biogenic Soft Sediment Complex;
- k) Far North Special Biodiversity Area;
- l) Hen and Chicks Islands;
- m) Kawerua Offshore Reef;
- n) Matapia Island Shallow Reefs;
- o) Mimiwhangata Coast;
- p) Poor Knights Islands;
- q) Takou Beach to Ninepin Coast;
- r) The Bluff, Ninety Mile Beach;
- s) Toheroa Beaches, West Coast;
- t) Tutukaka to Taiharuru Coast;
- u) West Coast Shallow Reefs;
- v) Whananaki Coast;
- w) Whangaroa Coast.

5. **Assessment sheets for Significant Bird Areas and Significant Marine Mammal and Seabird Areas:**

- a) **Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds;**

	<p>b) SEA's coastal and island birds – Ecologically Significant Marine Area Assessment Sheet for Wading and Aquatic Birds;</p> <p>c) Northland Coastal Management Area – General marine values for highly mobile and dispersed species (marine mammals and seabirds).</p>
<i>Regionally significant anchorages</i>	Regionally significant anchorages are strategic anchorages that are heavily relied on during bad weather – usually also popular in times of lighter winds of appropriate direction.
<i>Marine pollution limits</i>	<p>The marine pollution limits are shown as a line, landward of which the rule restricting the discharge of sewage from vessels applies (C.6.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity').</p> <p>The marine pollution limits include all coastal waters that are:</p> <ul style="list-style-type: none"> • In any east coast harbour, are shallower than 5 meters; • Less than 500m from mean high water springs or less than 1000m from mean high water springs in the outer Bay of Islands, less than 500 meters from a Mātaitai reserve; and • Less than 200m from a marine reserve. <p>The marine pollution limits are a combination of:</p> <ul style="list-style-type: none"> • The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998⁽²⁾; and • Extensions to the default areas⁽³⁾.
<i>Enclosed waters</i>	These areas include all harbours, estuaries and inlets.
<i>Aquaculture exclusion areas</i>	<p>The combination of locations in the General Coastal Zone where adverse effects of aquaculture activities on the following are unavoidable, and which are not already mapped in the Plan:</p> <ul style="list-style-type: none"> • Residential activities in significant urban areas provided for in operative District Plans, which activities are existing at 1 September 2017, authorised by un-exercised resource consents or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status; • Significant tourism and/or recreation areas; • Areas of outstanding natural landscapes (including seascapes); • Recognised navigational routes;

	<ul style="list-style-type: none"> • Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather, and • Port or harbour approaches; • Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).
<p>Surfbreaks:</p> <p><i>Nationally significant surf breaks</i></p> <p><i>Regionally significant surf breaks</i></p> <p><i>Other surf breaks</i></p>	<p>The Nationally significant surf breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010.</p> <p>The Regionally significant surf breaks and Other surf breaks are based on;</p> <ul style="list-style-type: none"> • Northland Regional Council, 2016. <i>Methodology – Identifying Regionally Significant Surf Breaks in Northland</i> • Northland Regional Council, 2016. <i>Application of methodology Identifying Regionally Significant Surf Breaks in Northland</i> <p>These reports are available on the regional council's website.</p> <p>Regionally significant surf breaks are those with scores greater than the threshold for regional significance.</p> <p>Other mapped surf breaks are those breaks that are regularly surfed but do not meet the threshold for regional significance.</p>
<i>Marine pathways places</i>	Places where restrictions apply to vessel movement between these places when hull fouling exceeds light fouling .
<i>Cross-river coastal marine area boundary</i>	<p>This is the administrative boundary for the coastal marine area on rivers. For more information refer to G.1 'Cross-river coastal marine area boundary').</p> <p>Also shown with this layer is the Indicative mean high water springs line. It is not part of the plan and is only an approximation of the coastal marine area boundary (the line of mean high water springs). It is based on the NZ Mainland Coastlines and NZ Islands Coastlines produced by LINZ which is a component of the Topo50 maps (1:50,000 scale).</p>

Natural, historic and cultural heritage - fresh and coastal waters

Mapped layers	Description
<i>Sites and areas of significance to tangata whenua</i>	<p>Sites and Areas of Significance to Tangata Whenua are mapped in accordance with policy D.1.5 'Places of Significance to Tangata Whenua'.</p> <p>They are a single resource or set of resources identified, described and contained in a mapped location.</p>

	Worksheets for each mapped site or area are available on the regional council's website or by clicking on a site or area in the GIS viewer.
<i>Outstanding natural features</i>	<p>These incorporate the maps of Outstanding Natural Features as shown in the Regional Policy Statement with subsequent updates and new features added from the report: Hayward B, May 2016. <i>Outstanding Natural Features Identifying and Mapping additional sites in Northland.</i></p> <p>The maps show the 'dry' and 'wet' parts of the Outstanding Natural Features where they straddle the boundary between land and water. The 'dry' parts are shown in a lighter shade and are for information purposes only. The 'wet' parts are subject to rules in the regional plan. No rules apply to the 'dry' parts in the regional plan - these will be contained in the relevant district plan.</p>
<p>Natural character:</p> <p><i>Outstanding natural character</i></p> <p><i>High natural character</i></p>	<p>These areas have been assessed under criteria in Policy 13(2) of the New Zealand Coastal Policy Statement 2010. A complete series of worksheets describing the values of each natural character area are available on the regional council's website.</p> <p>Natural character attributes include:</p> <ol style="list-style-type: none"> 1) Natural elements, processes and patterns; 2) Biophysical, ecological and geomorphological aspects; 3) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; 4) The natural movement of water and sediment; 5) The natural darkness of the night sky; 6) Places or areas that are wild or scenic; and 7) Experiential attributes, including the sounds and smell of the seas; and their context and setting. <p>Outstanding natural character generally means entirely natural such as near to pristine indigenous vegetation, negligible human features (for example, buildings, wharves, jetties, paved surfaces, pipelines, cables, hard protection structures) and a very strong experience of naturalness.</p> <p>High natural character generally means a high proportion of indigenous vegetation, visually unobtrusive structures (for example, swing moorings) few and visually subservient human features and a strong experience of naturalness.</p> <p>In some cases the natural character maps include areas beyond the coastal marine area - this includes situations where a natural character unit spans the coastal marine area and includes both marine and freshwater environments . In these cases, that part of the unit above the coastal marine area is also mapped but shown as hashed to indicate it is not within the coastal marine area. The natural character maps also include a number of freshwater bodies where the unit specifically delineates that freshwater</p>

	body (E.g. dune lakes) and the values and characteristics of the unit relate specifically to freshwater.
<p>Historic heritage:</p> <p><i>Historic heritage areas</i></p> <p><i>Historic heritage sites</i></p>	<p>The mapped historic heritage is based on the report by Clough R. and Brown A., 2016. <i>Northland Coastal and Freshwater Heritage Survey: Identification of Historic Heritage Resource Methodology</i> and subsequent updates by Clark L (2017). The map shows:</p> <ul style="list-style-type: none"> • <u>5-6</u> historic heritage areas. <ul style="list-style-type: none"> ○ 3 of these are water based areas that form part of a cultural heritage landscape in combination with land based historic sites. They have been assessed by Clough and Associates and are considered to be significant enough to include in the plan. ○ <u>1 additional historic heritage area identified through consultation on the Proposed Plan.</u>⁽⁴⁾ ○ 2 waka landing sites that have been registered as Wahi Tapu areas by Heritage New Zealand have also been included. • <u>17-18</u> historic heritage sites. These are buildings and structures that have been assessed by Clough and Associates and <u>Heritage New Zealand Pouhere Taonga</u> (<u>8 7</u> sites) and Clark L. (<u>9 8</u> sites, peer reviewed by <u>Heritage New Zealand Pouhere Taonga</u>) and are considered to be significant enough to include in the plan. <u>3 additional sites were identified through consultation on the Proposed Plan.</u>⁽⁵⁾ <p>Site and area reports <u>comprising the historic heritage schedule</u>⁽⁶⁾ are available on the regional council's website.</p>

Water quality and quantity management units

Map layer	Description
<p>Outstanding freshwater bodies:</p> <p><i>Rivers</i></p> <p><i>Lakes</i></p>	<p>Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014.</p> <p>The following rivers and section of rivers were identified as having outstanding natural values in the Regional Water and Soil Plan for Northland 2004 and have been identified as outstanding rivers in this plan:</p> <ul style="list-style-type: none"> • Waipoua; • Waikohatu; • Wairau; • Whirinaki; • Waipapa; and • Mangamuka. <p>The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):⁽²⁾</p> <ul style="list-style-type: none"> • Morehurehu; • Ngatu; • Waihopo; • Waiporohita; • Wahakari; • Taharoa; • Waikare; • Kai-Iwi; • Humuhumu; • Kanono; and • Mokeno.
<p>Groundwater management units:</p> <p><i>Aupouri aquifer</i></p> <p><i>Coastal aquifers</i></p> <p><i>Other aquifers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The council has identified two broad aquifer management units (coastal aquifers and other aquifers) for the purposes of setting default allocation limits. They are largely based on the aquifer management units in the Regional Water and Soil Plan for Northland 2004, but consolidated. The council has also identified the Aupouri Aquifer system, which is</p>

	comprised of 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.
<p>River water quantity management units:</p> <p><i>Outstanding rivers</i></p> <p><i>Coastal rivers</i></p> <p><i>Small rivers</i></p> <p><i>Large rivers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The coastal rivers, small rivers and large rivers management units were defined by Ton Snelder (2016)⁽⁸⁾ and Susie Osbaldiston (2016)⁽⁹⁾.</p>
<p>Coastal water quality management units:</p> <p><i>Open Coast</i></p> <p><i>Estuary</i></p> <p><i>Tidal Creek</i></p> <p><i>Hatea River</i></p>	<p>Coastal water quality management units are areas of coastal waters that have been determined by the regional council as the appropriate spatial scale for applying water quality standards and for management purposes. Northland Regional Council has grouped the region's coastal waters into four management units based on the recommendations of Richard Griffiths (2016)⁽¹⁰⁾.</p>

Catchment specific layers

Map layer	Description
<p>Priority catchments:</p> <p><i>Doubtless Bay</i></p> <p><i>Mangere</i></p> <p><i>Pouto</i></p> <p><i>Waitangi</i></p> <p><i>Whangarei</i></p>	<p>This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Mangere, Pouto and Whangarei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in section E 'Catchments Ngā whaitua'.</p>
<p><i>High sediment yielding land</i></p>	<p>Areas of land predicted to have high sediment yield (high sediment yielding land) in the Doubtless Bay, Waitangi, Mangere and Whangarei Harbour catchments which are subject to a rule requiring Erosion Control Plans be developed by 1 January 2015. The thresholds for high sediment yielding land are 250 tonnes / km²/ year or more in the Waitangi, Whangarei Harbour and Mangere catchments and 500 tonnes / km²/ year or more in the Doubtless Bay catchment. See section E 'Catchments Ngā whaitua'.</p>
<p>Whangarei swimming sites</p> <p>livestock exclusion areas:</p> <p><i>Popular swimming sites</i></p> <p><i>Upstream catchments</i></p>	<p>This map shows the swimming sites on the Hātea and Raumanga rivers in the Whangārei Harbour catchment and the upstream catchments where additional livestock exclusion rules apply (see Whangarei section in E 'Catchments Ngā whaitua').</p>
<p><i>Forestry restriction area – Pouto catchment</i></p>	<p>This map shows the surface water catchments of Outstanding Water Bodies (lakes) on the Poutō peninsula where new plantation forestry that exceeds 5 hectares per property is subject to a requirement for resource consent (See Pouto Section in E 'Catchments Ngā whaitua')</p>

Flood protection schemes and drainage districts

Map layer	Description
<i>Flood protection schemes</i>	The regional council's flood protection schemes are designed to reduced river flood risk. The schemes involve such protection structures as stopbanks, spillways, floodgates and dams.
<i>Drainage districts</i>	These are statutorily recognised areas that district councils have rights and responsibilities for managing land drainage within. Land drainage activities include culverts, drains, flood gates, bunds and stop banks.

Airsheds

Map layer	Description
<i>Airsheds</i>	<p>Northland has five airsheds gazetted under the National Environmental Standards 2004. Airsheds are gazetted when there is the potential for local ambient air quality to exceed national standards. Northland has the following gazetted airsheds:</p> <ul style="list-style-type: none"> • Whangārei – for PM₁₀ • Marsden Point – for SO₂ and PM₁₀ • Kerikeri – for PM₁₀ • Dargaville – for PM₁₀ • Kaitiāia – for PM₁₀

Livestock exclusion

Map layer	Description
Livestock exclusion areas <u>Lowland and hill country areas</u> ⁽¹¹⁾	Land defined as having a dominant slope of between 0-15 degrees (lowland areas) and greater than 15 degrees (hill country areas). The areas were mapped using the NZLRI database at a 1:50,000 scale.

Highly erodible land Erosion Prone land⁽¹²⁾

Map layer	Description
Highly erodible land Erosion prone land ⁽¹³⁾	Land defined as land use capability units VIe17, VIe19, VIIe1 - VIIe10, VIIle1 - VIIle3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition.

1. [Amendments to the wording that do not alter the meaning or effect of a rule are permissible, even though not directly in response to submissions, see Foodstuffs \(Otago Southland\) Properties Ltd v Dunedin CC \(1993\) 2 NZRMA 497](#)
2. [Clarification](#)
3. [Clarification](#)
4. [Clarification](#)
5. [Clarification](#)
6. [Clarification](#)
7. [Heritage NZ](#)
8. [Refining NZ](#)
9. [Minister of Conservation and Horticulture New Zealand](#)
10. [Consequential amendment because the limits were relocated from D.4 to the appendix](#)
11. [Heritage NZ](#)
12. [Heritage NZ](#)
13. [New Zealand Transport Agency](#)
14. [Minister of Conservation](#)
15. [Clarification](#)
16. [Royal Forest and Bird Protection Society NZ](#)
17. [Clarification](#)
18. [Consequential amendment because of amendments to C.5.1.12, C.5.1.13, D.4.16 and D.4.17](#)
19. [GBC Winstone](#)
20. [Clarification](#)
21. [Auckland Council](#)
22. [Clarification](#)
23. [New Zealand Transport Agency](#)
24. [New Zealand Transport Agency](#)
25. [Clarification](#)
26. [Whangarei District Council](#)
27. [Horticulture New Zealand](#)
28. [Whangarei District Council](#)
29. [Clarification](#)
30. [Consequential amendment because of amendments to C.5.1.12, C.5.1.13, D.4.16 and D.4.17](#)
31. [Mangawhai Harbour Restoration Society Inc](#)
32. [Clarification](#)
33. [Heritage NZ](#)
34. [Consequential amendment because of the inclusion of a definition of industrial or trade wastewater](#)
35. [GBC Winstone](#)
36. [Clarification](#)
37. [GBC Winstone Ltd](#)
38. [Clarification](#)
39. [Consequential amendment to the deletion of rule C.6.7.1](#)
40. [Horticulture New Zealand](#)
41. [First Gas Ltd](#)
42. [Spark New Zealand Trading Ltd](#)
43. [Royal Forest and Bird Protection Society NZ](#)
44. [Northland Fish and Game Council](#)
45. [Northland Fish and Game](#)
46. [Landcorp Farming Ltd](#)
47. [Landcorp Farming Ltd](#)
48. [Landcorp Farming Ltd](#)
49. [Clarification \(The term replaces 'highly erodible land', but the definition has not changed.\)](#)
50. [Horticulture New Zealand](#)
51. [Clarification](#)
52. [Horticulture New Zealand](#)
53. [Consequential amendment because of the deletion of C.5.1.1 and D.4.18](#)
54. [Royal Forest and Bird Protection Society NZ](#)
55. [Transpower](#)
56. [Fonterra](#)
57. [Whangarei District Council](#)
58. [Clarification](#)
59. [Clarification](#)

60. [Clarification](#)
61. [Clarification](#)
62. [Clarification](#)
63. [Clarification](#)
64. [The Oil Companies](#)
65. [Broadspectrum](#)
66. [Heritage NZ](#)
67. [Heritage NZ](#)
68. [Horticulture New Zealand](#)
69. [Horticulture New Zealand](#)
70. [Ministry for Primary Industries](#)
71. [Clarification and Ministry for Primary Industries](#)
72. [Tegel Foods](#)
73. [Royal Forest and Bird Protection Society of New Zealand](#)
74. [New Zealand Transport Agency](#)
75. [Whangarei District Council](#)
76. [Horticulture New Zealand](#)
77. [Clarification](#)
78. [CEP Services Matauwhi Ltd](#)
79. [Clarification](#)
80. [Clarification](#)
81. [Consequential amendment](#)
82. [Consequential amendment](#)
83. [Consequential amendment because of the inclusion of a definition of indigenous vegetation](#)
84. [Royal Forest and Bird Protection Society NZ](#)
85. [Whangarei District Council](#)
86. [New Zealand Transport Agency](#)
87. [Whangarei District Council](#)
88. [Consequential amendment because of the amendment to C.6.4.2\(3\)](#)
89. [Royal Forest and Bird Protection Society NZ](#)
90. [Clarification](#)
91. [Clarification](#)
92. [Heritage NZ](#)
93. [Horticulture New Zealand](#)
94. [Refining New Zealand, point 7, page 5](#)
95. [Clarification](#)
96. [Beef and Lamb NZ](#)
97. [Minister of Conservation](#)
98. [Heritage NZ](#)
99. [Clarification](#)
100. [Clarification](#)
101. [Royal Forest and Bird Protection Society of New Zealand](#)
102. [Means the current edition of the Hazardous Activities and Industries List, Ministry for the Environment.](#)
103. [Detailed site investigation has the same meaning as specified in Regulation 3 Resource Management \(National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health\) Regulations 2011.](#)
104. [GBC Winstone](#)
105. [Heritage NZ](#)
106. [Whangarei District Council, Clarification](#)
107. [New Zealand Transport Agency](#)
108. [Tegel Foods Ltd](#)
109. [Consequential amendment](#)
110. [Heritage NZ](#)
111. [as measured up gradient or based on water quality before groundwater is impacted by hazardous substances](#)
112. [The definition of a useful rate depends on the potential use of the water. For example, a useful rate for a household may be 2000 l/day, whereas it would be much lower for irrigation or stock watering](#)
113. [Clarification](#)
114. [Clarification](#)
115. [Landcorp Farming Limited](#)
116. [Cathcart B](#)
117. [New Zealand Transport Agency](#)
118. [Clarification](#)
119. [Consequential change](#)

120. [Horticulture New Zealand](#)
121. [Landcorp Farming Ltd](#)
122. [Tegel Food Ltd](#)
123. [Tegel Foods Ltd](#)
124. [Consequential amendment because of the amendments to C.5.1.8](#)
125. [New Zealand Defence Force](#)
126. [Clarification](#)
127. [Consequential amendment because of the inclusion of a definition of indigenous vegetation](#)
128. [Clarification](#)
129. [Clarification](#)
130. [First Gas Ltd](#)
131. [Clarification](#)
132. [Clarification](#)
133. [Clarification](#)
134. [Consequential amendment](#)
135. [Cathcart B](#)
136. [New Zealand Transport Agency](#)
137. [Fonterra](#)
138. [Northpower](#)
139. [Northpower](#)
140. [Transpower](#)
141. [Clarification.](#)
142. [GBC Winstone](#)
143. [Northpower](#)
144. [Northpower](#)
145. [Top Energy](#)
146. [Clarification](#)
147. [Northport Ltd](#)
148. [GBC Winstone](#)
149. [Northport Ltd](#)
150. [Clarification](#)
151. [Northport Ltd](#)
152. [Bay of Islands Planning Limited](#)
153. [Clarification](#)
154. [Clarification](#)
155. [Clarification](#)
156. [Refining New Zealand](#)
157. [Clarification](#)
158. [Clarification](#)
159. [Clarification](#)
160. [Top Energy](#)
161. [clarification](#)
162. [Bay of Islands Maritime Park](#)
163. [Far North Holdings Limited](#)
164. [New Zealand Transport Agency](#)
165. [Clarification](#)
166. [National Institute of Water and Atmospheric Research Limited](#)
167. [Whangarei District Council](#)
168. [Clarification](#)
169. [Top Energy](#)
170. [Mangawhai Harbour Restoration Society Inc](#)
171. [Mangawhai Harbour Restoration Society Inc](#)
172. [Heritage NZ](#)
173. [clarification](#)
174. [Clarification](#)
175. [Hayes I](#)
176. [New Zealand Transport Agency](#)
177. [clarification](#)
178. [clarification](#)
179. [Clarification](#)
180. [Northpower](#)
181. [Northpower](#)
182. [Transpower](#)

183. [Clarification](#)
184. [GBC Winstone](#)
185. [Clarification](#)
186. [GBC Winstone](#)
187. [Clarification](#)
188. [Clarification](#)
189. [clarification](#)
190. [clarification](#)
191. [GBC Winstone](#)
192. [Clarification](#)
193. [Refining New Zealand](#)
194. [Bay of Islands Planning Limited](#)
195. [clarification](#)
196. [clarification](#)
197. [clarification](#)
- 198.
199. [Clarification](#)
200. [Top Energy](#)
201. [clarification](#)
202. [clarification](#)
203. [clarification](#)
204. [Heritage NZ](#)
205. [Consequential as a result of deleting definition](#)
206. [Clarification](#)
207. [clarification](#)
208. [clarification](#)
209. [clarification](#)
210. [clarification](#)
211. [clarification](#)
- 212.
213. [Whangarei District Council](#)
214. [CEP Services Matauwhi Limited](#)
215. [clarification](#)
216. [clarification](#)
217. [clarification](#)
218. [clarification](#)
219. [Heritage NZ](#)
220. [Clarification](#)
221. [consequential](#)
222. [Consequential](#)
223. [Clarification](#)
224. [clarification](#)
225. [clarification](#)
226. [Clarification](#)
227. [Clarification](#)
228. [Clarification](#)
229. [For the purpose of this rule 'location' means any position within a 1000 metre / 0.59 Nautical Mile radius](#)
230. [for the purpose of this rule bad weather means: wind conditions at the seaward boundary of the enclosed water exceed 25 knots and sea swells exceed three metres](#)
231. [Clarification](#)
232. [New Zealand Defense Force](#)
233. [Clarification](#)
234. [Clarification](#)
235. [Clarification](#)
236. [Clarification](#)
237. [Clarification](#)
238. [Clarification](#)
239. [Clarification](#)
240. [Lang R](#)
241. [Lang R](#)
242. [Lang R](#)
243. [Lang R](#)
244. [CEP Matauwhi Services Ltd](#)

245. [CEP Matauwhi Services Ltd, Heritage NZ, bay of Islands Maritime Park](#)
246. [Clarification](#)
247. [Clarification](#)
248. [Clarification](#)
249. [CEP Matauwhi Services Limited](#)
250. [Clarification](#)
251. [Clarification](#)
252. [Clarification](#)
253. [Clarification](#)
254. [GBC Winstone](#)
255. [consequential change to GBC Winstone](#)
256. [Clarification](#)
257. [Clarification](#)
258. [Heritage NZ](#)
259. [Heritage NZ](#)
260. [Clarification](#)
261. [Clarification](#)
262. [Clarification](#)
263. [_](#)
264. [Aquaculture NZ](#)
265. [Aquaculture NZ](#)
266. [Aquaculture NZ](#)
267. [Aquaculture NZ](#)
268. [Aquaculture NZ](#)
269. [Far North District Council](#)
270. [Heritage NZ](#)
271. [Clarification](#)
272. [Clarification](#)
273. [Clarification](#)
274. [Clarification](#)
275. [Aquaculture NZ](#)
276. [Aquaculture NZ](#)
277. [Aquaculture NZ](#)
278. [Aquaculture NZ](#)
279. [Aquaculture NZ](#)
280. [Heritage NZ](#)
281. [Far North District Council](#)
282. [Aquaculture NZ](#)
283. [Clarification](#)
284. [Westpac Mussels Distributors Limited](#)
285. [Clarification](#)
286. [Clarification](#)
287. [Clarification](#)
288. [Aquaculture NZ](#)
289. [Aquaculture NZ](#)
290. [Aquaculture NZ](#)
291. [Aquaculture NZ](#)
292. [Aquaculture NZ](#)
293. [Heritage NZ](#)
294. [Far North District Council](#)
295. [Upperton T](#)
296. [Aquaculture NZ](#)
297. [Clarification](#)
298. [Westpac Mussels Distributors Limited](#)
299. [Moana NZ](#)
300. [Clarification](#)
301. [Clarification](#)
302. [Aquaculture NZ, consequential change to C.1.3.2](#)
303. [_](#)
304. [Aquaculture NZ, consequential change to C.1.3.2](#)
305. [Aquaculture NZ, consequential change to C.1.3.2](#)
306. [Heritage NZ](#)
307. [Far North District Council](#)

308. [Clarification](#)
309. [Westpac Mussels Distributors Limited](#)
310. [Moana NZ](#)
311. [Clarification](#)
312. [Clarification](#)
313. [Clarification](#)
314. [Clarification](#)
315. [Clarification](#)
316. [Clarification](#)
317. [Clarification](#)
318. [Clarification](#)
319. [Refer Fisheries \(Auckland and Kermadec Areas Amateur Fishing\) Regulations 1986, Section 9](#)
320. [Clarification](#)
321. [Clarification](#)
322. [Clarification](#)
323. [Clarification](#)
324. [Aquaculture NZ](#)
325. [Clarification](#)
326. [Aquaculture NZ](#)
327. [Clarification](#)
328. [Clarification](#)
329. [Clarification](#)
330. [Clarification](#)
331. [Clarification](#)
332. [Clarification](#)
333. [Clarification](#)
334. [Clarification](#)
335. [Clarification](#)
336. [Mangawhai Harbour Restoration Society Inc.; Ruakaka Parish Resident and Ratepayers Association](#)
337. [Far North District Council - use plain English](#)
338. [Mangawhai Harbour Restoration Society](#)
339. [New Zealand Transport Agency](#)
340. [Mangawhai Harbour Restoration Society Inc.](#)
341. [Clarification](#)
342. [Whangarei District Council](#)
343. [Whangarei District Council](#)
344. [GBC Winstone](#)
345. [Clarification](#)
346. [Clarification](#)
347. [Clarification](#)
348. [Royal Forest and Bird Society](#)
349. [Whangarei District Council](#)
350. [Top Energy](#)
351. [clarification](#)
352. [Clarification](#)
353. [CEP Services Matauwhi Limited.](#)
354. [Clarification](#)
355. [Tautari](#)
356. [Clarification](#)
357. [GBC Winstone](#)
358.
359. [Heritage NZ](#)
360. [Clarification](#)
361. [Clarification](#)
362. [Royal Forest and Bird Protection Society NZ](#)
363. [Royal Forest and Bird Protection Society NZ](#)
364. [Clarification](#)
365. [Royal Forest and Bird Protection Society NZ](#)
366. [Royal Forest and Bird Protection Society NZ](#)
367. [Fire and Emergency NZ](#)
368. [Clarification](#)
369. [Fire and Emergency NZ](#)
370. [Bay of Islands Maritime Park Inc](#)

371. [Fire and Emergency NZ](#)
372. [Heritage NZ](#)
373. [Fire and Emergency NZ](#)
374. [Bay of Islands Maritime Park Inc](#)
375. [Fire and Emergency NZ](#)
376. [Clarification](#)
377. [Clarification](#)
378. [Heritage NZ](#)
379. [New Zealand Transport Agency](#)
380. [clarification](#)
381. [New Zealand Transport Agency](#)
382. [Minister of Conservation](#)
383. [Tinopai RMU Limited](#)
384. [Consequential amendment relating to relief sought by Royal Forest and Bird on the coastal general conditions](#)
385. [Clarification as this requirement is in the coastal general conditions](#)
386. [Minister of Conservation](#)
387. [Tinopai RMU Limited](#)
388. [GBC Winstone](#)
389. [Royal Forest and Bird Protection Society](#)
390. [GBC Winstone](#)
391. [Royal Forest and Bird Protection Society](#)
392. [Consequential amendment relating to relief sought by Royal Forest and Bird on the coastal general conditions](#)
393. [Clarification as this requirement is in the coastal general conditions](#)
394. [Royal Forest and Bird Protection Society](#)
395. [Tinopai RMU Limited](#)
396. [Clarification](#)
397. [Tinopai RMU Limited](#)
398. [Clarification](#)
399.
400. [Consequential amendment relating to relief sought by Royal Forest and Bird on the coastal general conditions](#)
401. [Clarification as this requirement is in the coastal general conditions](#)
402. [Royal Forest and Bird Protection Society](#)
403. [Clarification](#)
404. [Clarification](#)
405. [Clarification](#)
406. [Refining New Zealand](#)
407. [Patuharakeke Te Iwi Trust Board](#)
408. [Clarification](#)
409. [Patuharakeke Te Iwi Trust Board Inc](#)
410. [Clarification](#)
411. [Mangawhai Harbour Restoration Society](#)
412. [Clarification](#)
413. [Clarification](#)
414. [Heritage NZ](#)
415. [Clarification](#)
416. [Mangawhai Harbour Restoration Society Inc](#)
417. [Clarification](#)
418. [New Zealand Transport Agency](#)
419. [Royal Forest and Bird Protection Society NZ](#)
420. [Clarification](#)
421. [Heritage NZ](#)
422. [Clarification](#)
423. [Clarification](#)
424.
425. [Clarification](#)
426. [Ministry for Primary Industries, Minister of Conservation and Clarification](#)
427. [Minister of Conservation - request for improved clarity](#)
428. [Yachting NZ, Far North Holdings Limited, Durham G](#)
429. [Auckland Council and Ministry of Primary Industries - request associated with C.1.7.6](#)
430. [Clarification](#)
431. [Minister of Conservation and Clarification](#)
432. [Minister of Conservation and Clarification](#)
433. [Clarification - condition re-ordered](#)

434. [Clarification - condition re-ordered](#)
435. [Minister of Conservation and Clarification](#)
436. [Minister of Conservation and Clarification](#)
437. [Minister of Conservation](#)
438. [Clarification - condition re-ordered](#)
439. [Minister of Conservation and Clarification - condition re-ordered](#)
440. [Minister of Conservation](#)
441. [Clarification](#)
442. [Minister of Conservation](#)
443. [Minister of Conservation, Ministry for Primary Industries](#)
444. [Clarification](#)
445. [Clarification](#)
446. [Clarification](#)
447. [Minister of Conservation](#)
448. [Clarification](#)
449. [Ministry for Primary Industries and Minister of Conservation](#)
450. [Auckland Council](#)
451. [Clarification](#)
452. [Clarification](#)
453. [Clarification](#)
454. [Clarification](#)
455. [Clarification](#)
456. [New Zealand Transport Agency](#)
457. [Kiwirail](#)
458. [Labonte A and R](#)
459. [CEP Services Matauwahi Limited](#)
460. [Minister of Conservation](#)
461. [Royal Forest and Bird Protection Society NZ](#)
462. [clarification](#)
463. [La Bonte A and R](#)
464. [New Zealand Transport Agency and Clarification](#)
465. [Consequential as has been brought up to condition 9A](#)
466. [Royal Forest and Bird Protection Society NZ](#)
467. [Refining NZ](#)
468. [Clarification](#)
469. [Clarification](#)
470. [Consequential to deleting 23\(a\)](#)
471. [NZ Defence Force](#)
472. [Clarification](#)
473. [Refining NZ](#)
474. [Minister of Conservation](#)
475. [Clarification](#)
476. [Clarification](#)
477. [Cathcart B](#)
478. [Miru M, Tinopai RMU Limited](#)
479. [Clarification](#)
480. [Clarification](#)
481. [Clarification](#)
482. [Federated Farmers](#)
483. [Clarification - jurisdictional issue](#)
484. [Clarification](#)
485. [KiwiRail](#)
486. [Northpower, Top Energy](#)
487. [Clarification - jurisdictional issue](#)
488. [Transpower](#)
489. [Clarification](#)
490. [Clarification](#)
491. [Clarification](#)
492. [Clarification](#)
493. [New Zealand Transport Agency](#)
494. [Minister of Conservation and Clarification](#)
495. [Clarification](#)
496. [Clarification - jurisdictional issue](#)

497. [Minister of Conservation and Clarification](#)
498. [Clarification](#)
499. [Broadspectrum, Clarification](#)
500. [Broadspectrum](#)
501. [Clarification](#)
502. [KiwiRail](#)
503. [Minister of Conservation](#)
504. [Landowners Coalition Inc](#)
505. [Clarification - jurisdictional issue](#)
506. [Whangarei District Council](#)
507. [Landowners Coalition](#)
508. [Clarification - jurisdictional issue](#)
509. [Clarification - jurisdictional issue](#)
510. [Northpower](#)
511. [Northpower](#)
512. [Clarification - jurisdictional issue](#)
513. [Clarification](#)
514. [Clarification](#)
515. [Clarification](#)
516. [Clarification - jurisdictional issue](#)
517. [Minister of Conservation](#)
518. [Northland Fish and Game](#)
519. [Royal Forest and Bird Protection Society NZ](#)
520. [Clarification](#)
521. [Clarification](#)
522. [Clarification - jurisdictional issue](#)
523. [Clarification](#)
524. [Clarification - jurisdictional issue](#)
525. [Clarification](#)
526. [Clarification - jurisdictional issue](#)
527. [Clarification - jurisdictional issue](#)
528. [Clarification](#)
529. [Northland Fish and Game](#)
530. [Northland Fish and Game](#)
531. [Horticulture New Zealand](#)
532. [Minister of Conservation](#)
533. [Clarification](#)
534. [Northland Fish and Game](#)
535. [Bay of Islands Maritime Park Inc](#)
536. [Bay of Islands Maritime Park Inc and Clarification](#)
537. [Landowners Coalition](#)
538. [Fonterra](#)
539. [Fonterra](#)
540. [Clarification](#)
541. [Clarification](#)
542. [Clarification](#)
543. [Clarification](#)
544. [Clarification](#)
545. [Clarification](#)
546. [Clarification - re-ordered to a place after the discharge limit](#)
547. [Fonterra](#)
548. [Clarification](#)
549. [Minister of Conservation](#)
550. [Cathcart B](#)
551. [Horticulture New Zealand](#)
552. [Horticulture New Zealand](#)
553. [Clarification](#)
554. [Clarification](#)
555. [clarification](#)
556. [Clarification](#)
557. [Whangarei District Council, Clarification](#)
558. [Clarification and New Zealand Transport Agency](#)
559. [Minister of Conservation and Clarification](#)

560. [Clarification](#)
561. [Clarification](#)
562.
563. [clarification](#)
564. [clarification](#)
565. [clarification](#)
566. [Clarification - jurisdictional issue](#)
567. [Minister of Conservation](#)
568. [Whangarei District Council, Clarification](#)
569. [Clarification.](#)
570. [Tegel Foods Ltd](#)
571. [Horticulture New Zealand](#)
572. [Refining New Zealand](#)
573. [Clarification](#)
574. [Clarification - jurisdictional issue](#)
575. [Whangarei District Council](#)
576. [GDC Winstone](#)
577. [Clarification](#)
578. [Whangarei District Council - consistency with NZSOLD](#)
579. [Whangarei District Council](#)
580. [Clarification](#)
581. [Clarification - jurisdictional issue](#)
582. [Clarification](#)
583. [Whangarei District Council](#)
584. [Royal Forest and Bird Protection Society NZ](#)
585. [Clarification](#)
586. [Whangarei District Council](#)
587. [Clarification - jurisdictional issue](#)
588. [Clarification](#)
589. [Clarification](#)
590. [Royal Forest and Bird Protection Society NZ](#)
591. [Clarification - jurisdictional issue](#)
592. [Clarification](#)
593. [Clarification](#)
594. [Clarification](#)
595. [Horticulture New Zealand](#)
596. [Clarification](#)
597. [Horticulture New Zealand](#)
598. [Clarification](#)
599. [Clarification](#)
600. [Minister of Conservation](#)
601. [Clarification](#)
602. [Far North District Council](#)
603. [Northland Fish and Game](#)
604. [Clarification](#)
605. [Clarification](#)
606. [Clarification](#)
607. [Heritage NZ](#)
608. [Clarification - jurisdictional issue](#)
609. [Northland Fish and Game](#)
610. [Northland Fish and Game](#)
611. [clarification](#)
612. [Minister of Conservation](#)
613. [Fire and Emergency New Zealand](#)
614. [Clarification](#)
615. [New Zealand Geothermal Association](#)
616. [Minister of Conservation](#)
617. [Northland Fish and Game](#)
618. [DairyNZ](#)
619. [Consequential amendment because of the amendment to condition 1\)](#)
620. [Royal Forest and Bird Protection Society of New Zealand](#)
621. [Fonterra](#)
622. [DairyNZ](#)

623. [Royal Forest and Bird Protection Society of New Zealand](#)
624. [Irrigation New Zealand](#)
625. [Clarification](#)
626. [Clarification](#)
627. [NIWA](#)
628. [Clarification](#)
629. [Consequential change because of the deletion of conditions 3 and 4 in C.5.1.1](#)
630. [Minister of Conservation](#)
631. [Clarification](#)
632. [Clarification](#)
633. [Clarification](#)
634. [Clarification](#)
635. [Clarification](#)
636. [Clarification](#)
637. [Clarification](#)
638. [Clarification](#)
639. [Motutangi Waiharara Water Group](#)
640. [Clarification](#)
641. [The Oil Companies](#)
642. [Clarification](#)
643. [The Oil Companies](#)
644. [GBC Winstone](#)
645. [Clarification](#)
646. [Clarification](#)
647. [Clarification](#)
648. [Clarification](#)
649. [Man O'War Dairies Ltd](#)
650. [Consequential change because of the inclusion of a matter of control for fish screens](#)
651. [Irrigation New Zealand](#)
652. [Man O'War Dairies Ltd and Irrigation New Zealand](#)
653. [Consequential change because amendments to the first part of condition 2. See condition 4 below.](#)
654. [Clarification](#)
655. [Irrigation New Zealand](#)
656. [Clarification](#)
657. [Consequential amendment because of the amendments to condition 2 of C.5.1.1](#)
658. [Landcorp Farming Ltd](#)
659. [Haititaimarangai Marae 339 Trust](#)
660. [Consequential amendment because of the amendment to matter 1\).](#)
661. [Clarification](#)
662. [Horticulture New Zealand](#)
663. [Clarification](#)
664. [Clarification](#)
665. [New Zealand Geothermal Association](#)
666. [Consequential amendment because of the new rule](#)
667. [Consequential amendment because of the new rule](#)
668. [Consequential change](#)
669. [Clarification](#)
670. [Clarification](#)
671. [Consequential amendment because of the amendments to D.4.16 and D.4.17](#)
672. [Tegel Foods Ltd](#)
673. [Clarification](#)
674. [Tegel Foods Ltd](#)
675. [Clarification](#)
676. [Clarification](#)
677. [Clarification](#)
678. [Clarification](#)
679. [Clarification because stormwater flow paths are covered below](#)
680. [Clarification](#)
681. [Clarification](#)
682. [Whangarei District Council](#)
683. [Clarification](#)
684. [Clarification](#)
685. [Clarification](#)

686. [Clarification](#)
687. [Haigh Workman Ltd](#)
688. [Consequential change](#)
689. [Haigh Workman Ltd](#)
690. [Clarification because stormwater flow paths are covered below](#)
691. [Clarification](#)
692. [Haigh Workman Ltd](#)
693. [Haigh Workman Ltd](#)
694. [Clarification](#)
695. [Haigh Workman Ltd](#)
696. [Clarification](#)
697. [Clarification](#)
698. [Clarification](#)
699. [Clarification](#)
700. [Clarification](#)
701. [Minister of Conservation](#)
702. [Consequential amendment](#)
703. [Clarification](#)
704. [Clarification](#)
705. [Clarification](#)
706. [Clarification](#)
707. [Northland Fish and Game](#)
708. [Clarification](#)
709. [Clarification](#)
710. [Fonterra](#)
711. [Clarification](#)
712. [DairyNZ](#)
713. [Clarification](#)
714. [DairyNZ](#)
715. [Clarification](#)
716. [Consequential change because of the amendment to the first part of condition 7](#)
717. [Clarification](#)
718. [Consequential change](#)
719. [Fonterra](#)
720. [Clarification](#)
721. [Clarification](#)
722. [Horticulture New Zealand](#)
723. [Clarification](#)
724. [Clarification](#)
725. [Clarification](#)
726. [Terence Brocx](#)
727. [Clarification](#)
728. [Clarification](#)
729. [Clarification](#)
730. [Consequential change because of the inclusion of the rule](#)
731. [Consequential change because of the inclusion of the rule](#)
732. [Clarification](#)
733. [Consequential change because of the inclusion a new permitted activity rule](#)
734. [Beef and Lamb New Zealand](#)
735. [Horticulture New Zealand](#)
736. [Clarification](#)
737. [Beef and Lamb New Zealand](#)
738. [Clarification](#)
739. [Clarification](#)
740. [Clarification](#)
741. [Royal Forest and Bird Protection Society of New Zealand](#)
742. [Haigh Workman Ltd](#)
743. [Whangarei District Council](#)
744. [Clarification](#)
745. [Whangarei District Council](#)
746. [Consequential change because of the inclusion of a definition of the zone of reasonable mixing](#)
747. [Consequential change because of the deletion of condition 8\(a\) in rule C.6.4.2](#)
748. [Royal Forest and Bird Protection Society](#)

749. [Clarification](#)
750. [Clarification](#)
751. [Clarification](#)
752. [Clarification](#)
753. [Clarification because this matters is addressed in the rules for earthworks](#)
754. [Clarification](#)
755. [Haigh Workman Ltd](#)
756. [Clarification](#)
757. [Far North District Council](#)
758. [Tegel Foods](#)
759. [The Oil Companies](#)
760. [Clarification](#)
761. [Tegel Foods Ltd](#)
762. [Clarification](#)
763. [Consequential to the following amendment](#)
764. [The Oil Companies](#)
765. [Tegel Foods Ltd](#)
766. [Tegel Foods Ltd](#)
767. [Tegel Foods Ltd](#)
768. [The Oil Companies](#)
769. [Haigh Workman Ltd](#)
770. [Clarification](#)
771. [New Zealand Transport Agency](#)
772. [Fonterra](#)
773. [The Oil Companies](#)
774. [Clarification](#)
775. [Clarification](#)
776. [Clarification](#)
777. [Clarification](#)
778. [Consequential amendment](#)
779. [Clarification](#)
780. [Consequential change because of the amendment to condition 5 of C.6.4.2](#)
781. [Clarification](#)
782. [Minster of Conservation](#)
783. [Clarification](#)
784. [Northland District Health Board](#)
785. [Royal Forest and Bird Society of New Zealand](#)
786. [Horticulture New Zealand](#)
787. [Minister of Conservation](#)
788. [Minister of Conservation](#)
789. [Clarification](#)
790. [Horticulture new Zealand](#)
791. [clarification](#)
792. [HFM NZ](#)
793. [Broadspectrum](#)
794. [Clarification](#)
795. [HFM NZ](#)
796. [HFM NZ](#)
797. [HFM NZ](#)
798. [Minister of Conservation](#)
799. [HFM NZ](#)
800. [Minister of Conservation](#)
801. [HFM NZ](#)
802. [Minister of Conservation](#)
803. [Minister of Conservation](#)
804. [Horticulture New Zealand](#)
805. [Mauraro S](#)
806. [Minister of Conservation](#)
807. [Horticulture New Zealand](#)
808. [Mauraro S](#)
809. [Minster of Conservation](#)
810. [Clarification](#)
811. [Fonterra](#)

812. Consequential change, The Oil Companies
813. Minister of Conservation
814. Horticulture New Zealand
815. Minister of Conservation
816. Minister of Conservation
817. Minister of Conservation
818. Minister of Conservation
819. Clarification
820. Horticulture new Zealand
821. HFM NZ
822. Minster of Conservation
823. Clarification
824. Resource Management Act
825. Clarification
826. Minister of Conservation
827. Clarification
828. Resource Management Act
829. S16 amendment
830. Clarification
831. Clarification
832. Fonterra
833. Clarification
834. Whangarei District Council
835. Clarification
836. Whangarei District Council
837. Clarification
838. Tegel Foods Ltd
839. Consequential amendment because of the new rule
840. AFFCO NZ
841. Clarification
842. Whangarei District Council consequential change to Policy D.4.1
843. Kaipara District Council
844. NZ Pork
845. NZ Pork
846. NZ Pork
847. Clarification
848. Clarification
849. Clarification
850. Whangarei District Council
851. Whangarei District Council
852. Northland District Health Board
853. Clarification
854. Whangarei District Council
855. Clarification
856. Whangarei District Council
857. Consequential change - GBC Winstone
858. Clarification
859. Clarification
860. Clarification
861. where there is a difference in contaminant concentrations in 2)a)i) and 2)a)ii), the most restrictive concentration applies, ~~and~~
862. Clarification
863. where there is a difference in contaminant concentrations in 2)a)ii) and 2)a)iii), the most restrictive concentration applies, ~~and~~
864. The oil companies
865. Clarification
866. The oil companies
867. Soil and Rock Consultants
868. Soil and Rock Consultants
869. The oil companies, consequential change to C.6.8.1(c)(iv)
870. Soil and Rock Consultants
871. Clarification
872. clarification

873. [Light non-aqueous phase liquids are liquids that have a specific gravity of less than one](#)
874. [Clarification](#)
875. [the oil companies](#)
876. [Dense non-aqueous phase liquids are liquids with a specific gravity of greater than one](#)
877. [The oil companies](#)
878. [The oil companies](#)
879. [The Oil Companies](#)
880. [The oil companies and Refining New Zealand](#)
881. [Clarification](#)
882. [Clarification](#)
883. [Consequential change to the insertion of a definition of a zone of reasonable mixing](#)
884. [Clarification](#)
885. [Clarification](#)
886. [Clarification](#)
887. [Clarification](#)
888. [Code of Practice for Nutrient Management \(With Emphasis on Fertiliser Use\) 2013. Fertiliser Association. ISBN 978-0-473-28345-2](#)
889. [Clarification](#)
890. [Whangarei District Council](#)
891. [Clarification](#)
892. [Consequential amendment](#)
893. [Consequential change to the insertion of a definition for the zone of reasonable mixing](#)
894. [Clarification](#)
895. [Aquaculture NZ](#)
896. [Clarification](#)
897. [Clarification](#)
898. [Clarification](#)
899. [The Oil Companies](#)
900. [Consequential change to the insertion of a definition for the zone of reasonable mixing](#)
901. [Horticulture New Zealand](#)
902. [Clarification](#)
903. [Clarification](#)
904. [Clarification](#)
905. [Hulse D](#)
906. [Hulse D](#)
907. [Northland District Health Board](#)
908. [Hulse D](#)
909. [Clarification](#)
910. [Lee T](#)
911. [Lee T](#)
912. [Northland District Health Board](#)
913. [Gailey B](#)
914. [Lee T](#)
915. [Fire and Emergency New Zealand](#)
916. [Clarification](#)
917. [Consequential changes](#)
918. [Clarification](#)
919. [Consequential changes](#)
920. [Clarification](#)
921. [Consequential changes](#)
922. [Clarification](#)
923. [Consequential changes](#)
924. [Clarification](#)
925. [Consequential change](#)
926. [Consequential change - GBC Winstone](#)
927. [Consequential change - GBC Winstone](#)
928. [Consequential change - GBC Winstone](#)
929. [Clarification](#)
930. [Consequential change - Refining NZ. GBC Winstone](#)
931. [Clarification](#)
932. [Clarification](#)
933. [Clarification](#)
934. [Consequential changes](#)

- 935. [Whangarei District Council](#)
- 936. [Clarification](#)
- 937. [Consequential changes](#)
- 938. [Clarification](#)
- 939. [Consequential changes](#)
- 940. [clarification, consequential change to C.6.8.2](#)
- 941. [Clarification](#)
- 942. [Promax Engineering Plastics](#)
- 943. [Consequential changes](#)
- 944. [Clarification](#)
- 945. [Consequential changes](#)
- 946. [Clarification](#)
- 947. [New Zealand Transport Agency](#)
- 948. [Refining New Zealand, New Zealand Transport Authority](#)
- 949. [Refining New Zealand, GBC Winstone](#)
- 950. [Tegal Foods Ltd](#)
- 951. [Clarification](#)
- 952. [Clarification](#)
- 953. [Clarification](#)
- 954. [Clarification](#)
- 955. [DairyNZ](#)
- 956. [Clarification](#)
- 957. [New Zealand Deer Farmers Association](#)
- 958. [Clarification](#)
- 959. [Clarification](#)
- 960. [Clarification](#)
- 961. [Clarification](#)
- 962. [Minister of Conservation](#)
- 963. [DairyNZ](#)
- 964. [Federated Farmers](#)
- 965. [King G](#)
- 966. [Clarification](#)
- 967. [Consequential amendment](#)
- 968. [Clarification](#)
- 969. [Royal Forest and Bird Protection Society of New Zealand](#)
- 970. [Whangarei District Council](#)
- 971. [Clarification](#)
- 972. [Consequential amendment](#)
- 973. [Matauri Trustee Ltd](#)
- 974. [Consequential amendment](#)
- 975. [Clarification](#)
- 976. [Horticulture New Zealand](#)
- 977. [Man O'War Dairies](#)
- 978. [Consequential amendment because of the new definition](#)
- 979. [Consequential change](#)
- 980. [Horticulture New Zealand](#)
- 981. [Consequential amendment because of the new definition](#)
- 982. [Clarification](#)
- 983. [Horticulture New Zealand](#)
- 984. [Clarification](#)
- 985. [Consequential change](#)
- 986. [Northland Fish and Game](#)
- 987. [Clarification](#)
- 988. [Clarification](#)
- 989. [Clarification](#)
- 990. [consequential as a result of amendment to the definition](#)
- 991. [Piece of land has the same meaning as specified in clauses 5\(7\) of the Resource Management \(National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health\) Regulations 2011](#)
- 992. [Haigh Workman Ltd](#)
- 993. [Clarification](#)
- 994. [Leersnyder, H., Bunting, K., Parsonson, M., and Stewart, C. \(2016\). Erosion and sediment control guide for land disturbing activities in the Auckland region. Auckland Council Guideline Document. GD2016/005. Prepared by Beca Ltd and SouthernSkies Environmental for Auckland Council.](#)

995. [GBC Winstone](#)
996. [Consequential change](#)
997. [LaBonte' A&R](#)
998. [Consequential amendment because of the inclusion of the definition](#)
999. [Consequential amendment because of the deletion of Rule C.6.7.1](#)
1000. [The Oil Companies](#)
1001. [Clarification](#)
1002. [Clarification](#)
1003. [Clarification](#)
1004. [New Zealand Transport Agency](#)
1005. [Top Energy](#)
1006. [Consequential amendment because of a new rule for earthworks in a flood hazard area](#)
1007. [Clarification](#)
1008. [Top Energy](#)
1009. [Clarification](#)
1010. [Clarification](#)
1011. [Consequential amendments](#)
1012. [Clarification](#)
1013. [Consequential as a result of an amendment to the definition](#)
1014. [Whangarei District Council](#)
1015. [Clarification](#)
1016. [Consequential change](#)
1017. [Consequential amendment because of the amendments to condition 1\)](#)
1018. [Whangarei District Council](#)
1019. [Whangarei District Council](#)
1020. [Consequential change because of the amendment to condition 1\)](#)
1021. [Consequential change because of the amendments to condition 1\)](#)
1022. [Clarification](#)
1023. [Consequential change](#)
1024. [Clarification](#)
1025. [The Oil Companies](#)
1026. [Clairification](#)
1027. [Clarification](#)
1028. [Clarification](#)
1029. [Whangarei District Council](#)
1030. [Clarification](#)
1031. [Minister of Conservation](#)
1032. [Clarification](#)
1033. [Clarification](#)
1034. [Whangarei District Council](#)
1035. [Clarification](#)
1036. [Clarification](#)
1037. [A analysis of effects on tangata whenua and their taonga may be necessary in circumstances not outlined in this policy - it will depend on the circumstances](#)
1038. [Food and places for obtaining natural foods and resources. The work \(mahi\), methods and cultural activities involved in obtaining foods and resources](#)
1039. [This includes, for instance, kai awa \(river food\) kai repo \(swamp food\) and kaimoana \(sea food\).](#)
1040. [This includes, for instance, impacts on the quality of water used for ceremonial purposes.](#)
1041. [This includes, for instance, use of rongoa \(medicinal\) plants, and uses for raranga \(weaving\).](#)
1042. [Māori non-commercial fisheries are defined in the Fisheries Act 1996](#)
1043. [As defined by the Marine and Coastal Area \(Takutai Moana\) Act 2011](#)
1044. [Clarification](#)
1045. [Best practice can be determined by relevant professional bodies](#)
1046. [Affco](#)
1047. [The full range of effects defined in Section 3 of the RMA need to be considered.](#)
1048. [Oil companies](#)
1049. [for resource consent applications for restricted-discretionary, discretionary and non-complying activities](#)
1050. [but not less than minor](#)
1051. [Oil companies](#)
1052. [A Landscape of Significance to Tangata Whenua may include Sites and/or Areas of Significance to Tangata Whenua.](#)
1053. [Clarification](#)
1054. [Far North District Council](#)

1055. [Northport](#)
1056. [Northport](#)
1057. [Northpower](#)
1058. [Minister of Conservation](#)
1059. [Refining NZ](#)
- 1060.
1061. [Westpac Mussels Distributors Limited](#)
1062. [Refining NZ](#)
1063. [Northland Fish and Game](#)
1064. [The oil companies](#)
1065. [Northland Fish and Game](#)
1066. [Clarifications](#)
1067. [Clarifications](#)
1068. [Clarification](#)
1069. [Heritage NZ](#)
1070. [Clarification](#)
1071. [CEP Services Matauwahi Limited](#)
1072. [Heritage NZ](#)
1073. [Heritage NZ](#)
1074. [Clarifications](#)
1075. [Heritage NZ](#)
1076. [Clarification](#)
1077. [Consequential change](#)
1078. [Heritage NZ](#)
1079. [Clarification](#)
1080. [Heritage NZ](#)
1081. [Heritage NZ](#)
1082. [Heritage NZ](#)
1083. [The ICOMOS charter is produced by the International Council on Monument and Sites \(New Zealand\). It is a statement of professional principles for members of ICOMOS New Zealand. The charter is also intended to guide all those involved in the various aspects of conservation work, including owners, guardians, managers, developers, planners, architects, engineers, craftspeople and those in the construction trades, heritage practitioners and advisors, and local and central government authorities. It offers guidance for communities, organisations, and individuals involved with the conservation and management of cultural heritage places.](#)
1084. [Heritage NZ](#)
1085. [Heritage NZ](#)
1086. [Minister of Conservation](#)
1087. [Top Energy](#)
1088. [Clarification](#)
1089. [CEP Services Matauwahi Limited](#)
1090. [Bay of Islands Planning](#)
1091. [Royal Forest and Bird Protection Society NZ](#)
1092. [Royal Forest and Bird Protection Society NZ](#)
1093. [GBC Winstone](#)
1094. [GBC Winstone](#)
1095. [Clarification](#)
1096. [GBC Winstone](#)
1097. [GBC Winstone](#)
1098. [biodiversity offsetting and environmental compensation are defined in the Regional Policy Statement for Northland 2016](#)
1099. [Minister of Conservation](#)
1100. [Royal Forest and Bird Protection Society NZ, Mangawhai Harbour Restoration Society and FS Vision Kerikeri](#)
1101. [GBC Winstone](#)
1102. [CEP Services Matauwahi Limited and Far North District Council](#)
1103. [CEP Services Matauwahi Limited](#)
1104. [Auckland Council](#)
1105. [Horticulture New Zealand](#)
1106. [Horticulture New Zealand](#)
1107. [including significant environmental and biodiversity protection \(Minister of Conservation\)](#)
1108. [Horticulture New Zealand](#)
1109. [The Oil Companies](#)
1110. [The Oil Companies](#)
1111. [Top Energy](#)

- 1112. [Top Energy](#)
- 1113. [Consequential change to deletion of policies D.4.1 and D.4.2 and the insertion of a new policy on maintaining coastal water quality](#)
- 1114. [Whangarei District Council](#)
- 1115. [GBC Winstone](#)
- 1116. [GBC Winstone](#)
- 1117. [Consequential change](#)
- 1118. [Fonterra](#)
- 1119. [Clarification](#)
- 1120. [First Gas Ltd.](#)
- 1121. [Clarification](#)
- 1122. [Clarification](#)
- 1123. [The oil companies](#)
- 1124. [Horticulture New Zealand](#)
- 1125. [This policy including recommended amendments has been relocated to Section F of this plan](#)
- 1126. [The minimum flows in this policy including recommended amendments have been relocated to Appendix H.6](#)
- 1127. [The minimum levels in this policy and recommended amendments have been relocated to Appendix H.6](#)
- 1128. [The allocation limits in this policy and recommended amendments have been relocated to Appendix H.6](#)
- 1129. [The allocation limits in this policy and recommended amendment have been relocated to Appendix H.6](#)
- 1130. [Consequential change because the limits in policies D.15, D.15, D.16 and D.17 have been moved to appendix H.6](#)
- 1131. [Consequential change because of the deletion of rule C.5.1.13](#)
- 1132. [Far North District Council](#)
- 1133. [Irrigation New Zealand](#)
- 1134. [Clarification](#)
- 1135. [CEP Services Matauwhi Ltd](#)
- 1136. [Clarification](#)
- 1137. [Clarification](#)
- 1138. [Far North District Council](#)
- 1139. [Clarification](#)
- 1140. [Federated Farmers of New Zealand](#)
- 1141. [The Oil Companies](#)
- 1142. [Fonterra](#)
- 1143. [Clarification](#)
- 1144. [Horticulture New Zealand](#)
- 1145. [Horticulture New Zealand](#)
- 1146. [Tegel Foods Ltd](#)
- 1147. [GBC Winstone](#)
- 1148. [Irrigation New Zealand](#)
- 1149. [Clarification](#)
- 1150. [The Egg Producers Federation of New Zealand](#)
- 1151. [The Oil Companies](#)
- 1152. [Clarification](#)
- 1153. [Clarification](#)
- 1154. [Clarification](#)
- 1155. [Irrigation New Zealand](#)
- 1156. [Foy F](#)
- 1157. [New Zealand Transport Agency](#)
- 1158. [Royal Forest and Bird Protection Society NZ](#)
- 1159. [Federated Farmers](#)
- 1160. [Clarification - if part 1 of the rule can not be met, part 2 must be](#)
- 1161. [Clarification](#)
- 1162. [Whangarei District Council](#)
- 1163. [Royal Forest and Bird Protection Society NZ](#)
- 1164. [Irrigation New Zealand](#)
- 1165. [Northland Fish and Game](#)
- 1166. [Clarification](#)
- 1167. [Consequential amendment because of the new definition](#)
- 1168. [Clarification](#)
- 1169. [Clarification](#)
- 1170. [Leonard B](#)
- 1171. [CEP Services Matuawhi Ltd](#)
- 1172. [Northland Fish and Game](#)
- 1173. [New Zealand Geothermal Association](#)

- 1174. [Consequential change](#)
- 1175. [Matauri Trustee Ltd.](#)
- 1176. [Landcorp Farming Ltd](#)
- 1177. [Clarification](#)
- 1178. [Clarification](#)
- 1179. [The Royal Forest and Bird Protection Society of New Zealand](#)
- 1180. [The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.](#)
- 1181. [Mataka Residents Association](#)
- 1182. [Moana NZ](#)
- 1183.
- 1184. [Aquaculture NZ and Westpac Mussels Distributors Limited](#)
- 1185. [Aquaculture NZ](#)
- 1186. [Northport Ltd](#)
- 1187. [Northport](#)
- 1188. [Heritage New Zealand](#)
- 1189. [Far North District Council](#)
- 1190. [Riverside Drive Marina](#)
- 1191. [Northport](#)
- 1192. [Refining NZ](#)
- 1193. [Mangawhai Harbour Restoration Society Inc](#)
- 1194. [LaBonte A & R](#)
- 1195. [Refining NZ](#)
- 1196. [Refining NZ](#)
- 1197. [Patuharakeke Te Iwi Trust Board Inc](#)
- 1198. [Refining NZ](#)
- 1199. [New Zealand Defence Force](#)
- 1200. [Royal Forest and Bird Protection Society NZ](#)
- 1201. [Refining NZ](#)
- 1202. [Mangawhai Harbour Restoration Society](#)
- 1203. [CEP Services Matauwhi Limited](#)
- 1204. [Minister of Conservation - new pest management policy applies region wide.](#)
- 1205. [Bay of Islands Maritime Park Inc](#)
- 1206. [Clarification](#)
- 1207. [Haititaimarangai Marae 339 Trust \(Para 34 Pg 12\)](#)
- 1208. [Clarification](#)
- 1209. [Clarification](#)
- 1210. [Clarification](#)
- 1211. [Clarification](#)
- 1212. [Clarification](#)
- 1213. [Clarification](#)
- 1214. [clarification](#)
- 1215. [clarification](#)
- 1216. [Clarification](#)
- 1217. [clarification](#)
- 1218. [consequential Northland Fish and Game](#)
- 1219. [Consequential Dairy NZ](#)
- 1220. [consequential New Zealand Deer Farmers Association](#)
- 1221. [clarification](#)
- 1222. [clarification](#)
- 1223. [Consequential Minister of Conservation](#)
- 1224. [clarification](#)
- 1225. [Federated Farmers](#)
- 1226. [Consequential Federated Farmers](#)
- 1227. [King G](#)
- 1228. [Clarification](#)
- 1229. [Clarification](#)
- 1230. [Clarification](#)
- 1231. [Clarification](#)
- 1232. [clarification](#)
- 1233. [consequential Northland Fish and Game](#)
- 1234. [Consequential Dairy NZ](#)

- 1235. [The earlier date applies if there are two applicable dates](#)
- 1236. [Consequential New Zealand Deer Farmers Association](#)
- 1237. [clarification](#)
- 1238. [Clarification](#)
- 1239. [clarification](#)
- 1240. [Consequential Minister of Conservation](#)
- 1241. [Clarification](#)
- 1242. [Consequential Dairy NZ](#)
- 1243. [clarification](#)
- 1244. [Consequential Federated Farmers](#)
- 1245. [King G](#)
- 1246. [Clarification](#)
- 1247. [Clarification](#)
- 1248. [Clarification](#)
- 1249. [Clarification](#)
- 1250. [Clarification. Note this objective was expressed as Policy D.4.13 in the proposed plan](#)
- 1251. [Minister of Conservation](#)
- 1252. [Clarification](#)
- 1253. [Minister of Conservation](#)
- 1254. [Minister of Conservation](#)
- 1255. [Clarification](#)
- 1256. [Haititaimarangi Marae 339 Trust](#)
- 1257. [CEP Services Matauwhi Ltd](#)
- 1258. [Refining NZ](#)
- 1259. [Horticulture New Zealand](#)
- 1260. [Consequential amendment because of the amendments to clause 4\).](#)
- 1261. [Fonterra](#)
- 1262. [Clarification](#)
- 1263. [This is the same as objective 3.5 in the Regional Policy Statement for Northland](#)
- 1264. [This is the same as objective 3.9 in the Regional Policy Statement for Northland](#)
- 1265. [This is the same as objective 3.12 in the Regional Policy Statement for Northland](#)
- 1266. [This is the same as objective 3.13 in the Regional Policy Statement for Northland](#)
- 1267. [Set out in the relevant Treaty of Waitangi settlement legislation.](#)
- 1268. [Resource Legislation Amendment Act 2017](#)
- 1269. [Fonterra](#)
- 1270. [to persons occupying any part of the common marine and coastal area](#)
- 1271. [Consequential amendment because of the deletion of Rule C.6.2.1](#)
- 1272. [Whangarei District Council](#)
- 1273. [Landcorp Farming Ltd](#)
- 1274. [Whangarei District Council](#)
- 1275. [Consequential amendments because of the amendments to policy D.4.5](#)
- 1276. [Clarification](#)
- 1277. [Horticulture NZ](#)
- 1278. [Clarification](#)
- 1279. [Refining New Zealand](#)
- 1280. [Refining New Zealand](#)
- 1281. [Note that the limits in this appendix were relocated from section D.4 of the plan](#)
- 1282. [Clarification](#)
- 1283. [DairyNZ](#)
- 1284. [Fonterra](#)
- 1285. [DairyNZ](#)
- 1286. [Fonterra](#)
- 1287. [Clarification](#)
- 1288. [Clarification](#)
- 1289. [Clarification](#)
- 1290. [Consequential amendment because of the deletion of clause 1\(a\)](#)
- 1291. [Horticulture New Zealand](#)
- 1292. [DairyNZ](#)
- 1293. [Clements B](#)
- 1294. [Clarification](#)
- 1295. [DairyNZ](#)
- 1296. [Fonterra](#)
- 1297. [Consequential amendment](#)

- 1298. [The Oil Companies](#)
- 1299. [Clairification](#)
- 1300. [Clarification](#)
- 1301. [Motutangi Waiharara Water Group](#)
- 1302. [Clarification](#)
- 1303. [Clarification](#)
- 1304. [Consequential amendment because of the deletion of Clause 1\(a\) in "Allocation limits for rivers"](#)
- 1305. [Consequential amendment](#)
- 1306. [Clarification](#)
- 1307. [Consequential amendment because of the deletion of Clause 1\)a\) in "Allocation limits for rivers"](#)
- 1308. [Consequential amendment](#)
- 1309. [Motutangi Waiharara Water Group](#)
- 1310. [Clarification](#)
- 1311. [Irrigation New Zealand](#)
- 1312. [Clarification - explanatory text from the diagram and wetland definitions](#)
- 1313. [Horticulture New Zealand and Egg Producers of New Zealand.](#)
- 1314. [Bay of Islands Planning Limited](#)
- 1315. [Section 11\(1\) and \(2\).](#)
- 1316. [as allowed by Section 11\(3\) Resource Management \(Marine Pollution\) Regulations, 1998.](#)
- 1317. [Clarifications](#)
- 1318. [Clarifications](#)
- 1319. [Heritage NZ](#)
- 1320. [Paul Champion and Mary de Winton. 2012. Northland Lakes Strategy: Part 1. Prepared for Northland Regional Council. NIWA Client Report No: HAM2012-121.](#)
- 1321. [Ton Snelder. 2016. Defining Freshwater Management Units for Northland: A Recommended Approach. Prepared for Northland Regional Council. LWP Client Report Number: 2015-004.](#)
- 1322. [Susie Osbaldiston. 2016. Refining the Draft River Water Quantity FMUs for Northland. Northland Regional Council.](#)
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- 1324. [Clarification](#)
- 1325. [Clarification](#)
- 1326. [Erosion prone land](#)