

Proposed Regional Plan for Northland

Appeals Version – 29 July 2019



Minor corrections

The following minor corrections have been made to the Proposed Regional Plan – Decisions Version in accordance with Clause 16(2), Schedule 1, the Resource Management Act 1991. Deletions are shown in ~~strike through~~ and additions in underline.

Provision	Correction	Date	Editor						
Definition - “in water cleaning”	Re-insert the definition of “in water cleaning” as follows: <u><i>In water cleaning - the cleaning of a vessel hull below the water level when the boat is afloat.</i></u>	27 May 2019	Ben Lee						
C.1.8(1), C.1.8(6), C.2.1.3(1)	Amend to “Regional Council’s ~~Monitoring~~ <u>Compliance</u> Manager”.	27 May 2019	Ben Lee						
C.2.1.8(3)	Amend Rule C.2.1.8(3)(b) as follows ... “ <u>for a road or railway line, otherwise ...</u> ” Delete “ ~~or railway line~~ ” from Rule C.2.1.8(3)(e)(iii).	27 May 2019	Ben Lee						
Rule C.6.5.1(2)a)	Minor typographical amendment to correct second clause (a).	27 May 2019	Ben Lee						
Rule C.8.5.3(2)	Amend Clause 2) of Rule C.8.5.3 as follows: <u><i>“a permitted activity under Rule C.8.4.2 – Vegetation clearance in riparian areas – permitted activity”. C.8.5.2 – Alteration or decommissioning of a bore – permitted activity”.</i></u>	27 May 2019	Ben Lee						
Policy H.3.3 – Coastal water quality standards	Insert units and compliance metrics for pH as follows: <table><tr><th></th><th>Unit</th><th>Compliance metric</th></tr><tr><td>pH</td><td><u>pH units are dimensionless</u></td><td><u>Annual minimum and annual maximum</u></td></tr></table>		Unit	Compliance metric	pH	<u>pH units are dimensionless</u>	<u>Annual minimum and annual maximum</u>	27 May 2019	Ben Lee
	Unit	Compliance metric							
pH	<u>pH units are dimensionless</u>	<u>Annual minimum and annual maximum</u>							
Policy H.3.4 – Coastal sediment quality guidelines	Coastal sediment quality guidelines are included as <u>Policy H.3.4</u> . These were inadvertently omitted.	27 May 2019	Ben Lee						
Policy D.2.16 – Managing adverse effects on indigenous biodiversity	Amend Policy D.2.16(7)(b) as follows: “... after consideration of the methods in <u>(6)</u> ~~(4)~~ above”.	27 May 2019	Ben Lee						
Extent of Significant Ecological Area (SEA) mapping overlay within Ruakaka estuary	A small area of modified habitat (at 26 Princes Street) was excluded from the Significant Ecological Area overlay within Ruakaka estuary. This has now been amended.	27 May 2019	Ben Lee						

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Purpose of this Document

This document is the Proposed Regional Plan for Northland - Appeals Version.

Its purpose is to illustrate which provisions are subject to appeal.

Pursuant to section 86F of the Resource Management Act 1991, all rules that are not subject to appeal must now be treated as operative.

Karakia

He karakia ki ngā atua
Ko Rangi
Ko Papa
Ka puta
Ko Rongo
Ko Tāne Māhuta
Ko Tangaroa
Ko Tūmataunga
Ko Haumietiketike
Ko Tāwhirimātea
Ko Rūamoko
Tokona te Rangi ki runga
Te Papa ki raro
Ka puta te Ira Tangata
Ki te Whai Ao
Ki te Ao Mārama
E rongo whakairia ake ki runga
Tūturu whakamaua kia tina! Tina! Haumi
e, hui e!
Tāiki e!

A prayer to Māori gods
There is Rangi
There is Papa
Then the birth
Of Rongo
Of Tāne Māhuta
Of Tangaroa
Of Tūmataunga
Of Haumietiketike
Of Tāwhirimātea
Of Rūamoko
Separate the sky above
And the land below
Humanity is born
Into the physical world
The world of light
Let peace be raised back above
Bind us together
Let it be so.

Whakataukī

Toitū te marae a Tane mahuta
Toitū te marae a Tangaroa
Toitū te tangata

If the land is well
If the sea is well
The people will thrive

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 kia poroporoaki ki a rātou. Āpiti hono, tātai hono, te hunga mate ki te whenua; āpiti hono, tātai 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 mō Te Tai Tokerau (te Mahere) i whakaputaina e te Kaunihera ā 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.

Ko tēnei whakataukī 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 mō ake tonu atu.

Tēnā koutou, tēnā koutou, tēnā 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.

Papatūānuku 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.

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 forever.

Greetings to you, greetings to us all.

A Introduction | Tīmatanga 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. It contains very little optional content such as issues, explanations, methods (other than rules) and assessment criteria.

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.

The 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 Plan.

B Definitions | Whakamāramatanga

Definitions have the same meaning in the singular and plural. The words in this Plan have the same meaning as in the Resource Management Act 1991, unless otherwise defined in this Plan.

<i>Abrasive blasting</i>	The cleaning, smoothing, roughening, cutting or removing of part of the surface of any article using 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.
<i>Adaptive management</i> ¹	A means of managing activities whose effects are uncertain and the outcome of methods to avoid, remedy or mitigate those effects is also uncertain; primarily through the setting of consent conditions that enable activities to be managed in response to monitoring of the effects of the activity.
<i>Addition (in relation to a Historic Heritage Site)</i>	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, rooves and 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>	A device, system or service, external to vessels , designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic.
<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 or fauna, including agricultural compounds, 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 excluding fertilisers , vertebrate toxic agents and oral nutrition compounds.
<i>Alteration (in relation to a Historic Heritage Site)</i>	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 rooves, either internally or externally, and includes any sign attached to the structure or building and seismic upgrading . It does not include Historic Heritage Site repair or maintenance .
<i>Ambient air quality</i>	The general quality of the surrounding air, reflecting the cumulative effect of all existing activities, both anthropogenic and natural.
<i>Anchoring</i>	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 .

¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

<i>Anti-fouling</i>	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.
<i>Archaeological site</i>	A place in New Zealand (including a building, structure or shipwreck) 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. Notes: 1) 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). 2) Installing signs on or into pre-1900 built heritage sites may require an authority from Heritage New Zealand. 19th Century buildings and structures above and below ground are archaeological sites and may also require an authority depending upon the nature of the works proposed.
<i>Artificial watercourse</i>	A man-made channel constructed in or over land for carrying water and includes an irrigation canal, roadside drains and water tables, 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, stream or natural wetland .
<i>Aupouri Aquifer management unit</i>	A groundwater quantity management unit. Note: The management unit is depicted in I Maps / Ngā mahere matawhenua.
<i>Authorised</i>	Expressly allowed by a: 1) national environmental standard or other regulations, 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.
<i>Bank full edge</i>	The highest point at which a river can rise without overtopping the bank.
<i>Beach scraping</i>	The transfer of 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.
<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.
<i>Biogenic habitat</i>	Habitat on the seabed created by the physical structure of living or dead organisms, or by their interactions with the seabed.
<i>Biosolid</i>	A sewage or sewage sludge derived from a sewage treatment plant that has been treated 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 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.
<i>Cleanfill material</i>	Natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of: 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. It does not include the placement of overburden material as part of any quarrying activity.
<i>Coastal aquifer</i>	A groundwater quantity management unit. Note: <i>The management unit is depicted in 'I Maps Ngā mahere matawhenua'.</i>
<i>Coastal riparian and foredune management area</i>	Coastal riparian and foredune management area is: 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>	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 or shape; and/or the planting of appropriate indigenous plant species. It does not include beach scraping (as defined in the plan) or works involving hard protection structures.
<i>Coastal river</i>	A river in the coastal river water quantity management unit. Note: <i>The management unit is depicted in 'I Maps Ngā mahere matawhenua'.</i>
<i>Compost</i>	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).

<i>Composting operation</i>	Any activity undertaken to produce compost.
<i>Conspicuous change in colour or visual clarity</i>	Means more than a 40 percent 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 percent reduction in the colour or visual clarity.
<i>Constructed wetland²</i>	A wetland developed deliberately by artificial means or constructed on a site where: 1) a wetland has not occurred naturally previously, or 2) a wetland has been previously constructed legally. This does not include induced wetland, reverted wetland or wetland created for conservation purposes. 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 also not constructed wetlands or natural wetlands. Notes: 1) A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges. 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) 3) "Constructed wetland" is the same as "man-made wetland" in the Regional Policy Statement. 4) The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website. 5) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships.
<i>Contaminants of concern</i>	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.
<i>Contractor (in relation to agrichemical application)</i>	Any person or organisation that, by agreement with the owner, occupier or manager of any land, applies or causes to be applied any agrchemical in an agricultural, horticultural or related situation for hire or reward. It does not include an employee of an owner, occupier or manager (whether a person or company).
<i>Core local infrastructure</i>	District parks and reserves, network infrastructure and public roads maintained by local authorities.
<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.

² Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

<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: 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 in the case of a dam not across a river, from the lowest elevation at the outside limit of the dam .
<i>Deep soakage system</i>	A hole excavated to use 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.
<i>Deposition of material for beneficial purposes</i>	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: 1) beach replenishment or renourishment, or 2) environmental or ecological enhancement, or 3) restoration or enhancement of natural coastal defences from coastal hazards. It excludes: 1) deposition of dredged material or solid matter for reclamation purposes, and 2) dumping (deliberate disposal) of waste or other matter, and 3) creation of hard protection structures .
<i>Dewatering</i>	The removal of groundwater from an excavation that has perforated below the groundwater table.
<i>Demolition (in relation to a Historic Heritage Site)</i>	To damage and demolish a building or structure resulting in complete or significant loss of heritage form and fabric. Note: <i>The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute demolition or partial demolition.</i>
<i>Domestic type wastewater</i>	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
<i>Dune lake with outstanding or high ecological value</i>	The following dune lakes are classified as having outstanding or high ecological values: Aupōuri Peninsula 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 Karikari Peninsula 11) Waiporohita Kai Iwi Lakes and North Dargaville 12) Waikare 13) Taharoa 14) Kai-Iwi Poutō Peninsula 15) Karaka 16) Humuhumu 17) Mokeno 18) Rotokawau 19) Kanono 20) Kahuparere Note: <i>For information on the lakes and their rankings see Champion, P., and de Winton, M., 2012. Northland Lakes Strategy. Prepared for Northland Regional Council. NIWA Client Report No: HAM2012-121.</i>
<i>Dust-sensitive area</i>	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, crops and commercial growing areas, and 6) water bodies used for the supply of drinking water and for stock drinking, and 7) apiaries, and 8) natural wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional Policy Statement for Northland on land
<i>Earth</i>	Any matter constituting the land, such as soil, clay, sand, or rock.
<i>Earthworks³</i>	The mechanical disturbance of earth by excavation, cutting and filling, blading, ripping, contouring, quarrying or placing or replacing earth or cleanfill material, but does not include: 1) construction, repair, alteration or maintenance of bores, or

³ Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) Federated Farmers of New Zealand ENV-2019-AKL-000114
iii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

	2) the maintenance of walking and other recreational tracks and farm tracks, or 3) the placement of roading aggregates during road and track works, or 4) directional drilling, boring or thrusting up to 250mm diameter, or 5) digging post holes, or 6) planting trees.
<i>Effectively excluded</i>	Effectively barred from access to the beds of lakes and rivers, drains, natural wetlands , and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence (including a single polymer wire fence), or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood-prone areas.
<i>Effluent</i>	Liquid waste or liquid containing waste solids. Note: <i>In this plan, the term is used interchangeably with wastewater.</i>
<i>Ephemeral river or stream</i>	Reaches with a natural bed level 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 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 and meets the requirements of H.2 Erosion Control Plans. For the purposes of preparing Erosion Control Plans, “suitably qualified professional” means a person who: 1) has at least five years’ experience in the management of pastoral, horticultural or arable farm systems, and 2) has completed advanced training or has tertiary qualifications in soil conservation, soil science or sediment management, or 3) is a Northland Regional Council Land Management Advisor.
<i>Erosion-prone land</i>	Land defined as Land Use Capability (LUC) units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1. The LUC units are generally depicted in the New Zealand Land Resource Inventory (NZLRI) and are also shown in ‘ 1 Maps Ngā mahere matawhenua ’.
<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 .
<i>Farm wastewater storage facilities</i>	Facilities, including ponds and tanks, for storing or treating farm wastewater , but not including sumps, milk vats, feed storage bins, vats or silos, or storage vessels for cleaning products.

<i>Fertiliser</i>	A substance or biological compound or mix of substances or biological compounds that is suitable for sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of: 1) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients, 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. It does not include substances that are plant growth regulators that modify the physiological functions of plants.
<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 in or out of a water body or artificial watercourse .
<i>Flood hazard area</i>	Land that has a one percent chance in any year of being inundated due to high river flows. Note: <i>In catchments where the spatial extent of these areas has 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>
<i>Functional need^{4,5}</i>	When an activity or network (including structures) is dependent on a particular location to operate, or is required to traverse, locate or operate in a particular environment due to its technical or operational requirements. Note: <i>This excludes dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</i>
<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.
<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.
<i>Greywater</i>	Domestic type wastewater from a kitchen, bath, shower, laundry, sink, other than toilet or urinal wastes. Also termed 'sullage'.
<i>Ground-based spraying</i>	Any method of spray application using ground-based equipment, but excluding hand-held spraying equipment.

⁴ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107 submitter also requests a new definition for 'operational need'.

⁵ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

<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.
<i>Hard protection structure</i>	A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure that has the primary purpose of protecting an activity from a coastal hazard, including erosion.
<i>High-risk coastal hazard area</i>	Land that has been assessed (and mapped) as being at a 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 percent chance that coastal erosion will reach the landward extent of the setback line by 2065. For coastal inundation, the high-risk coastal hazard area is based on a two percent annual exceedance probability event for the year 2065. Notes: 1) <i>This land is commonly referred to as a 'Coastal Hazard 1 Zone' in district plans.</i> 2) <i>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.</i>
<i>High-risk industrial or trade premises⁶</i>	An industrial or trade premise used for any of the following purposes and that stores, uses or generates hazardous substances on-site that are exposed to rain and can be entrained in stormwater, including: 1) boat construction and maintenance, and 2) port activities including dry docks, and 3) commercial cement, concrete or lime manufacturing or storage, and 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, and 5) fertiliser manufacture or bulk storage, and 6) storage of hazardous wastes including waste dumps or dam tailings associated with mining activities, and 7) petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, but excludes service stations, truck stops and refuelling facilities that comply with: Ministry for the Environment. 1998. <i>Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand</i>, and 8) scrap yards including automotive dismantling, wrecking or scrap metal yards, and 9) wood treatment or preservation (including the commercial use of anti-sapstain chemicals during milling), or bulk storage of treated timber.

⁶ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

<i>High-risk flood hazard area</i>	Land where there is at least a 10 percent chance of river flooding occurring annually. Note: <i>Within catchments where the spatial extent of these areas has 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>
<i>High sediment yielding land</i>	Land in the Doubtless Bay, Waitangi, Mangere and Whangārei Harbour catchments identified as having high sediment yield as shown in 'I Maps Ngā mahere matawhenua'. The thresholds for high sediment yielding land are: land that has an estimated sediment annual average yield of 250 tonnes / km² / year or more in the Waitangi, Mangere and Whangārei Harbour catchments and 500 tonnes / km² / year or more in the Doubtless Bay catchment.
<i>Historic Heritage Area</i>	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'. Note: <i>Historic heritage areas may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.</i>
<i>Historic Heritage Site</i>	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'. Note: <i>Historic heritage sites may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.</i>
<i>Horticulture wastewater</i>	Wastewater from vegetable washing and greenhouses which may include sediment and residues from the activity, but does not include animal effluent or animal products.
<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 and niche areas</i>	The immersed surfaces of a vessel including areas on a vessel or movable structure more susceptible to biofouling accumulation due to different hydrodynamic forces, susceptibility to anti-fouling coating wear or damage or absence of anti-fouling 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.
<i>Impervious area</i>	An area with a surface that prevents or significantly retards the soakage of water into the ground, and includes: 1) rooves, and 2) paved areas and sealed or compacted parking areas or patios, and 3) sealed or compacted metal roads and driveways, and 4) layers engineered to be impervious, such as compacted clay.

	Impervious areas do not include: 1) grass and bush areas, and 2) gardens and other vegetated areas, and 3) porous or permeable paving and living rooves, and 4) permeable artificial surfaces, fields or lawns, and slatted decks.
<i>Incineration device</i>	A device made from non-combustible materials designed to burn waste that: 1) contains all embers and sparks, and 2) has a grate and lid or spark arrestor, and 3) is not used to generate energy.
<i>Indigenous dune vegetation</i>	Indigenous vegetation that grows naturally in dune systems. Note: <i>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; pohuehue; sand coprosma; sand daphne; speckled sedge; wiwi – knobby club rush; oioi – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and tī kōuka – cabbage tree.</i>
<i>Indigenous vegetation</i>	Vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance.
<i>Induced wetlands</i> ⁷	Wetlands that have formed naturally where wetlands did not previously exist, as a result of human activities, such as construction of roads and railways bunds. Does not include a constructed wetland. Notes: 1) Induced wetlands are a type of natural wetland. 2) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships
<i>Industrial or trade wastewater</i> ⁸	Wastewater containing contaminants from an industrial or trade process.
<i>In-stream</i>	Located in the bed of a continually or intermittently flowing river or lake.
<i>Intermittently flowing river or stream</i>	A river that is naturally dry at certain times of the year and has two or more of the following characteristics: 1) it has natural pools, and 2) it has a well-defined channel, such that the bed and banks can be distinguished, and 3) it contains surface water more than 48 hours after a rain event which results in river flow, and 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.

⁷ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

⁸ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

<i>In-water cleaning</i>	The cleaning of a vessel hull below the water level when the boat is afloat.
<i>Land drainage</i>	The activity of lowering the water level in the soil to achieve productive land use and 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>Landfill</i>	Class 1, 2, 3 and 4 landfills as defined in <i>Waste Management Institute of New Zealand, 2018. Technical guidelines for the disposal to land of residual waste and other material</i> .
<i>Land preparation</i> ⁹	The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. It 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. Note: <i>The management unit is depicted in 'I Maps Ngā mahere matawhenua'.</i>
<i>Leachate</i>	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).
<i>Light fouling</i>	A slime layer , and any extent of barnacles and small patches (up to 100mm in diameter) of visible macrofouling totalling less than five percent of the normally wetted hull and niche areas .
<i>Livestock (where used in livestock exclusion provisions in this Plan)</i>	Dairy cows, dairy support cattle , beef cattle, pigs, and deer.
<i>Livestock crossing point</i>	A location where livestock cross a water body or artificial watercourse as part of normal farming operations. The entry and exit points are not more than five metres wide.
<i>Macrofouling</i>	Biofouling with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.
<i>Mahinga kai</i>	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: <i>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.</i>

⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

<i>Maintenance (in relation to a Historic Heritage Site)</i>	Means the ongoing protective care of a place. It does not include seismic upgrading .
<i>Maintenance dredging</i>	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.
<i>Marae-based aquaculture</i>	Aquaculture with the following attributes: 1) the purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae, and 2) the farmed kaimoana is not for sale, and 3) the area of occupation is no more than one hectare per marae, and 4) the area of occupation is within the area traditionally harvested by the marae. Sale includes: 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. Note: <i>The organisations entitled to hold coastal permits for marae-based aquaculture are:</i> 1) <i>a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or</i> 2) <i>a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004).</i>
<i>Marine pest</i>	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. Note: <i>Marine pests are sometimes referred to as invasive aquatic species or harmful aquatic organisms.</i>

<i>Mataitai</i>	As defined in the Fisheries (Kaimoana Customary Fishing) Regulations 1998.
<i>Mātauranga Māori</i>	The knowledge, comprehension or understanding of everything visible or invisible that exists across the universe. Note: <i>In a modern context it can include Māori research, science and technology principles and practices.</i>
<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>	The flow in a river that is equal to or exceeded half the time over the period of analysis.
<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>	See Appendix H.4 Environmental flows and levels .
<i>Minimum level</i>	See Appendix H.4 Environmental flows and levels .
<i>Mooring</i>	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: 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. For the purposes of this plan, moorings only include swing moorings, pile moorings and trot moorings.
<i>Natural bed level</i>	The lowest vertical point on a river bed at a particular location.
<i>Natural wetland¹⁰</i>	Any wetland including an induced wetland and a reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include: 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. Notes: 1) <i>The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website.</i> 2) <i>The relationship between the various types of wetlands is shown in Appendix H.6 Wetland definitions relationships.</i>

¹⁰Appeal to Environment Court by

- i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- ii) Federated Farmers of New Zealand ENV-2019-AKL-000114
- iii) Horticulture New Zealand ENV-2019-AKL-000116

<i>Noise sensitive activity</i>	Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care facility, care centre, lecture theatre in a tertiary education facility, classroom in an education facility, and a healthcare facility with an overnight stay facility.
<i>Non-consumptive take</i>	A take where: 1) water is used but not taken from a water body, or 2) water is taken from a water body and the same volume, minus any water lost by evaporation, is returned: 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 occurs, and b) at the same time or within a timeframe as near as practicable to when the take is operating.
<i>Obstructions</i>	Includes trees, plants, earth , stone, timber, and material of all kinds.
<i>Odour sensitive area</i>	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>	Not located in: 1) an intermittently flowing or permanent river, or 2) lake.
<i>Oil contaminants</i>	Petroleum-based contaminants which have the potential to contaminate water.
<i>Other aquifer</i>	A groundwater quantity management unit. Note: <i>The management unit is depicted in 'I Maps Ngā mahere matawhenua'.</i>
<i>Other property</i>	1) Any 2) Land or buildings, or part of any land or buildings, that are: a) not held under the same allotment, or b) not held under the same ownership or management, and 3) Includes a road.
<i>Outdoor burning</i>	Burning that takes place outside a building or fully enclosed indoor area including in an incineration device .
<i>Outstanding freshwater body</i>	Has the same meaning as in the National Policy Statement for Freshwater Management. Note: <i>Outstanding freshwater bodies in Northland are depicted in 'I Maps Ngā mahere matawhenua'.</i>
<i>Outstanding lake</i>	Is a type of outstanding freshwater body .

<i>Outstanding river</i>	Is a type of outstanding freshwater body .
<i>Overland flow path</i>	The path taken by surface stormwater crossing a property comprising low points in the terrain (not including rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.
<i>Partial demolition (in relation to a Historic Heritage Site)</i>	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: <i>The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute demolition or partial demolition.</i>
<i>Passive discharge¹¹</i>	The movement of contaminants from contaminated land that are entrained in soil or groundwater through groundwater or surface water movement or the movement of soil gas vapour.
<i>Pastoral land use</i>	Land in pastoral cover including isolated trees, but excluding forested areas which achieve 100 percent canopy closure or other woody vegetation which prevents pastoral growth.
<i>Pest or Pest organism</i>	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 2) any organism listed in the Northland Regional Pest Management Plan, and 3) any organism listed in the Unwanted Organisms Register held by the Ministry for Primary Industries, and 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.
<i>Potentially contaminated land</i>	Land on which either: 1) 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, or 2) an activity or industry described in the HAIL has been undertaken.
<i>Poultry hatchery</i>	A commercial operation where eggs are incubated and hatched in a controlled environment.

¹¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

<i>Primary production</i>	Any agricultural, pastoral, horticultural, forestry or aquaculture activities undertaken for the purpose of commercial gain or exchange, and 1) includes any land and auxiliary buildings used for the production of the products that result from the listed activities, but 2) does not include processing of those products.
<i>Primary treatment</i>	The first stage of wastewater treatment involving the removal of a proportion of floatable and settleable solids and oils and grease.
<i>Property</i>	One or more allotments contained in a single certificate of title. Also includes all adjoining land under the same ownership or management but contained in separate certificates of title.
<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 the public has unrestricted access), but excludes a road or rail reserve and any nature reserve, scientific reserve, or wildlife management area which require access permits.
<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 conveying, diverting, storing, treating, or discharging stormwater .
<i>Quarrying¹²</i>	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>	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: 1) land that has risen 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 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>	1) Anything disposed of or discarded, and 2) defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and 3) any component or element of diverted material, if the component or element is disposed of or discarded.

¹² Appeal to Environment Court by
i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) Federated Farmers of New Zealand ENV-2019-AKL-000114
iii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

<i>Regionally significant infrastructure</i> ¹³	Note: See Appendix 3 of the Regional Policy Statement for Northland for a list of identified <i>regionally significant infrastructure</i>. <i>Regionally significant infrastructure</i> extends to the site-related components that enable the asset to function.
<i>Registered drinking water supply</i>	Has the same meaning as in the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
<i>Repair (in relation to a Historic Heritage Site)</i>	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 <i>seismic upgrading</i> .
<i>Reservoir capacity</i>	The maximum volume of water that can be held by a <i>dam</i> using the <i>dam crest</i> level as the maximum height of the <i>dam</i>. Note: For advice on <i>reservoir capacity</i> calculations, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD.
<i>Reverted wetland</i>	A <i>wetland</i> that has reverted back to its natural state over time. Does not include a <i>constructed wetland</i>. Notes: 1) A reverted <i>wetland</i> has not been purposefully constructed by mechanical change to hydrological conditions. <i>Reverted wetlands</i> are a type of <i>natural wetland</i>. 2) The relationship between the various types of <i>wetlands</i> is shown in <i>Appendix H.6 Wetland definitions relationships</i>.
<i>Root stock survival water</i>	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.
<i>Secondary containment system</i>	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 <i>stormwater</i> discharges.
<i>Secondary treatment</i>	The further treatment of primary treated <i>wastewater</i> involving anaerobic or aerobic biological or chemical or physical treatment to remove the bulk of organic contaminants.
<i>Seismic upgrading</i>	Means structural works required to meet relevant earthquake prone buildings legislation and related Council policy.
<i>Seven-day mean annual low flow (MALF)</i>	The mean of the lowest average flow for any consecutive seven-day period for each year of record.
<i>Sewage holding tank</i>	A permanently fixed on-board sewage system which is: 1) constructed in impermeable materials, and 2) plumbed to a toilet, and 3) incorporates a sewage tank with a discharge outlet.

¹³ Appeal to Environment Court by Top Energy Ltd ENV-2019-AKL-000125

Significant wetland¹⁴	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 wetlands comprising indigenous vegetation exceeding any of the following area thresholds: 1) saltmarsh greater than 0.5 hectare in area, or 2) lake margins and river beds with shallow water 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) wet heathland (including gumland and ironstone heathland) greater than 0.2 hectare in area, or 6) marsh, fen, ephemeral wetland or seepage greater than 0.05 hectares in area. Notes: 1) If there is any doubt over wetland extent use: Clarkson, B. R., 2013. A vegetation tool for wetland delineation in New Zealand. Prepared by Landcare Research for Meridian Energy Limited. 2) 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. 3) The relationship between the various types of wetlands is shown in Appendix H.6 Wetland definitions relationships.
Slime layer	See microfouling .
Small river	A river in the small river water quantity management unit. Note: The management unit is depicted in I Maps Ngā mahere matawhenua.
Smoke-sensitive area	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.
Spray-sensitive area¹⁵	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, crops and commercial growing areas, and

¹⁴ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

¹⁵ Appeal to Environment Court by Horticulture New Zealand ENV-2019-AKL-000116

	7) water bodies used for the supply of drinking water and for stock drinking, and 8) wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional Policy Statement for Northland, and 9) apiaries.
<i>Suitably qualified and experienced practitioner (SQEP) (in rules relating to contaminated land)</i>	A senior or principal scientist or engineer, with a relevant tertiary qualification and at least 10 years of contaminated land experience or holding a current Site Contamination Specialist certification under the Certified Environmental Practitioner Scheme.
<i>Stabilised (in rules for earthworks)</i>	Soil or earth that is protected or reinforced by measures such as vegetative or structural practices so that it is resistant to erosion, or that is naturally stable, for example, rock faces.
<i>Stormwater</i>	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.
<i>Stormwater collection system</i>	Any system designed to capture rainfall and to reticulate it within or beyond a site. This includes stormwater pipes, open channels, devices and associated ancillary structures used for conveying, diverting, storing, treating, or discharging stormwater. It does not include land drainage (as defined in this Plan).
<i>Stormwater treatment system</i>	A system that is specifically designed to reduce concentrations of contaminants in stormwater, prior to its discharge.
<i>Structure (in rules for activities in the coastal marine area)¹⁶</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.
<i>Surface water</i>	All water, flowing or not, above the ground. It includes water in a 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.
<i>Swing mooring</i>	A mooring that allows the secured vessel to swing 360 degrees around the mooring under the influence of wind and tide.
<i>Tāiapure</i>	As defined in the Fisheries Act 1996.
<i>Taonga</i>	Treasure or property that are prized and protected as sacred possessions of iwi, hapū or whanau. 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.

¹⁶ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

<i>Temporary military training</i>	A temporary training activity undertaken for defence purposes. Note: <i>Defence purposes are those carried out in accordance with the Defence Act 1990.</i>
<i>Tertiary treatment</i>	Further treatment of secondary treated wastewater to remove contaminants such as nutrients, organic matter, and micro-organisms. Note: <i>Tertiary treatment can involve processes such as adsorption, absorption, filtration, and disinfection.</i>
<i>Tikanga Māori</i>	Defined in the RMA as “Māori customary values and practices”. Note: <i>Tikanga can be described as lore, custom, or practices 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.</i>
<i>Urban area</i>	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 not include an area zoned primarily for rural or rural-residential activities, however described.
<i>Vegetation clearance¹⁷</i>	The cutting, burning, crushing, removal or destruction of vegetation, but does not include clearing: 1) hedges and amenity plants, or 2) vegetation along fences and around dams and ponds, or 3) vegetation around network utilities, or 4) vegetation alongside roads and tracks, or 5) 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.
<i>Vertebrate toxic agent</i>	Trade name products used to kill, control, or limit the viability of vertebrate pests such as rabbits and possums. Includes products that have a negative effect on reproduction, but it does not include attractant or repellent substances that are not toxic.
<i>Vessel¹⁸</i>	Every description of boat or craft, regardless of whether it has any means of propulsion, and includes but is not limited to: 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, and 4) a submarine or other submersible.
<i>Wāhi tapu</i>	A sacred site.

¹⁷ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Federated Farmers of New Zealand ENV-2019-AKL-000114

¹⁸ Appeal to Environment Court by Yachting NZ Inc ENV-2019-AKL-000118

	Note: <i>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.</i>
Wastewater	Liquid waste and liquids containing waste solids.
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.
Waste Transfer Station	Collection and temporary storage point for refuse prior to disposal at a landfill .
Wet abrasive blasting	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.
Wetland	Includes permanently or intermittently wet areas, shallow water and land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions. Notes: 1) See also: Constructed wetland, Induced wetland, Natural wetland, Reverted wetland, and Significant wetland. 2) Wet heathlands (including gumland and ironstone heathlands) are wetlands because 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 Appendix H.6 Wetland definitions relationships
Wetland enhancement ¹⁹	Action likely to increase the area or function of a natural wetland where there is either: 1) a net gain of ecological values, or 2) no net loss in ecological values and benefits to either water quality or hydrological flows.
Zone of reasonable mixing	For the purpose of a discharge of a contaminant permitted by a rule in this Plan: 1) in relation to flowing surface water bodies, a distance downstream of the point of discharge that is the lesser of: 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) in relation to a lake, wetland or coastal water, a distance 20 metres from the point of discharge.

¹⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

	For the purpose of a discharge of a tracer permitted by Rule C.6.9.2, the zone of reasonable mixing is the extent of the waters for which the tracer is used to define. 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.4.4 Zone of reasonable mixing.

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 an activity can be undertaken without a resource consent (a permitted activity) or whether it requires a resource consent. The rules may also make some activities prohibited, which means a resource consent application cannot be applied for (that is, the activity cannot be done). An activity needs to comply with all relevant rules in the Regional Plan, unless a rule 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 (regardless of whether they are 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 activity, this Plan was, where practicable, written to provide for '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 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 earthworks and a discharge permit (Section 15) for associated discharges.

The rules are drafted as follows:

- All rules include a section *"For the avoidance of doubt this rule covers the following RMA activities"*. It lists all the activities and the relevant sections of Part 3 of the RMA covered by the rule.
- The title of the rule is a summary of the primary activity covered by the rule.
- The introductory text (or chapeau) of each rule refers to the primary activity and any associated activities. Associated activities are ongoing and arise as a result of the primary activity. For example, the discharge of wastewater to land is the primary activity and discharge of odour is the associated activity.
- Incidental activities are not referred to in the introductory text (or chapeau) of each rule. Incidental activities are minor unavoidable temporary activities that may occur as a result of the primary activity (for example, the disturbance of the seabed as a result of building a jetty).
- All activities (primary, associated and incidental) are listed in each section *"For the avoidance of doubt this rule covers the following RMA activities"*. If an activity is not listed then the rule does not cover that activity (whether a primary, associated or incidental activity).

From time to time, central government makes regulations. These must be read in conjunction with the Plan provisions because the regulations are generally, unless stated otherwise, 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, and
- 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

Words defined in section [B Definitions | Whakamāramatanga](#) are written in teal font and look like this - [example](#).

National Environmental Standards

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. 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 a NES, it requires a resource consent. NESs are enforced by local authorities.

National Environmental Standard	Details on which rules are more lenient or stringent than the NES
<i>Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ)</i>	A rule in this Plan prevails over a standard in the NES-AQ if it is more stringent than a standard.
<i>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA)</i>	No rules in this Plan prevail over a standard in the NES-ETA.
<i>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF)</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: • Rules regulating 'afforestation' in the Poutō Forestry Restriction Area (Rule E.3.2.2), and • Rules regulating 'afforestation' within 20m of outstanding Poutō Lakes (Rule E.3.2.3).
<i>Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-SHDW)</i>	A rule in this Plan prevails over a standard in the NES-SHDW if it is more stringent than a standard.

National Environmental Standard	Details on which rules are more lenient or stringent than the NES
<i>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF)</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: • Rules regulating specific telecommunication facilities in, on or over rivers and lakes (Rules C.2.1.4, C.2.1.7, C.2.1.8, C.2.1.10, C.2.1.11, C.2.1.13, C.2.2.2, C.2.2.4 and C.2.2.5), and • Rules regulating earthworks associated with specific telecommunication facilities (Rules: C.8.3.1, C.8.3.2 and C.8.3.4).

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.

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C.1.1 General Structures

Note:

The rules in this section do not apply to [moorings](#) (refer [C.1.2 Moorings and anchorage](#)) or aquaculture activities (refer [C.1.3 Aquaculture](#)).

C.1.1.1 Existing structures – permitted activity²⁰

The occupation of the common marine and coastal area by the following [structures](#) that:

1) existed at 30 June 2004, or

2) were previously [authorised](#), or

are permitted activities:

3) outlet pipes, and

4) road and railway culverts, and

5) bridges, and

6) aerial and submarine electricity line and telecommunications line [structures](#), including any support [structures](#), and

7) suspended and submarine pipelines, and

8) jetties up to 10 square metres in area, and

9) [hard protection structures](#) in the coastal marine area within enclosed waters ([I Maps | Ngā mahere matawhenua](#)), and

10) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and

11) dinghy skids used solely for private boat launching and retrieval, and

12) steps, and

13) wharves, jetties, boat ramps, concrete spillways and [mooring](#) dolphins in the Coastal Commercial Zone and Marsden Point Port Zone, and

14) non-habitable buildings and [structures](#) on and attached to wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone

provided:

15) the [structure](#) complies with all relevant conditions of [C.1.8 Coastal works general conditions](#), and

16) the [structure](#) is not within a Marina Zone, and

17) the [structure](#) owner can provide, if requested by the Regional Council:

a) clear written or photographic evidence the [structure](#) existed at 30 June 2004, or

b) a copy of the necessary authorisation(s) for the [structure](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).

²⁰ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

C.1.1.2 Minor structures in a Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity²¹

The erection, placement, alteration or extension of a [structure](#) in a Coastal Commercial Zone, Marsden Point Port Zone or the Whangārei City Centre Marine Zone, and any occupation of the common marine and coastal area by the [structure](#), are permitted activities, provided the structure:

- 1) is not an aquaculture activity, and
- 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 all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a [structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).

C.1.1.3 Temporary coastal structure – permitted activity

The erection, placement, alteration or extension of a [temporary coastal structure](#) in the coastal marine area and any occupation of the common marine and coastal area by the [structure](#) are permitted activities, provided:

- 1) the [temporary coastal structure](#) is not an aquaculture activity, and
- 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](#) does not exceed an area of 10 square metres (excluding any anchor(s) and anchor line(s) and any [structure](#) being used for construction, repair or maintenance purposes), and
- 4) the [temporary coastal structure](#) does not exceed a two metre vertical projection above mean high water springs or the foreshore (excluding any [structure](#) being used for construction or maintenance purposes), and
- 5) the [temporary coastal structure](#) 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](#), the [temporary coastal structure](#) 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, and

²¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 7) the [temporary coastal structure](#) is removed within seven days of the completion of the event or use, and
- 8) the [temporary coastal structure](#) does not prevent existing public access to and along the foreshore, and
- 9) the [temporary coastal structure](#) is not in a mapped Site or Area of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)), and
- 10) all relevant conditions of [C.1.8 Coastal works general conditions](#) are complied with.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a [structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).²²

C.1.1.4 Aids to navigation – permitted activity

The erection, placement, alteration or extension of an [aid to navigation structure](#) in the coastal marine area and any occupation of the common marine and coastal area by the [structure](#) are permitted activities, provided:

- 1) it is owned and operated by:
 - a) the Regional Council or its agents, or
 - b) Northport, or
 - c) Refining NZ, or
 - d) Maritime New Zealand or its agents, and
- 2) it 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 all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a [structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).²³

C.1.1.5 Signs – permitted activity²⁴

The erection, placement, alteration or extension of a sign (including cable markers on the seafloor) in the coastal marine area and any occupation of the common marine and coastal area by the sign, placed:

- 1) by a central or local government agency (or their agent) directly relating to information or safety matters concerning the coastal marine area, or

²² Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²³ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²⁴ Appeal to Environment Court by i) Top Energy Ltd ENV-2019-AKL-000125
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 2) to fulfil a regulatory or legislative requirement, or
- 3) by the operator of a 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
- 4) on the exterior of an [authorised structure](#) and the sign relates directly to goods, services or facilities operated at or on the [structure](#),

are permitted activities, provided:

- 5) the activities comply with all relevant conditions of [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
 - 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a sign in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a sign (s12(2)).

C.1.1.6 Monitoring and sampling equipment – permitted activity²⁵

The erection, placement, alteration or extension of monitoring or sampling equipment in the coastal marine area and any occupation of the common marine and coastal area by the equipment are permitted activities provided:

- 1) it is not an aquaculture activity, and
- 2) it is not located in a mapped (refer [I Maps](#) | [Ngā mahere matawhenua](#)) Regionally Significant Anchorage, and
- 3) the monitoring or sampling equipment does not exceed a two metre vertical projection above mean high water springs or the foreshore, and
- 4) the monitoring or sampling equipment 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
- 5) the monitoring or sampling equipment does not obstruct access over water to, or the use of, any wharf, landing place, boat ramp, slipway, navigational channel or [mooring](#), and

²⁵ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Yachting NZ Inc ENV-2019-AKL-000118

- 6) the monitoring or sampling equipment does not prevent public access to and along the foreshore, and
- 7) any surface buoys are clearly labelled with the owner's name, and
- 8) 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
- 9) all relevant conditions of C.1.8 Coastal works general conditions are complied with, and
- 10) 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 includes:
 - a) location details of proposed deployment(s), and
 - b) proposed date(s) and approximate time(s) of deployment, scheduled maintenance and retrieval, and
 - c) an image and description of the type of equipment to be deployed and its purpose, and
 - d) details of who is responsible for the deployment.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of monitoring or sampling equipment in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with monitoring or sampling equipment (s12(2)).

C.1.1.7 Reconstruction, replacement, maintenance or repair of a structure – permitted activity ²⁶

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

- 1) the structure is authorised, and
- 2) there is no increase in the authorised structure's footprint, other than that resulting from routine maintenance or repair activities, and
- 3) there is no change to the authorised location of the structure, and
- 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 must 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:
 - a) changes to the existing surface treatment of fabric,²⁷ painting of any previously unpainted surface, or the rendering of any previously unrendered²⁸ surface, or
 - b) the use of abrasive or high-pressure cleaning methods, such as sand or water blasting, or
 - c) the affixing of scaffolding to the building or structure, or

²⁶ Appeal to Environment Court by i) Top Energy Ltd ENV-2019-AKL-000125
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²⁷ Fabric refers to doors, windows, and exterior walls and surfaces of a building or structure.

²⁸ Rendering generally refers to the application of plastering material.

- d) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure, or
 - e) the use of materials in the fabric other than those that are the same as the original or their closest equivalent, or
 - f) disturbance of the foreshore or seabed where there is a registered [archaeological site](#) and no archaeological authority has been granted, and
- 6) the reconstruction, replacement, maintenance or repair complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Reconstruction, replacement, maintenance or repair of [structures](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

C.1.1.8 Maintenance, repair or removal of hard protection structures – permitted activity

The maintenance, repair or removal of a [hard protection structure](#) is a permitted activity, provided:

- 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](#), and
- 2) the maintenance, repair or removal complies with all relevant conditions of [C.1.8 Coastal works general conditions](#), and
- 3) there is no increase in length, width, or height of the [structure](#), other than to provide for the settlement of earthen stopbanks, and
- 4) the [hard protection structure](#) is [authorised](#) (unless the [hard protection structure](#) is being removed).

For the avoidance of doubt this rule covers the following RMA activities:

- Maintenance, repair or removal of [hard protection structures](#) on land (s9(2)).
- Maintenance, repair or removal of [hard protection structures](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).²⁹

C.1.1.9 Additions or alterations to structures – permitted activity

An addition to, or alteration of, the following [structures](#) in the coastal marine area and the occupation of the common marine and coastal area by the addition or alteration, are permitted activities:

- 1) aerial and submarine telecommunications cables or aerial or electricity transmission lines provided:
 - a) the additions or alterations will not require additional support [structures](#) as a result of any increase in the design voltage, and
 - b) the new or altered 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

²⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 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 all relevant conditions of C.1.8 Coastal works general conditions, and
- 6) the addition or alteration does not cause an increase in flood levels for a one percent 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 an existing (as at 14 January 2010) National Grid line as that activity is covered by Regulation 10 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).

For the avoidance of doubt this rule covers the following RMA activities:

- Addition (a form of extension) or alteration of a structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with the addition or alteration to a structure (s12(2)).³⁰

C.1.1.10 Removal or demolition of structures – permitted activity

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

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

For the avoidance of doubt this rule covers the following RMA activities:

- Removal or demolition of structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).³¹

C.1.1.11 Additions or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone – controlled activity³²

The addition to or alteration of a structure in the Coastal Commercial Zone or Marsden Point Port Zone, the use of the addition or altered part of the structure, and any occupation of the common marine and coastal area by the addition or alteration, that is not a permitted activity under Rule C.1.1.9, are controlled activities provided:

- 1) the structure to be altered or added to is authorised, and

³⁰ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

³¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

³² Appeal to Environment Court by: i) Yachting NZ Inc ENV-2019-AKL-000118
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

- 2) the existing **structure** has a **functional need** to be located in the coastal marine area, and the addition or alteration is necessary for the safe or efficient operation of the activity undertaken in the zone.

Matters of control:

- 1) Effects on 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**.

For the avoidance of doubt this rule covers the following RMA activities:

- Addition to or alteration of a **structure** in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with the addition or alteration to a **structure** (s12(2)).
- Use of a **structure** in the coastal marine area (s12(3)).

C.1.1.12 Structures for scientific, research, monitoring or education purposes – controlled activity³³

The use, erection, placement, alteration or extension of a **structure** for scientific, research, monitoring or education purposes in the coastal marine area and any occupation of the common marine and coastal area by the **structure** that is not a permitted activity under Rule C.1.1.6, are controlled activities, provided:

- 1) the **structure** does not exceed an area of 10 square metres (excluding any anchors and anchor lines), and
- 2) the **structure** is not in a mapped Site or Area of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)).

Matters of control:

- 1) Effects on public access to and along the coastal marine area.
- 2) Effects on 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 the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Nationally Significant Surfbreaks.
 - b) Regionally Significant Surfbreaks.
 - c) Outstanding Natural Features.
 - d) Areas of Outstanding Natural Character.

³³ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- e) Significant Ecological Areas.
 - f) Regionally Significant Anchorages.
- 5) Effects on the characteristics, qualities and values that contribute to a mapped (refer [I Maps | Ngā mahere matawhenua](#)) Historic Area or Site.
 - 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).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a [structure](#) for scientific, research, monitoring or education purposes in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) for scientific, research, monitoring or education purposes (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.13 Structures in the Whangārei City Centre Marine Zone – controlled activity³⁴

The use, erection, placement, alteration or extension of a jetty, boat ramp, pontoon, walkway, board walk or viewing platform in the Whangārei City Centre Marine Zone and any occupation of the common marine and coastal area by the [structure](#) that is not a:

- 1) permitted activity under Rule [C.1.1.1 Existing structures – permitted activity](#), or
- 2) permitted activity under Rule [C.1.1.2 Minor structures in a Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity](#)

are controlled activities, provided:

- 3) there is no restriction on public use of the [structure](#).

Matters of control:

- 1) Effects on 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 public open space and visual amenity.
- 4) Use of [structure](#).
- 4) Effects on aquatic ecosystem health.
- 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).

³⁴ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a [structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.14 Existing authorised structures in a Coastal Commercial Zone, Marsden Point Port Zone or Marina Zone – controlled activity³⁵

The use of, and any occupation of, the common marine and coastal area, by an existing [authorised structure](#) in a Coastal Commercial Zone, Marsden Point Port Zone or Marina Zone, that is not a permitted activity under Rule [C.1.1.1 Existing structures – permitted activity](#) are controlled activities, provided:

- 1) if the existing [structure](#) is in a Marina Zone, it is associated with a marina.

Matters of control:

- 1) Effects on-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.
- 4) Use of the [structure](#).

Notification:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of the common marine and coastal area with an existing [authorised structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.15 Works to a Historic Heritage Site within the scope of a historic heritage management plan – restricted discretionary activity³⁶

The use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a [historic heritage site](#) and any occupation of the common marine and coastal area by the [structure](#) that is not a permitted activity under:

- 1) Rule [C.1.1.7 Reconstruction, replacement, maintenance or repair of a structure – permitted activity](#), or
- 2) Rule [C.1.1.10 Removal or demolition of structures – permitted activity](#)

are restricted discretionary activities, provided the works are within the scope of a historic heritage management plan developed by a suitably qualified and experienced professional.

³⁵ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

³⁶ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

Matters of discretion:

- 1) Effects on historic heritage values.
- 2) Effects on public access to and along the coastal marine area.
- 3) Use of the [structure](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, extension, removal, or demolition of any [historic heritage site](#) or any part of a [historic heritage site](#) that is fixed in, on, under, or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.16 Structures in the Marsden Point Port Zone – restricted discretionary activity³⁷

The use, erection, placement, alteration or extension of a [structure](#) in the Marsden Point Port Zone and any occupation of the common marine and coastal area by the [structure](#) that is not a permitted or controlled activity in section C.1.1 of this Plan, are restricted discretionary activities.

Matters of discretion:

- 1) Effects on 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.
- 4) Use of the structure.
- 5) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration or extension of a [structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.17 Existing hard protection structures – discretionary activity

The occupation of the common marine and coastal area by a [hard protection structure](#) in the coastal marine area, that is not a permitted activity under Rule C.1.1.1 Existing structures – permitted activity and:

- 1) existed at 30 June 2004, or
- 2) is or was previously [authorised](#),

³⁷ Appeal to Environment Court by

- i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- iii) Yachting NZ Inc ENV-2019-AKL-000118

and the use of the [hard protection structure](#), are discretionary activities, provided:

- 3) there has been 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of the common marine and coastal area with a [hard protection structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.18 Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity

The use, erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a [structure](#) in a Marina Zone, Coastal Commercial Zone or the Whangārei City Centre Marine Zone and any occupation of the common marine and coastal area by the [structure](#) that is not a permitted, controlled, or non-complying activity in Section [C.1.1](#) of this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, addition, maintenance, repair, removal or demolition of a [structure](#) and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.19 Laying cables – discretionary activity

The placement of a cable in the coastal marine area and any occupation of the common marine and coastal area by the cable are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Placement of a cable in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a cable (s12(2)).

C.1.1.20 Existing structures (other) – discretionary activity

The occupation of the common marine and coastal area with an existing [authorised structure](#) in the coastal marine area, that is not a permitted, controlled, or restricted discretionary activity in section [C.1.1](#) of this Plan, and the use of the structure are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of space in the common marine and coastal area with a [structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.21 Structures in Mooring and General Marine Zones – discretionary activity³⁸

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a [structure](#) in a [Mooring Zone](#) or the General Marine Zone and any occupation of the common marine and coastal area by the [structure](#) that is not a permitted, controlled, restricted discretionary or non-complying activity in section C.1.1 of this Plan, and the use of the structure are discretionary activities, provided:

- 1) it is not in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Nationally Significant Surfbreak, or
 - b) Regionally Significant Anchorage, or
 - c) Outstanding Natural Feature, or
 - d) Area of Outstanding Natural Character, or
 - e) Site or Area of Significance to tangata whenua, or
 - f) [Historic Heritage Area](#), and
- 2) 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
- 3) the [structure](#) has a functional need to be located in the coastal marine area.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a [structures](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a cable (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.22 Hard protection structures – discretionary activity³⁹

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a [hard protection structure](#) and the occupation of the common marine and coastal area by the [hard protection structure](#) that is not a permitted activity under Rule C.1.1.1 [Existing structures – permitted activity](#) or Rule C.1.1.8 [Maintenance, repair or removal of hard protection structures – permitted activity](#), and the use of the [hard protection structure](#), are discretionary activities, provided it is not in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) Nationally Significant Surfbreak, or
- 2) Outstanding Natural Feature in the coastal marine area, or
- 3) Area of Outstanding Natural Character in the coastal marine area, or
- 4) [Historic Heritage Area](#), or
- 5) Site or Area of Significance to tangata whenua.

³⁸ Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

³⁹ Appeal to Environment Court by i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
ii) Yachting NZ Inc ENV-2019-AKL-000118

Note:

A *hard protection structure* directly associated with the protection of existing *regionally significant infrastructure* or *core local infrastructure* is excluded from this rule and is covered by Rule C.1.1.23 *Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity*.

For the avoidance of doubt this rule covers the following RMA activities:

- The erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a *hard protection structure* (s9(2)).
- Erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a *hard protection structures* in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a *hard protection structure* (s12(2)).
- Use of a *structure* in the coastal marine area (s12(3)).

C.1.1.23 Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity⁴⁰

The use, erection or placement of a *hard protection structure* directly associated with

- 1) the protection of existing *regionally significant infrastructure*, or
- 2) *core local infrastructure*, or
- 3) a *reclamation* for *regionally significant infrastructure*,

and the occupation of the common marine and coastal area by the *hard protection structure*, are discretionary activities provided it is not located within a mapped (refer [I Maps](#) | [Ngā mahere matawhenua](#)):

- 4) Outstanding Natural Feature in the coastal marine area, or
- 5) Area of Outstanding Natural Character in the coastal marine area, or
- 6) Nationally Significant Surfbreak.

For the avoidance of doubt this rule covers the following RMA activities:

- The erection or placement of a *hard protection structure* (s9(2)).
- Erection or placement of a *hard protection structure* in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a *hard protection structure* (s12(2) and s12(3)).
- Use of a *structure* in the coastal marine area (s12(3)).

⁴⁰ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

C.1.1.24 Hard protection structures in significant areas – non-complying activity

The use, erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a [hard protection structure](#), and any occupation of the common marine and coastal area by the [hard protection structure](#), that is not a:

- 1) discretionary activity under Rule [C.1.1.22 Hard protection structures – discretionary activity](#), or
- 2) discretionary activity under Rule [C.1.1.23 Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity](#),

are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, alteration, extension, maintenance, repair, removal or demolition of [hard protection structures](#) (s9(2)).
- Erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a [hard protection structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [hard protection structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.25 Removal, alteration, extension, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity

The replacement, alteration, extension, removal (including relocation) or demolition (including [partial demolition](#)) of a [Historic Heritage Site](#) (refer [I Maps | Ngā mahere matawhenua](#)), and any occupation of the common marine and coastal area by the [structure](#), are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Replacement, alteration, extension, removal or demolition of a [historic heritage site](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).

C.1.1.26 Structures with no functional need – non-complying⁴¹

The use, erection or placement of a structure with no [functional need](#) to occupy the common marine and coastal area, and any occupation of the common marine and coastal area by the [structure](#), are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of a [structure](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) (s12(2)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

⁴¹ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

C.1.1.27 Structures within a significant area – non-complying activity⁴²

The erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal or demolition of a **structure** in the coastal marine area and any occupation of the common marine and coastal area by the **structure** that is in a mapped (refer [I Maps](#) | [Ngā mahere matawhenua](#)):

- 1) Nationally Significant Surfbreak, or
- 2) Regionally Significant Anchorage, or
- 3) Outstanding Natural Feature in the coastal marine area, or
- 4) Area of Outstanding Natural Character in the coastal marine area, or
- 5) **Historic Heritage Area**, or
- 6) Site or Area of Significance to tangata whenua,

and is not a permitted, controlled, restricted discretionary or discretionary activity in section [C.1.1](#) of this Plan, and the use of the structure are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal, demolition of a **structure** in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a **structure** (s12(2)).
- Use of a **structure** in the coastal marine area (s12(3)).

⁴² Appeal to Environment Court by

- i) Transpower New Zealand Ltd ENV-2019-AKL-000107
- ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

C.1.2 Moorings and anchorage

Note:

The rules in C.1.1 *General Structures* do not apply to *moorings*.

C.1.2.1 Vessels not underway – permitted activity⁴³

- 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 (deliberately or unintentionally),
- are permitted activities, provided:
- 4) the *vessel* is not:
 - a) in 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 that enclosed water within three calendar days or part days, or
 - b) in the outer Bay of Islands and outer Whangaroa Harbour (refer I Maps |Ngā mahere matawhenua) between 1 November and 31 March, and
 - i. the *vessel* is not secured or placed in one location 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, and
 - 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:

- 7) Clauses 4(a) and 4(b) and clause 6 do not apply to a *vessel* secured to an *authorised mooring* or marina berth, and
- 8) Clauses 4(a) and 4(b) do not apply where a longer period is made necessary due to bad weather⁴⁴, accident, or emergency.

For the avoidance of doubt this rule covers the following RMA activities:

- 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, or securing a *vessel* to the foreshore, seabed or a *structure* in the coastal marine area (s12(3)).
- Disturbance of the foreshore or seabed incidental to securing a *vessel* to land or to a *structure* s12(1).

⁴³ Appeal to Environment Court by Yachting NZ Inc ENV-2019-AKL-000118

⁴⁴ 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.

C.1.2.2 Vessels – sewage management – permitted activity⁴⁵

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 or 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 manufacturer's instructions, or
 - b) a **sewage holding tank**, 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:
 - 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
- 3) 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, and
- 4) upon request of the Regional Council, the skipper and/or owner of the **vessel**, keeps and provides the Regional Council with:
 - 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
- 5) 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:
 - a) **vessels** associated with the operation of the marine farm, and
 - b) a **vessel** attached to an **authorised mooring**, and
 - c) the following marine farms, where **anchoring** up to 200 metres from the marine farm is permitted:
 - i. in the Waikare Inlet, any marine farm west of a line from 1703263mE 6092240mN to 1703691mE 6092173mN (all coordinates in New Zealand Transverse Mercator 2000), and
 - ii. adjacent to Stephenson Island.

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.*

⁴⁵ Appeal to Environment Court by Yachting NZ Inc ENV-2019-AKL-000118

For the avoidance of doubt this rule covers the following RMA activities:

- Staying overnight on a [vessel](#) in the coastal marine area (s12(3)).

C.1.2.3 Placement of swing moorings in a Mooring Zone – permitted activity⁴⁶

The placement of a [swing mooring](#) in a Mooring Zone is a permitted activity, provided:

- 1) the Mooring Zone has space available for the swing [mooring](#) during all weather and tidal conditions such that collisions with neighbouring [vessels](#) will be avoided, and
- 2) the swing [mooring](#) is not located in a navigation channel or fairway, and
- 3) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#), and
- 4) the [mooring](#) is not in any of the following [mooring](#) zones:

Table 1: 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

For the avoidance of doubt this rule covers the following RMA activities:

- Placement of a [swing mooring](#) in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).

C.1.2.4 Existing mooring in a Mooring Zone – permitted activity⁴⁷

The occupation of the common marine and coastal area with a [mooring](#) and a [vessel](#) using the [mooring](#) is a permitted activity, provided:

- 1) the [mooring](#) is in a [Mooring Zone](#), and
- 2) the [mooring](#) existed at 6 September 2017 or the erection or placement of the [mooring](#) was [authorised](#), and
- 3) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#), and

⁴⁶ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

⁴⁷ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 4) the owner of the **mooring** holds a current **mooring** licence⁴⁸ for the **mooring**, and
- 5) the **mooring** is not located in a designated channel or fairway, and
- 6) there is only one **vessel** attached to a **swing mooring** at any one time (except for dinghies).

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of the common marine and coastal area with a **mooring** and associated moored **vessel(s)** (s12(2)).

C.1.2.5 Existing swing mooring outside a Mooring Zone – permitted activity⁴⁹

The occupation of the common marine and coastal area with a **swing mooring** and a **vessel** using the **mooring** is a permitted activity, provided:

- 1) the **mooring** is not in a **Mooring Zone**, and
- 2) the **mooring** existed at 6 September 2017 or the erection or placement of the **mooring** was **authorised**, and
- 3) the activity complies with all relevant conditions of **C.1.8 Coastal works general conditions**, and
- 4) the owner of the **mooring** holds a current **mooring** licence⁵⁰ for the **mooring**, and
- 5) the **mooring** is the only **mooring** associated with a **property**, and
- 6) there is no change in size of the existing **mooring** block, and
- 7) no part of the **mooring** or moored **vessel** is within the following mapped areas (**I Maps | Ngā mahere matawhenua**):
 - a) Regionally Significant Anchorage, or
 - b) Site or Area of Significance to tangata whenua, or
 - c) Marina Zone.

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of the common marine and coastal area with a **mooring** and associated moored **vessel(s)** (s12(2)).

C.1.2.6 Relocation of a mooring by the Harbourmaster – permitted activity⁵¹

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

⁴⁸A license issued by Northland Regional Council under the relevant bylaw for moorings

⁴⁹Appeal to Environment Court by

- i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- ii) MLP LLC ENV-2019-AKL-000109
- iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

⁵⁰A license issued by Northland Regional Council under the relevant bylaw for moorings

⁵¹Appeal to Environment Court by

- i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- ii) Yachting NZ Inc ENV-2019-AKL-000118

- 2) Area of Outstanding Natural Character, or
- 3) Significant Ecological Area outside a Mooring Zone, or
- 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](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Relocation of a [mooring](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

C.1.2.7 Maintenance or repair of a mooring – permitted activity⁵²

The maintenance or repair of a [mooring](#) is a permitted activity provided:

- 1) it does not alter the position of the [mooring](#), and
- 2) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- The maintenance or repair of a [mooring](#) in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

C.1.2.8 Removal or demolition of a mooring

The removal or demolition of a [mooring](#) in the coastal marine area is a permitted activity, provided the activity complies with the relevant conditions in [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Removal or demolition of a [mooring](#) in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).

C.1.2.9 New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity⁵³

The placement of a [swing mooring](#) in a Mooring Zone and the occupation of the common marine and coastal area with the [swing mooring](#) and a [vessel](#) using the [mooring](#), are restricted discretionary activities provided:

- 1) The [mooring](#) is in one of the following [mooring](#) zones:

⁵² Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

⁵³ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

Table 2: 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 dinghies).

Matters of discretion:

- 1) Effects on land-based facilities associated with a mooring, including parking, toilet facilities, refuse disposal and dinghy storage.
- 2) The availability of space within the mooring area.
- 3) The location of the mooring.
- 4) The type, size and construction of the mooring.
- 5) Noise and lighting.
- 6) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Placement of a mooring in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a mooring and associated moored vessel(s) (s12(2)).

C.1.2.10 Mooring in a Coastal Commercial Zone or the Marsden Point Port Zone - restricted discretionary activity⁵⁴

The erection or placement of a mooring in a Coastal Commercial Zone or the Marsden Point Port Zone, and any occupation of the common marine and coastal area by the mooring and a vessel using the mooring, are restricted discretionary activities.

Matters of discretion

- 1) The availability of space within the Coastal Commercial Zone.
- 2) The location of the mooring.

⁵⁴ Appeal to Environment Court by
i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
iii) Yachting NZ Inc ENV-2019-AKL-000118

- 3) The type, size and construction of the **mooring**.
- 4) Effects on parking, toilet facilities, **refuse** disposal and dinghy storage.
- 5) Use of the **mooring**.
- 6) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of a **mooring** in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a **mooring** and associated moored **vessel(s)** (s12(2)).

C.1.2.11 Placement or relocation of a mooring and the occupation of space – discretionary activity⁵⁵

The erection, placement, relocation, removal or demolition of a **mooring**, and any occupation of the common marine and coastal area by the 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 are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, relocation, removal or demolition of a **mooring** in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a **mooring** and associated moored **vessel(s)** (s12(2)).

C.1.2.12 Vessels not underway and sewage management – discretionary activity

Staying overnight on a **vessel** within a Marine Pollution Limit (refer [I Maps | Ngā mahere matawhenua](#)) or temporarily:

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

that is not a permitted activity in section C.1.2 of this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Securing a **vessel** located in the coastal marine area to land or a **structure** on land (s9(2)).
- Staying overnight on a **vessel** in the coastal marine area, placing a **vessel** in contact with the foreshore or seabed, or securing a **vessel** to the foreshore, seabed or a **structure** in the coastal marine area (s12(3)).
- Disturbance of the foreshore or seabed incidental to the activity ((s12(1)).

⁵⁵ Appeal to Environment Court by Yachting NZ Inc ENV-2019-AKL-000118

C.1.2.13 New moorings in significant areas – non-complying activity⁵⁶

The erection or placement of a [mooring](#) in the coastal marine area, and any occupation of the common marine and coastal area with the [mooring](#) and a [vessel](#) using the [mooring](#), in the following areas (refer [I Maps | Ngā mahere matawhenua](#)):

- 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
- 5) [Historic Heritage Site](#),

are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of a [mooring](#) in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [mooring](#) and associated moored [vessel\(s\)](#) (s12(2)).

⁵⁶ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

C.1.3 Aquaculture

Note:

The rules in section C.1.1 *General Structures* do not apply to aquaculture activities, with the exception of Rule C.1.1.7 *Reconstruction, replacement, maintenance or repair of a structure – permitted activity* and Rule C.1.1.10 *Removal or demolition of structures – permitted activity*.

C.1.3.1 Re-consenting aquaculture (not finfish) – controlled activity⁵⁷

An application for a new coastal permit for the occupation of the common marine and coastal area for the purposes of an aquaculture activity 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:

- 1) Measures to minimise adverse effects on reefs and [biogenic habitats](#).
- 2) Management practices to minimise marine mammal and seabird interactions with the marine farm, including entanglement.
- 3) The risk of introducing or spreading [marine pests](#).
- 4) Noise.
- 5) Integrity of the [structure](#).
- 6) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.
- 7) The need to upgrade, replace or remove any derelict or disused [structures](#).
- 8) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 9) Effects associated with the operation of the marine farm on public facilities and infrastructure.

⁵⁷ Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) Aquaculture New Zealand ENV-2019-AKL-000124
- v) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- v) CEP Services Matawhi Ltd ENV-2019-AKL-000111

Notification:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition of shell and other biota onto the foreshore or seabed incidental to the activity (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharges of sediment or water into water incidental to the activity (s15(1)).

C.1.3.2 Re-consenting aquaculture (not finfish) in a significant area – restricted discretionary activity⁵⁸

From 1 January 2020, an application for a new coastal permit for the occupation of the common marine and coastal area for the purposes of an aquaculture activity 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,

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, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Areas of Outstanding Natural Character.
 - b) Outstanding Natural Features.
 - c) Significant Ecological Areas.
 - d) Sites and Areas of Significance to tangata whenua.
- 2) Effects on reefs and [biogenic habitat](#).
- 3) Marine mammal and seabird interactions with the marine farm, including entanglement.
- 4) The risk of introducing or spreading [marine pests](#).
- 5) Noise.
- 6) Integrity of the [structure](#).

⁵⁸ Appeal to Environment Court by

- i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- ii) Mataka Residents Association Inc ENV-2019-AKL-000112
- iii) Robinia Investments Ltd ENV-2019-AKL-000115
- iv) Paroa Bay Station Ltd ENV-2019-AKL-000112
- v) Aquaculture New Zealand ENV-2019-AKL-000124
- vi) CEP Services Matawhi Ltd ENV-2019-AKL-000111

- 7) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.
- 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 associated with the operation of the marine farm on public facilities and infrastructure.
- 11) The positive effects of the aquaculture.
- 12) The value of the investment in the existing aquaculture activity.

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 (not including finfish aquaculture) are as set out in the Regional Coastal Plan for Northland.

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition of shell and other biota onto the foreshore or seabed incidental to the activity (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharges of sediment or water into water incidental to the activity (s15(1)).

C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity⁵⁹

The realignment of an area occupied by an authorised aquaculture activity in the common marine and coastal area, the associated erection or placement of a structure, and any associated discharge, are restricted discretionary activities, provided:

- 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 ($\frac{2}{3}$) of the existing authorised area remains, and
- 4) the new area is no more than one-third ($\frac{1}{3}$) 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, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:
 - a) Areas of Outstanding Natural Character.

⁵⁹ Appeal to Environment Court by

- i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- ii) Mataka Residents Association Inc ENV-2019-AKL-000112
- iii) Robinia Investments Ltd ENV-2019-AKL-000115
- iv) Paroa Bay Station Ltd ENV-2019-AKL-000112
- v) CEP Services Matawhi Ltd ENV-2019-AKL-000111

- b) Outstanding Natural Features.
 - c) Significant Ecological Areas.
 - d) Sites and Areas of Significance to tangata whenua.
 - e) Regionally Significant Anchorages.
- 2) Effects on reefs and biogenic habitat.
 - 3) Marine mammal and seabird interactions with the marine farm, including entanglement.
 - 4) The risk of introducing or spreading marine pests.
 - 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.
 - 8) Effects on existing recreational activities.
 - 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 in the coastal marine area.
 - 12) Effects associated with the realignment and operation of the marine farm on public facilities and infrastructure.
 - 13) The positive effects of the activity.
 - 14) The value of the investment in the existing aquaculture activity.

Note:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the realigned structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharges of a contaminant (including feed) or water into water (s15(1)).

C.1.3.4 Extensions to authorised aquaculture – restricted discretionary activity⁶⁰

An extension to the area that an aquaculture activity is authorised to occupy in the common marine and coastal area, the associated erection or placement structures and any associated discharge, are restricted discretionary activities, provided:

⁶⁰ Appeal to Environment Court by

- i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- ii) Mataka Residents Association Inc ENV-2019-AKL-000112
- iii) Robinia Investments Ltd ENV-2019-AKL-000115
- iv) Paroa Bay Station Ltd ENV-2019-AKL-000112
- v) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- vi) Yachting NZ Inc ENV-2019-AKL-000118

- 1) the new area is less than 25 percent 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 the characteristics, qualities and values that contribute to make any of the following adjacent mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Areas of Outstanding Natural Character.
 - b) Outstanding Natural Features.
 - c) Significant Ecological Areas.
 - d) Sites and Areas of Significance to Tangata whenua.
 - e) Regionally Significant Anchorages.
- 2) Effects on the characteristics, qualities and values that contribute to any mapped (refer [I Maps | Ngā mahere matawhenua](#)) [Historic Heritage Area](#).
- 3) Effects on reefs and [biogenic habitat](#).
- 4) Effects on food (plankton) availability in the water.
- 5) The risk of introducing or spreading [marine pests](#).
- 6) Marine mammal and seabird interactions with the marine farm, including entanglement.
- 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.
- 10) Effects on existing recreational activities.
- 11) The need to upgrade, replace or remove any derelict or disused [structures](#).
- 12) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 13) Effects associated with the extension and operation of the marine farm on public facilities and infrastructure.

14) The positive effects of the activity.

15) The value of the investment in the existing aquaculture activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the extended [structure](#) in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)).
- Deposition onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water into water (s15(1)).

C.1.3.5 Re-consenting finfish aquaculture – discretionary activity⁶¹

An application for a new coastal permit to replace a coastal permit for the occupation of the common marine and coastal area for the purposes of a finfish aquaculture activity, and any associated discharge, are discretionary activities, provided:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition of a substance onto the foreshore or seabed incidental to the activity (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge of a contaminant (including feed) or water into water associated with the aquaculture activities (s15(1)).

C.1.3.6 Aquaculture outside significant areas and development zones – discretionary activity⁶²

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of aquaculture activities, and any associated discharges, that are not controlled or restricted discretionary activities in section [C.1.3](#) of this Plan are discretionary activities, provided the area of occupation is not in a mapped (refer [I Maps | Ngā mahere matawhenua](#)),

⁶¹ Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) Aquaculture New Zealand ENV-2019-AKL-000124
- v) Yachting NZ Inc ENV-2019-AKL-000118

⁶² Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000115
- iv) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- v) CEP Services Matawhi Ltd ENV-2019-AKL-000111

- 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of structures for aquaculture activities in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.7 New aquaculture in an authorised area – discretionary activity⁶³

New aquaculture activities in an area aquaculture activities are authorised to occupy in the common marine and coastal area, including a change of species or farming method, the erection or placement of structures and any associated discharge of contaminants, are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- A change of species or farming method in an area aquaculture activities are authorised to occupy in the common marine and coastal area (12(3)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

⁶³ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
 ii) Robinia Investments Ltd ENV-2019-AKL-000115
 iii) Paroa Bay Station Ltd ENV-2019-AKL-000112

C.1.3.8 Aquaculture in a Māori oyster reserve – discretionary activity

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of aquaculture activities in a Maori oyster reserve⁶⁴ in the Kaipara Harbour, and any associated discharges, that are not controlled or restricted discretionary activities in section C.1.3 of this Plan are discretionary activities, provided the aquaculture is consistent with Section 5.10 of the Deed of Settlement to Settle Te Uri o Hau Historical Claims, December 2000.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of **structures** in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.9 Extensions to existing aquaculture in significant areas and development zones - discretionary activity⁶⁵

An extension to an area aquaculture activities are **authorised** to occupy in the common marine and coastal area, the associated erection or placement structures, and any associated discharges, 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,

are discretionary activities, provided:

- 10) the new area is less than 25 percent 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

⁶⁴Refer Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9.

⁶⁵Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- v) Yachting NZ Inc ENV-2019-AKL-000118

13) the aquaculture activity in the new area is the same as that approved for the existing authorised area.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the extended structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water into water associated with the aquaculture activities (s15(1)).

C.1.3.10 Marae-based aquaculture in significant areas and development zones – discretionary activity⁶⁶

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of marae-based aquaculture, and any associated discharges 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,

are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the extended structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

⁶⁶ Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- v) Yachting NZ Inc ENV-2019-AKL-000118

C.1.3.11 Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – discretionary activity⁶⁷

The relocation of **authorised** aquaculture activities within the Waikare Inlet and Pārengarenga Harbour, including the erection or placement of **structures** in the coastal marine area, any occupation of the common marine and coastal area, and any associated discharges, that is not a:

- 1) restricted discretionary activity under Rule **C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity**,

are discretionary activities, provided:

- 2) the proposed area to be occupied is no greater than the existing **authorised** area, and
- 3) 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 New Zealand Transverse Mercator 2000).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the extended **structures** in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.12 Small scale and short duration aquaculture in significant areas and development zones – non-complying activity⁶⁸

The erection or placement of a structure in the coastal marine area, any occupation of the common marine and coastal area for the purposes of aquaculture activities, and any associated discharge, 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

⁶⁷ Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) Aquaculture New Zealand ENV-2019-AKL-000124
- v) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

⁶⁸ Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- v) MLP LLC ENV-2019-AKL-000109
- vi) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- vii) Yachting NZ Inc ENV-2019-AKL-000118

- 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 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 significant areas and development zones - discretionary activity, or
- 12) discretionary activity under Rule C.1.3.8 Aquaculture in a Māori oyster reserve – discretionary activity, or
- 13) discretionary activity under Rule C.1.3.10 Marae-based aquaculture in significant areas and development zones – discretionary activity,

are non-complying activities, 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 any time in the five years' preceding 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of a structure in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge of a contaminants (including feed) or water into water associated with the aquaculture activity (s15(1)).

C.1.3.13 Aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity⁶⁹

The erection or placement of a structure in the coastal marine area, any occupation of the common marine and coastal area for the purposes of aquaculture activities, and any associated discharge, 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 significant areas and development zones - discretionary activity, or

⁶⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 3) discretionary activity under Rule [C.1.3.8 Aquaculture in a Māori oyster reserve – discretionary activity](#), or
- 4) discretionary activity under Rule [C.1.3.10 Marae-based aquaculture in significant areas and development zones – discretionary activity](#),

are non-complying activities, provided:

- 5) the proposed area of occupation is north of a line from 1795913mE 5975589mN to 1707171mE 5976685mN to 1708783mE 5976638mN (all coordinates in New Zealand Transverse Mercator 2000).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of a [structure](#) in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge of a contaminant (including feed) or water into water associated with the aquaculture activities (s15(1)).

C.1.3.14 Aquaculture in significant areas and development zones – prohibited activity⁷⁰

The erection or placement of a [structure](#) in the coastal marine area, any occupation of the common marine and coastal area for the purposes of aquaculture activities, and any associated discharge, 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 are prohibited activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the [structures](#) in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

⁷⁰ Appeal to Environment Court by

- i) Mataka Residents Association Inc ENV-2019-AKL-000112
- ii) Robinia Investments Ltd ENV-2019-AKL-000115
- iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
- iv) MLP LLC ENV-2019-AKL-000109
- v) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
- vi) Yachting NZ Inc ENV-2019-AKL-000118

C.1.4 Mangrove removal

C.1.4.1 Mangrove seedling removal – permitted activity⁷¹

The pulling, cutting or removing of mangroves in the coastal marine area or in the bed of a river and any associated damage or disturbance to the foreshore, seabed or bed of a river are permitted activities provided:

- 1) the mangroves are less than 60 centimetres tall, and
- 2) the mangroves are not under the canopy area of any existing mature mangrove, and
- 3) the removal is by hand or using hand-held tools (including motorised), and
- 4) any removal by motorised hand-held tools is not undertaken between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and
- 5) the activities comply with all relevant conditions of [C.1.8 Coastal works general conditions](#).

Note:

Use of vehicles and motorised machinery on the foreshore to transport people, tools or removed mangrove vegetation is a permitted activity if the conditions of Rule [C.1.5.1 Use of vehicles on beaches and other activities that disturb the foreshore and seabed – permitted activity](#) are met.

For the avoidance of doubt this rule covers the following RMA activities:

- Damage or disturbance of any foreshore or seabed associated with pulling, cutting or removing mangroves (s12(1)).
- Pulling, cutting or removing mangroves in the coastal marine area and any associated damage or disturbance of the foreshore or seabed (s12(3)).
- Disturbance of the bed of any river, associated with pulling, cutting or removing mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to pulling, cutting or removing mangroves (s15(1)).

C.1.4.2 Minor mangrove removal – permitted activity⁷²

The removal or pruning of mangroves in the coastal marine area or in the bed of a river necessary for the continuation of [authorised](#) activities in *Table 3: Maximum allowable area of mangrove removal* and any associated damage or disturbance to the foreshore, seabed or bed of a river, are permitted activities, provided:

- 1) the mangrove removal or pruning does not exceed the limits in *Table 3: Maximum allowable area of mangrove removal*, and
- 2) the activities comply with the mangrove removal and disturbance general conditions in [C.1.8 Coastal works general conditions](#).

⁷¹ Appeal to Environment Court by
i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
iv) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

⁷² Appeal to Environment Court by
i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

Table 3: Maximum allowable area of mangrove removal

Authorised activity	Maximum allowable area of mangrove removal
Boat ramps and jetties	Restricted to within: 1) 10 metres around the footprint of the structure, and 2) a five-metre wide access channel between the structure and the nearest permanently navigable coastal water.
Wharves, and marina berths	Restricted to: 1) within 10 metres around the footprint of the structure, and 2) a five-metre wide access channel between the structure and the nearest permanently navigable coastal water.
Authorised pipe outlets Also refer to: C.1.5.5 Clearing of stormwater pipe outlets – permitted activity.	Restricted to: 1) five metres either side of the authorised pipe outlet, and 2) the lineal extent of the clearance is limited to that required to create a free-draining path from the authorised pipe outlet to coastal water.
Artificial watercourses and rivers Also refer to: C.1.5.6 Clearing artificial water courses – permitted activity, C.1.5.7 Clearing tidal stream mouths – permitted activity, and C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity.	Restricted to: 1) five metres either side of the artificial watercourse, and 2) the extent of the clearance is limited to that required to create a free-draining flow path to coastal water, and 3) sites where the adjacent or upstream land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed, and 4) not exceeding an area of 200 m² within a mapped (refer to Maps Ngā mahere matawhenua) Significant Ecological Area or Outstanding Natural Character Area.
Roads, railway lines and bridges	Restricted to: 1) five metres either side of the edge of the formed road, railway line or bridge, or one metre from the base of the batter slope (whichever is the greater), or 2) removal or pruning of mangroves to achieve maintenance of sight clearance lines for road safety at all road intersections, roundabouts and horizontal curves is undertaken in accordance with <i>Guide to Road Design Part 3: Geometric Design. Edition 3.2 (Austroads, 2016)</i>.
Electricity transmission structures	Restricted to within four metres of the footprint of the structure.
Electricity transmission lines and cables	Restricted to within two metres either side of the vertical projection of the line on the ground and not exceeding an area of 200 m ² .
Suspended telecommunication 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](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.3 Mangrove removal – controlled activity⁷³

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

- 1) provide a single track 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, urupā 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 any associated damage or disturbance to the foreshore, seabed or bed of a river that is not a permitted activity in section [C.1.4](#) of this Plan, or

- 4) is an application for a new resource consent to remove or prune mangroves that will replace an existing resource consent, provided the application is made before the expiry of the existing resource consent and there is no change to the activities *authorised* by the existing resource consent,

are controlled activities, provided the total area of mangroves removed is less than:

- 5) 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
- 6) 500 square metres in all other areas, other than where clause 6) above applies.

Matters of control:

- 1) Method, timing and extent of activities.
- 2) Effects on aquatic ecosystem health.
- 3) Navigation and safety.
- 4) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places significant:

⁷³ Appeal to Environment Court by
i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111
iii) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

- a) Historic Area or Site.
 - b) Site or Area of Significance to tangata whenua.
 - c) Significant Ecological Area.
 - d) Significant Bird Area.
- 5) Effects on the characteristics, qualities and values of mapped (refer to [Maps](#) | [Ngā mahere matawhenua](#)) areas of Outstanding Natural Character or Outstanding Natural Features that make the area or feature outstanding.
- 6) Effects on tangata whenua cultural values.

For the avoidance of doubt this rule covers the following RMA activities:

- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.4 Mangrove removal in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone – restricted discretionary activity⁷⁴

The removal or pruning of mangroves in the Whangārei City Centre Marine Zone or Coastal Commercial Zone, and any associated damage or disturbance to the foreshore or seabed, that is not a permitted or controlled activity in section C.1.4 of this Plan are restricted discretionary activities.

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 historic heritage in the coastal marine area.
- 5) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning mangroves in the coastal marine area (s12(3)).
- Discharge of sediment into water incidental to the activity (s15(1)).

⁷⁴ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

C.1.4.5 Mangrove removal – discretionary activity⁷⁵

The removal or pruning of mangroves in the coastal marine area or in the bed of a river and any associated damage or disturbance to the foreshore, seabed or bed of a river, that is not the subject of any other rule in this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

⁷⁵ Appeal to Environment Court by i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111.
ii) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117.

C.1.5 Dredging, disturbance and disposal

C.1.5.1 Use of vehicles on beaches and other activities that disturb the foreshore and seabed – permitted activity⁷⁶

The use of a vehicle on the foreshore or seabed and any associated disturbance of the foreshore and seabed, or the disturbance of the foreshore and seabed by any activity not the subject of any other rule in this Plan, are permitted activities, provided:

- 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
- 2) the activities do 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
- 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
- 7) apart from emergency services vehicles providing an emergency response, vehicle access to the foreshore is only via [authorised](#) access points, and
- 8) all relevant conditions of [C.1.8 Coastal works general conditions](#), are complied with, and
- 9) apart from emergency services vehicles providing an emergency response, vehicles do not drive over pipi or cockle beds.

Note:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed by a vehicle or an activity not the subject of any other rule in this Plan (s12(1)).
- The use of vehicles on the foreshore or seabed (s12(3)).

C.1.5.2 Sampling and scientific investigation – permitted activity

The disturbance of the foreshore or seabed and any removal of sand, shingle, shell or other natural material for the purposes of sampling and scientific investigation in the coastal marine area are permitted activities provided:

⁷⁶ Appeal to Environment Court by

- i) Lourie ENV-2019-AKL-000128
- ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- iii) CEP Services Matawhi Ltd ENV-2019-AKL-000111
- iv) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

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

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed by sampling and scientific investigation (s12(1)).
- Removal of sand, shingle, shell or other natural material from the coastal marine area for the purposes of sampling and scientific investigation (s12(2)).⁷⁷

C.1.5.3 Removal of nuisance marine plant debris – permitted activity⁷⁸

The removal of nuisance marine plant debris washed onto a beach in the coastal marine area, including any associated disturbance of the foreshore or seabed, where it restricts safe and legally established public walking access to or along a beach, or the safe use of a beach, are permitted activities, provided:

- 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 [I Maps | Ngā mahere matawhenua](#)), the relevant tangata whenua are notified at least 24 hours before the start of any removal, and
- 3) if the activity occurs within a [Significant Bird Area](#) (refer [I Maps | Ngā mahere matawhenua](#)) between 1 September and 28 February, a person with expertise in bird ecology 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
- 4) removed marine plant debris is disposed of outside the coastal marine area and at a location [authorised](#) to take such material, and
- 5) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed associated with the removal of nuisance marine plant debris (s12(1)).
- Removal of nuisance plant material washed onto a beach in the coastal marine area (s12(3)).

⁷⁷ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

⁷⁸ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

C.1.5.4 Removal or recovery of wrecked vessels – permitted activity

The removal or recovery of a wrecked vessel in the coastal marine area, including any associated disturbance of the foreshore or seabed, are permitted activities 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
- 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
- 3) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed associated with the removal of wrecked vessels (s12(1))
- The removal or recovery of a wrecked vessel in the coastal marine area (s12(3)).⁷⁹

C.1.5.5 Clearing of pipe outlets – permitted activity⁸⁰

The clearing of material from a pipe outlet in the coastal marine area, including any associated disturbance of the foreshore or seabed and the deposition of material excavated from the pipe outlet, are permitted activities, provided:

- 1) any removal of mangroves complies with the requirements of Rule [C.1.4.1 Mangrove seedling removal – permitted activity](#), and
- 2) the extent of the clearance is limited to that required to create a free-draining path from the outlet to coastal water at mean low water springs, and
- 3) if the activity occurs in a mapped [Significant Bird Area](#) (refer [I Maps | Ngā mahere matawhenua](#)) between 1 September and 28 February, a person with expertise in bird ecology 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
- 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
- 4) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and
- 5) the Regional Council's Compliance Manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 5A) 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 three working days prior to work being undertaken, and
- 6) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

⁷⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

⁸⁰ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed and the deposition of material cleared from a pipe outlet onto the foreshore or seabed associated with the clearing of material from a pipe outlet (s12(1)).
- Clearing material from a pipe outlet in the coastal marine area (s12(3)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.6 Clearing artificial water courses – permitted activity⁸¹

The clearing of material (excluding mangroves) from an [artificial watercourse](#) in the coastal marine area, including any associated disturbance of the foreshore or seabed and deposition of sediment on the foreshore or seabed, are permitted activities provided:

- 1) the original profile (width and depth) of the [artificial watercourse](#) 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
- 4) 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 three working days prior to work being undertaken, and
- 5) sediment disposed of in the coastal marine area:
 - a) is deposited no more than 10 metres either side of the [artificial watercourse](#), and
 - b) is not placed in individual sediment piles exceeding 25 square metres in area or 300 millimetres in height, and
 - c) does not [dam](#) tidal water or [stormwater](#) outlets, and
- 6) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from an [artificial watercourse](#) and the deposition of material cleared (excluding mangroves) from the [artificial watercourse](#) onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from an [artificial watercourse](#) in the coastal marine area (s12(3)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.7 Clearing tidal stream mouths – permitted activity⁸²

Clearing material (excluding mangroves) from a tidal stream mouth in the coastal marine area, including any associated disturbance of the foreshore or seabed and deposition of excavated material on the foreshore or seabed, are permitted activities, provided:

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to coastal water at mean low water springs, and

⁸¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

⁸² Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- 2) the clearance is for the purpose of avoiding flooding of adjacent land, or for releasing impounded water which is stagnant or poses a contact recreation health risk, and
- 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 1 September and 28 February, a person with expertise in bird ecology 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
- 5) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and
- 6) the Regional Council's Compliance Manager 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
- 7) 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 two working days before the start of work, and
- 8) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from a tidal stream mouth and the deposition of material cleared (excluding mangroves) from the tidal stream mouth onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from a tidal stream mouth in the coastal marine area (s12(3)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.8 Burial of dead animals – permitted activity

Burying a dead animal (including marine mammals) washed up on the foreshore, including any associated disturbance of the foreshore or seabed and deposition of material on the foreshore or seabed, are permitted activities, provided:

- 1) the activity complies with all relevant conditions of [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.

For the avoidance of doubt this rule covers the following RMA activities:

- The burial of a dead animal (including a marine mammal) washed up on the foreshore (s9(2)).
- Disturbance of any foreshore or seabed associated with the burial of a dead animal (including a marine mammal) washed up on the foreshore and the deposition of material onto the foreshore or seabed resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)).
- Burying a dead animal (including marine mammals) washed up on the foreshore (s12(3)).⁸³

⁸³ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

C.1.5.9 Maintenance dredging – controlled activity⁸⁴

Maintenance dredging, including the destruction, damage or disturbance of the foreshore or seabed and discharge of sediment associated with the dredging, are controlled activities.

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 coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) The destruction, damage or disturbance of the foreshore or seabed, and discharge associated with the dredging activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystems health in the coastal marine area.
- 6) Navigation and safety (including requiring notification to the Regional Council's Harbourmaster and Maritime New Zealand).
- 7) Effects on the identified values of any mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Nationally Significant Surf Break and Regionally Significant Surf break.
 - b) [Historic Heritage Area or Site](#).
 - c) Site or Area of Significance to tangata whenua.
 - d) Significant Ecological Area.
 - e) [Significant Bird Area](#).
- 8) Effects on the characteristics, qualities and values of mapped (refer [I Maps | Ngā mahere matawhenua](#)) areas of Outstanding Natural Character or Outstanding Natural Features that make the area or feature outstanding.
- 9) Effects on tangata whenua and their [taonga](#).

Notification:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed resulting from [maintenance dredging](#) (s12(1)).
- [Maintenance dredging](#) in the coastal marine area (s12(3)).
- Discharge of water or sediment into water associated with [maintenance dredging](#) (s15(1)).

C.1.5.10 Beach scraping – restricted discretionary activity⁸⁵

Beach scraping in the coastal marine area, including associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on the foreshore or seabed, are restricted discretionary activities.

⁸⁴ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

⁸⁵ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

Matters of discretion:

- 1) Volume and depth of material removed and deposited.
- 2) Methods used to carry out the activity.
- 3) Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of the disturbance and, deposition associated with the activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystems health.
- 6) Effects on tangata whenua and their [taonga](#).
- 7) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Nationally Significant Surf Break and Regionally Significant Surf break.
 - b) Outstanding Natural Feature.
 - c) Area of Outstanding Natural Character.
 - d) Site or Area of Significance to tangata whenua.
 - e) Significant Ecological Area.
 - f) Significant Bird Area.
- 8) Effects on the characteristics, qualities and values that contribute to any mapped (refer [I Maps | Ngā mahere matawhenua](#)) [Historic Heritage Area or Site](#).
- 9) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed and the deposition of material on the foreshore or seabed associated with [beach scraping](#), (s12(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.5.11 Deposition of material for beneficial purposes – restricted discretionary activity⁸⁶

[Deposition of material for beneficial purposes](#) onto land (including the foreshore and seabed) is a restricted discretionary activity, provided that, 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 coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects on the foreshore and seabed associated with the deposition activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystem health.
- 6) Effects on tangata whenua and their [taonga](#).

⁸⁶ Appeal to Environment Court by
i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- 7) Effects on existing uses and activities undertaken in the area of deposition.
- 8) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Nationally Significant Surf Breaks.
 - b) Regionally Significant Surf Breaks.
 - c) Outstanding Natural Features.
 - d) Areas of Outstanding Natural Character.
 - e) Site or Area of Significance to tangata whenua.
 - f) Significant Ecological Area.
 - g) [Significant Bird Area](#).
- 9) Effects on the characteristics, qualities and values that contribute to any mapped (refer [I Maps | Ngā mahere matawhenua](#)) [Historic Area or Site](#).
- 10) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- [Deposition of material for beneficial purposes](#) onto land (s9(2)).
- [Deposition of material for beneficial purposes](#) in, on or under the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.12 Dredging, deposition and disturbance activities – discretionary activity⁸⁷

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material onto the foreshore or seabed, that is not the subject of any other rule of this Plan are discretionary activities, provided they are not in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) Nationally Significant Surfbreak, or
- 2) Outstanding Natural Feature, or
- 3) Area of Outstanding Natural Character, or
- 4) [Historic Heritage Area](#) or Site, or
- 5) Significant Ecological Area, or
- 6) Site or Area of Significance to tangata whenua.

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

⁸⁷ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

C.1.5.13 Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity

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

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

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.*

For the avoidance of doubt this rule covers the following RMA activities:

- Dumping of waste and other matter in the coastal marine area (s15A).

C.1.5.14 Other dredging, deposition and disturbance activities – non-complying⁸⁸

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material in, on or under 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 Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity,

are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

⁸⁸ Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

C.1.6 Reclamations

C.1.6.1 Unlawful public road reclamation – controlled activity⁸⁹

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 effects of any remedial works necessary to mitigate adverse effects.
- 2) Effects on coastal processes, including effects on shoreline stability in the vicinity of the site.
- 3) Effects on tangata whenua and their [taonga](#).

Notification:

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

For the avoidance of doubt this rule covers the following RMA activities:

- [Reclamation](#) of any foreshore or seabed (s12(1)).

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](#),

and the use of the [reclamation](#), are discretionary activities, (refer [I Maps | Ngā mahere matawhenua](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- [Reclamation](#) of any foreshore or seabed (s12(1)).
- Use of a [reclamation](#) in the coastal marine area (s12(3)).

C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity⁹⁰

A [reclamation](#) in the coastal marine area necessary for [regionally significant infrastructure](#), any associated destruction, damage or disturbance of the foreshore or seabed, deposition of material on to the foreshore or seabed, and the use of the [reclamation](#), that is not a discretionary activity under Rule [C.1.6.2 Unlawful reclamation – discretionary activity](#), are discretionary activities, provided they are not 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.

⁸⁹ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

⁹⁰ Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

For the avoidance of doubt this rule covers the following RMA activities:

- Reclamation of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)).
- Use of a reclamation in the coastal marine area (s12(3)).
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to the activity (s15(2A)).

C.1.6.4 Reclamation – discretionary activity⁹¹

A reclamation in the coastal marine area, any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material onto the foreshore or seabed, and the use of the reclamation, 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,

are discretionary activities, provided it is not in a mapped (refer I Maps | Ngā mahere matawhenua):

- 3) Nationally Significant Surf Break, or
- 4) Significant Ecological Area, or
- 5) Outstanding Natural Feature, or
- 6) Area of Outstanding Natural Character, or
- 7) Historic Heritage Area or Site, or
- 8) Site or Area of Significance to tangata whenua, or
- 9) Regionally Significant Anchorage.

For the avoidance of doubt this rule covers the following RMA activities:

- Reclamation of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)).
- Use of a reclamation in the coastal marine area (s12(3)).
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to reclaiming the foreshore or seabed foreshore (s15(2A)).

C.1.6.5 Reclamation in significant areas – non-complying activity⁹²

A reclamation, any associated destruction, damage or disturbance of the foreshore or seabed, any deposition of material on to the foreshore or seabed, and use of the 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,

are non-complying activities.

⁹¹ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

⁹² Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

For the avoidance of doubt this rule covers the following RMA activities:

- Reclamation of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)).
- Use of a reclamation in the coastal marine area (s12(3))
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to the activity (s15(2A)).

C.1.7 Marine pests

C.1.7.1 In-water cleaning of vessel hull and niche areas or structures – permitted activity

In-water cleaning of vessel hull and niche areas or structures in the coastal marine area or a river is a permitted activity, provided:

- 1) The vessel or structure has not been in foreign territorial waters, unless since arrival in New Zealand it has been removed from the water and cleaned, and
- 2) the cleaning is not undertaken within 50 metres of a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua), and
- 3) the vessel is not a barge, and
- 4) there is only light fouling or barnacles on the vessel hull, hull niche areas, or structure, and
- 5) the in-water cleaning of the vessel or structure is undertaken in a Coastal Commercial Zone, a Marina Zone, a Mooring Zone, a consented grid (inter-tidal poles), or within 50 metres of a Mooring Zone, and
- 6) the cleaning method does not compromise existing anti-fouling, and
- 7) if any marine pest is found then:
 - a) all cleaning must cease, and
 - b) the Regional Council's Biosecurity Manager and the Ministry for Primary Industries must be notified immediately, and
 - c) cleaning must not resume until notification to do so is obtained from the Regional Council's Biosecurity Manager and the Ministry for Primary Industries.

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition of material on the foreshore or seabed incidental to the activity (s12(1)).
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

C.1.7.2 In-water cleaning of vessel hull and niche areas, structures and barges – controlled activity⁹³

In-water cleaning of vessel hull and niche areas, structures that cannot comply with rule C.1.7.1, or any barge, is a controlled activity, provided:

- 1) the vessel, structure or barge has not been in foreign territorial waters, unless since arrival in New Zealand it has been removed from the water and cleaned, and

⁹³ Appeal to Environment Court by i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
ii) Yachting NZ Inc ENV-2019-AKL-000118

- 2) the cleaning is undertaken in a Coastal Commercial Zone, a Marina Zone, or within 50 metres of a Mooring Zone (refer I Maps | Ngā mahere matawhenua), or in a consented grid, and
- 3) the cleaning is not undertaken within 50 metres of a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua).

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 coastal processes in the vicinity of the site.
- 4) The timing of the activity in relation to tides, seasons or other activities.
- 5) Effects of disturbance, deposition and discharge associated with the activity.
- 6) Effects on indigenous biodiversity and aquatic ecosystem health.
- 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition of material on the foreshore or seabed incidental to the activity (s12(1)).
- In-water cleaning of vessel hull and niche areas, structures or barges in the coastal marine area (s12(3)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

C.1.7.3 Vessel hull maintenance on the foreshore – discretionary activity⁹⁴

The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore, are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition on the foreshore or seabed incidental to the activity (s12(1)).
- Cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore (s12(3)).
- Discharge of contaminants onto or into land incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship onto or into land (s15B(1)).

⁹⁴ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

C.1.7.4 In-water cleaning of vessel hull and niche areas, structures and barges – discretionary activity

In-water cleaning of vessel hull and niche areas, structures or barges that is not a permitted or controlled activity in section C.1.7 of this Plan is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Deposition of material on the foreshore or seabed or introduction of any marine pest in, or under the foreshore or seabed incidental to the activity (s12(1)).
- Introduce or plant any marine pest in, on, under or over any foreshore or seabed 12(1)).
- In-water cleaning of vessel hull and niche areas, structures or barges 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 incidental to the activity (s13(2)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

C.1.7.5 Marine pests and biofouling – non-complying activity

The:

- 1) navigation, mooring or anchoring of a vessel with a marine pest on the vessel, or
- 2) relocation or placement of a structure with a marine pest on the structure, or
- 3) navigation of a vessel with biofouling exceeding light fouling:
 - a) into Northland's coastal marine area, or
 - b) moving from a Marine Pathways Place (refer I Maps | Ngā mahere matawhenua) to another Marine Pathways Place (refer I Maps | Ngā mahere matawhenua), or
- 4) relocation or placement of a structure with biofouling exceeding light fouling:
 - a) into Northland's coastal marine area, or
 - b) moving from a Marine Pathways Place (refer I Maps | Ngā mahere matawhenua) to another Marine Pathways Place (refer I Maps | Ngā mahere matawhenua),

that is not authorised under the Biosecurity Act 1993, are non-complying activities.

Note:

The Northland Regional Pest and Marine Pathway Management Plan for Northland 2017 – 2027 has rules requiring vessels entering Northland or moving between designated 'places' not to have biofouling exceeding light fouling, unless authorised by an exemption under the Biosecurity Act 1993.

For the avoidance of doubt this rule covers the following RMA activities:

- Deposit a marine pest, in, on, or under any foreshore or seabed, or introduce any marine pest in, or under the foreshore or seabed, incidental to the activity (s12(1)).
- The activities listed in clauses 1) to 4) of Rule C.1.7.5 (s12(3)).
- Discharge of a marine pest into water (s15(1)).

C.1.8 Coastal works general conditions⁹⁵

General conditions apply to activities, when referred to in the rules of Section [C.1.1 General Structures](#).

Structures and disturbance

Note:

Work affecting [archaeological sites](#) is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity 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) 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 Compliance Manager upon request.
- 2) [Structures](#) must at all times:
 - a) be maintained in good order and repair, and
 - b) except for culverts, not impede fish passage between fresh water and coastal water. For culverts, there must be no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to coastal water, except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and
 - 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 alternative access route or controlled access is provided.
- 5) Disturbance, construction, alteration, addition, maintenance or removal activities 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) 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
 - c) the removal of nuisance marine plant debris under Rule [C.1.5.3](#).
- 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 Compliance 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. Refuelling must not be carried out in the coastal marine area and for the duration of the activity, no vehicle or equipment is to be left in a position where it could come into contact with coastal water.

⁹⁵ Appeal to Environment Court by

- i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
- ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
- iii) Minister of Conservation ENV-2019-AKL-000122
- iv) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- 8) There must be no damage to shellfish beds 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](#).
- 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
 - d) Significant Ecological Area.
- 10) There must be no disturbance of indigenous or migratory bird nesting or roosting sites.
- 11) Outside outstanding natural character, outstanding natural feature or significant ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.
- 12) The [structure](#) or activity must not:
 - a) cause permanent scouring or erosion of banks, or
 - b) cause or exacerbate flooding of [other 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).
- 13) Any discharge must not:
 - a) occur for more than five consecutive days, and for more than 12 hours per day, or
 - b) 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.

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, by cutting mangrove trunks close to the ground.
- 16) The activity must not disturb or damage areas of seagrass, saltmarsh, or [natural wetland](#).
- 17) There must be no refuelling on the foreshore or river bed.
- 18) Chemical herbicides must not be used.
- 19) 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.
- 20) 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, Significant Ecological Area or Area of Outstanding Natural Character (refer [I Maps | Ngā mahere matawhenua](#)).

Lighting

21) 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 hazard to navigation and safety, or a hazard to traffic safety, wharves, ramps and adjacent roads, or
- a nuisance to other users of the surrounding coastal marine area or adjacent land.

Noise

22) Noise from any activity within the coastal marine area (except for construction noise and noise from helicopters) must comply with *Table 4* noise standards at the notional boundary of any noise sensitive activity:

Table 4: Noise Limits

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 to 2200 hours	55 db	Not applicable
2200 to 0700 hours	45 db	75db

- noise must be measured in accordance with *New Zealand Standard. Acoustics – Measurement of environmental sound (NZS 6801:2008)* and assessed in accordance with *New Zealand Standard. Acoustics – Environmental noise (NZS 6802:2008)*, and
- construction activities shall be managed in accordance with, and meet the noise limits set out in *Tables 5 and 6* below, and

Table 5: Upper limits for construction noise received in residential zones and dwellings in rural areas – from New Zealand Standard Acoustics – Construction Noise (NZS 6803:1999)

Time of week	Time period	Duration of work					
		Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		L _{eq}	L _{max}	L _{eq}	L _{max}	L _{eq}	L _{max}
Weekdays	0630 to 0730	60	75	65	75	55	75
	0730 to 1800	75	90	80	95	70	85
	1800 to 2000	70	85	75	90	65	80
	2000 to 0630	45	75	45	75	45	75
Saturdays	0630 to 0730	45	75	45	75	45	75
	0730 to 1800	75	90	80	95	70	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75
Sundays and public holidays	0630 to 0730	45	75	45	75	45	75
	0730 to 0800	55	85	55	85	55	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75

Table 6: Upper limits for construction noise received in industrial or commercial areas for all of the year – from New Zealand Standard. Acoustics – Construction Noise (NZS 6803:1999)

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

- c) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in *New Zealand Standard. Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994)*.

23) The Table 4 and Condition 22(c) 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.

24) The Table 4 and Condition 22(c) noise limits do not apply to **temporary military training**. Noise generated by **temporary military training** must meet the following:

- 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 **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 **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 *New Zealand Standard Acoustics – Construction Noise (NZS 6803:1999)*, with reference to ‘construction noise’ taken to refer to mobile noise sources⁹⁶, and
- c) fixed (stationary) noise sources must comply with the noise limits set out in Table 7 below when measured at the notional boundary of any **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.*

⁹⁶ Note: mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, and earthmoving equipment.

Table 7: Noise limits – Temporary military training

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 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

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:

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).

C.2.1 Activities in the beds of lakes and rivers

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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 activity⁹⁷

The introduction or planting of any plant in a continually or [intermittently flowing river](#) or lake is a permitted activity, provided:

- 1) the activity does not involve the introduction or planting of:
 - a) a [pest organism](#), or
 - b) an exotic aquatic plant except watercress (*Rorippa nasturtium-aquaticum*), or
 - c) black alder (*Alnus glutinosa*), or
 - d) the following willow species or hybrids involving:
 - i. crack willow (*Salix fragilis*), or
 - ii. grey willow (*Salix caprea*), or
 - iii. weeping willow (*Salix babylonica*),~~or~~ and
- 2) the bed of the water body is not disturbed to a depth or extent greater than that required to undertake the activity, and
- 3) any [indigenous vegetation](#) damage, destruction, disturbance or removal is limited to the minimum extent necessary, and
- 4) 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
- 5) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the planting, and
- 6) the activity must not [dam](#) or divert water in a way that causes flooding or ponding on any [other property](#), and
- 7) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and
- 8) the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area (refer [I Maps | Ngā mahere matawhenua](#)), and
- 9) the activity is not in a mapped Site or Area of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- Introduction or planting of any plant in, on, or under the bed of a river or lake and any incidental disturbance of the bed of a river or lake (s13(1)).
- Diversion of water incidental to the activity (s14(2)).

⁹⁷ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

C.2.1.2 Excavation of material from rivers – permitted activity⁹⁸

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

- 1) the total volume excavated 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, and
- 5) the material is excavated from an area of the river bed not covered by water at the time of the extraction, and
- 6) there is no stockpiling of excavated gravel on the river bed, and
- 7) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the activity, and
- 8) the activity is not in a mapped Site or Area of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)), and
- 9) the activity does not impede existing legal public access to the river, and
- 10) the activity does not take place in an [outstanding freshwater body](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Excavating the bed of a river (s13(1)).
- Discharging water or sediment into water incidental to the activity (s15(1)).

C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity⁹⁹

The disturbance of the bed of a river for the purpose of maintaining the free flow of water or mitigating bank erosion, and any associated diversion of water, are permitted activities, provided:

- 1) the Regional Council's [Compliance 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 activities do not exacerbate flood hazard risk on any [other property](#), and
- 3) the activities do not impede existing legal public access to the river, and
- 4) any removal of material or vegetation is limited to that required to maintain the free flow of water or mitigate bank erosion, and
- 5) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and
- 6) the activities do 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, and

⁹⁸ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

⁹⁹ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

- 8) there is no damage to, or restriction of the use of, **authorised structures** as a result of the activity, and
- 9) **good management practice** erosion and sediment control measures, equivalent to those set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005)*, are implemented, including where practicable temporary diversion of normal channel flow around the activity site, to minimise any discharge of sediment, and
- 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbing the bed of a river to maintain the free flow of water in a river or to mitigate bank erosion, and any incidental deposition of a substance in, on, or under the bed (s13(1)).
- Diversion of water around the activity site and any incidental damming or taking of water (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.4 Existing structures – permitted activity

The use, repair, replacement, maintenance or reconstruction of a **structure** in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:

- 1) Either:
 - a) the use of the **structure** was **authorised** before 1 September 2017, or
 - b) the erection, reconstruction, placement, or any alteration or extension of the **structure**, was **authorised** under a rule in section C.2.1 of the Plan, or
 - c) the **structure** was one of the following and existed at 1 September 2017:
 - i. a boat ramp or concrete slipway that is less than 15 metres in length and three metres in width, or
 - ii. a **structure** for the launching, retrieval or **mooring** of **vessels** in, on, under or over the bed of a river or lake is no greater than 10 square metres in area, and
- 2) the use of the **structure** is not the subject of any other rule in the Plan, and
- 3) if the **structure** existed before 1 September 2017 and was not **authorised**, the **structure** owner can provide clear and convincing evidence that the **structure** existed at 1 September 2017 if requested by the Regional Council, and
- 4) the activities comply with all relevant conditions of **C.2.3 General conditions**, and
- 5) upon completion of the activities there is no increase to the **structure's** footprint, other than that resulting from routine maintenance or repair activities.

Note:

Rule **C.2.1.4** relating to **structure** dimensions, does not apply to an existing (as at 14 January 2010) National Grid line support **structure**. Those activities are covered by Regulation 14 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).

For the avoidance of doubt this rule covers the following RMA activities:

- Use, reconstruction, maintenance or repair (forms of alteration), or replacement of a [structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance or incidental deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion water around the activity site during the repair, maintenance or reconstruction of a [structure](#) and any incidental ongoing damming or diversion of water around the structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.5 Maintenance or repair of authorised flood defence – permitted activity

Notwithstanding any other rule in [C.2.1](#), the maintenance or repair of an [authorised flood defence](#), any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:

- 1) the maintenance 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, 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) the activities comply with all relevant conditions of [C.2.3 General conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Maintenance or repair of an [authorised flood defence](#) (s9(2)).
- Maintenance or repair (forms of alteration) of a [flood defence structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the repair, maintenance or reconstruction of a [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.6 Fish passage structures – permitted activity¹⁰⁰

The erection, reconstruction, placement, alteration, or extension of a fish passage [structure](#) (including the placement of rocks) in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:

- 1) the sole purpose of the [structure](#) is to provide fish passage, and
- 2) before the start of works, the person doing the activities obtains written advice from the Regional Council or the Department of Conservation that there are no known populations of indigenous fish upstream that would be vulnerable if fish passage is provided, and
- 3) the activities comply with all relevant conditions of [C.2.3 General conditions](#).

¹⁰⁰ Appeal to Environment Court by Northland Fish & Game Council ENV-2019-AKL-000120

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration or extension of a fish passage [structure](#) in, on, under, or over the bed of a lake or river (s13(1)).
- Disturbance of the bed of a lake or river or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of the fish passage [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.7 Demolition or removal of existing structures – permitted activity¹⁰¹

The removal or demolition of an existing [structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance, are permitted activities, 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) prior to demolition, impounded sediment is removed from behind the [structure](#), as far as is reasonably practicable, and
- 4) the activities comply with all relevant conditions of [C.2.3 General conditions](#), and
- 5) where the activities will result in improved fish passage, before the start of works, the person doing the activity obtains written advice from the Regional 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 removed.

For the avoidance of doubt this rule covers the following RMA activities:

- Removal or demolition of a [structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance (s13(1)).
- Damming, taking or diversion of water incidental to the activity (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.8 Construction and installation of structures – permitted activity¹⁰²

The erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:

¹⁰¹ Appeal to Environment Court by Northland Fish & Game Council ENV-2019-AKL-000120

¹⁰² Appeal to Environment Court by i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
ii) Federated Farmers of New Zealand ENV-2019-AKL-000114

- 1) the activities, including any temporary damming and diversions around work sites, comply with all relevant conditions of [C.2.3 General conditions](#), and
- 2) the activities are not associated with the launching, retrieval, [mooring](#), maintenance or repair of [vessels](#), and
- 3) for culvert crossings:
 - a) the contributing catchment is less than 300 hectares, and
 - b) the culvert length under the crossing parallel to river flow must not exceed 25 metres when necessary for a road or railway line, 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 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, and
 - f) the culvert must be either open bottomed or installed so that the base is set a minimum of 25 percent and a maximum of 50 percent of the culvert diameter below the stream bed, and
 - g) on request by the Regional Council, records of [structure](#) design and flow calculations must be made available within 10 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. 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 located so as to not decrease the bed width by more than 10 percent, and
 - c) the bridge abutments and foundations are constructed parallel to the river, and
 - d) on request by the Regional Council, records of [structure](#) design and flow calculations must be provided within 10 working days of the request, and
 - e) the bridge 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. 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 activity must not result in 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**):
 - i. Outstanding Natural Character Area, or
 - ii. Outstanding Natural Feature, or
 - iii. Site or Area of Significance to tangata whenua, and
- 6) For maimai / game bird shooting shelter **structures**:
 - a) the **structure** does not exceed 10 square metres, and
- 7) for cables, electricity and telecommunication lines and pipelines:
 - a) the cable, line or pipeline, including site related **structures** that enable the cable, line or pipeline to function, does not cause diversion or blockage of any river, and
 - b) the activities do not disturb a **significant wetland**, an **outstanding freshwater body**, or the bed of a continually or **intermittently flowing river** or lake in a mapped (refer I **Maps | Ngā mahere matawhenua**):
 - i. Outstanding Natural Character Area, or
 - ii. Outstanding Natural Feature, or
 - iii. Site or Area of Significance to tangata whenua, and
 - c) for any **wastewater** pipeline to be erected or placed on, in, over, or under the bed of a continually or **intermittently flowing river** or lake, the person doing the activities 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:
 - i. the name, address, and phone number of the person responsible for the works, and
 - ii. the location of the structure, and
 - iii. the waste products to be piped.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, reconstruction, alteration, or extension of a **structure** in, on, under, or over the bed of a lake or river, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, placement, reconstruction, alteration, or extension of a **structure** (14(2)).
- Discharge sediment or water into water incidental to the activity (s15(1)).

C.2.1.9 Minor river bank protection works – permitted activity

The:

- 1) placement, or alteration (including maintenance or repair) of a river bank protection **structure** 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 temporary damming, taking or diversion of water around the activity site,

are permitted activities, provided:

- 4) the activities comply with all relevant conditions of [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 activities do 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 vehicles, or erodible material are not used for the purposes of bank protection or reinstatement, and
- 9) the person doing the activities uses good practice erosion and sediment control measures, including where practicable temporary diversion of water flow around the activity site, to minimise any discharge of sediment, and
- 10) diversion of water is restricted to within the [bank full edge](#) of the river, and
- 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 [I Maps | Ngā mahere matawhenua](#)).

Note:

Rule [C.2.1.9](#) 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](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Placement or alteration (including repair or maintenance) of a river bank protection [structure](#) in, on, under or over the bed of a river and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the placement, or alteration (including repair or maintenance) of a [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.10 Freshwater structures – controlled activity¹⁰³

The erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, that is not permitted by Rule [C.2.1.8 Construction and installation of structures – permitted activity](#) are controlled activities, provided:

- 1) the activities are not in a [significant wetland](#), an [outstanding freshwater body](#) or a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) Site or Area of Significance to tangata whenua, and

¹⁰³ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Northland Fish & Game Council ENV-2019-AKL-000120
iii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

- 2) the length of a culvert does not exceed 25 metres unless it passes under a local authority road, and
- 3) the structure does not prevent indigenous fish passage, and
- 4) the activities do not impede existing legal public access to the river.

Matters of control:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, or extension of a structure in, on, under, or over the bed of a lake or river and any associated bed disturbance or deposition of a substance in, on or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.11 Activities in the beds of lakes and rivers – discretionary activity¹⁰⁴

The following activities that are not the subject of any other rule in this Plan are discretionary activities:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a structure in, on, under, or over the bed of a lake or river, or introduce or plant any plant or any part of a plant in, on, or under the bed, or reclaim or drain the bed, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure and any incidental ongoing damming or diversion of water around the structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

¹⁰⁴ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107 insertion of a new rule C.2.1.11A

C.2.1.12 New flood defence – discretionary activity¹⁰⁵

The:

- 1) use, erection or placement of a new flood defence structure in, on, under, or over the bed of a lake or river, or
- 2) deposition of a flood defence in, on, or under the bed of a lake or river, or
- 3) alteration or extension of an existing flood defence, and
- 4) any associated disturbance of the bed, reclamation or drainage of the bed or damming or diversion of water,

are discretionary activities, provided they are not in an outstanding freshwater body or mapped (refer I Maps | Ngā mahere matawhenua):

- 5) Outstanding Natural Feature, or
- 6) Outstanding Natural Character Area, or
- 7) Site or Area of Significance to tangata whenua.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a flood defence outside the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration, or extension of a flood defence in, on, under, or over the bed of a lake or river or the deposition of a flood defence in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).
- Damming, taking or diversion water around the activity site during the erection, reconstruction, placement, alteration, or extension of a flood defence or ongoing damming or diversion of water around the flood defence (s14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.13 Structures in a significant area – non-complying activity¹⁰⁶

The use, erection, reconstruction, placement, alteration, or extension of a structure in, on, under or over the bed of a lake or river, that is part of a significant wetland or an outstanding freshwater body, or mapped (refer I Maps | Ngā mahere matawhenua):

- 1) Outstanding Natural Character Area, or
- 2) Outstanding Natural Feature, or
- 3) Site or Area of Significance to tangata whenua,

that is not the subject of any other rule in this Plan, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are non-complying activities.

¹⁰⁵ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

¹⁰⁶ Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
iii) Federated Farmers of New Zealand ENV-2019-AKL-000114

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under or over the bed of a lake or river and any associated disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a [flood defence](#), or ongoing damming or diversion of water around the [flood defence](#) (s14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.14 New flood defence in significant areas – non-complying activity¹⁰⁷

The:

- 1) use, erection or placement of a new [flood defence structure](#) in, on, under, or over the bed of a lake or river, or
- 2) deposition of a [flood defence](#) in, on, or under the bed of a lake or river, or
- 3) alteration or extension to an existing [flood defence](#), and
- 4) any associated disturbance of the bed, reclamation or drainage of the bed, or damming or diversion of water,

in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 5) [Outstanding Freshwater Body](#), or
 - 6) Outstanding Natural Feature, or
 - 7) Outstanding Natural Character Area, or
 - 8) Site or Area of Significance to tangata whenua,
- are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Construction and use of a [flood defence](#) outside of the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration, or extension of a [flood defence](#) in, on, under, or over the bed of a lake or river or the deposition of a [flood defence](#) in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a [flood defence](#), or ongoing damming or diversion of water around the [flood defence](#) (s14(2)).
- Discharge of sediment or water into water incidental to activity (s15(1)).

¹⁰⁷ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

C.2.2 Activities affecting wetlands

C.2.2.1 Wetland maintenance and enhancement – permitted activity¹⁰⁸

The damage, destruction, disturbance, or removal of vegetation in a wetland or deliberate introduction of a plant in a wetland for the purpose of wetland maintenance or wetland enhancement are permitted activities, provided:

- 1) the damage, destruction, disturbance, or removal is limited to exotic plants or pest species, and
- 2) any introduced plant is not a pest species, and
- 3) the activities comply with all relevant conditions of C.2.3 General conditions, and
- 4) if the activities are in a significant wetland:
 - a) planting must be limited to indigenous species that are endemic to the area, and
 - 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Damage, destruction or disturbance of a wetland that is not part of a bed of a lake or river or in the coastal marine area, removal of a plant in a wetland that is not part of a bed of a lake or river or in the coastal marine area, and introduction of a plant in a wetland outside of the bed of a lake or river or in the coastal marine area (s9(2)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of a bed of a lake or river, and introduction of a plant in a wetland that is part of the bed of a lake or river (s13(2)).
- Disturbance of the bed of a lake or river incidental to the activity (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.2 Structures in wetlands – permitted activity¹⁰⁹

In a wetland:

- 1) the use, erection, reconstruction, placement, alteration, extension, demolition or removal of any fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure, and
- 2) the use and maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or core local infrastructure,

are permitted activities, provided:

- 3) in a significant wetland:
 - a) any bird-watching hide, maimai, or game bird shooting structures do not exceed 10 square metres in area, and

¹⁰⁸ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV- 2019-AKL-000127
ii) Northland Fish & Game Council ENV-2019-AKL-000120
iii) Federated Farmers of New Zealand ENV-2019-AKL-000114

¹⁰⁹ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV- 2019-AKL-000127
ii) Northland Fish & Game Council ENV-2019-AKL-000120

- b) boardwalk **structures** are no wider than 1.8 metres and cumulatively are no longer than 40 metres per **wetland**, and
- c) any damage, destruction, disturbance or removal of a plant or any part of a plant necessary for the use and maintenance of **core local** or **regionally significant infrastructure** is limited to an area less than 200m², and
- d) any other **structure** does not exceed five square metres in area, and
- 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

the activities comply with all relevant conditions of **C.2.3 General conditions**.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a fence, **wetland** interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk **structure** in a **wetland** that is not part of the bed of a lake or river or in the coastal marine area (s9(2)).
- Use or maintenance (a form of alteration) of a **structure** forming part of **regionally significant infrastructure** or **core local infrastructure** in a **wetland** that is not part of the bed of a lake or river or in the coastal marine area (s9(2)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a fence, **wetland** interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk **structure** in a **wetland** that is part of the bed of a lake or river or in the coastal marine area, and any incidental disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Use or maintenance (a form of alteration) of a **structure** forming part of **regionally significant infrastructure** or **core local infrastructure** in a **wetland** that is part of the bed of a lake or river, and any incidental disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.3 Constructed wetland alteration – permitted activity

The disturbance of the bed of a **constructed wetland**, and the use, erection, reconstruction, placement, alteration, extension, removal or demolition of a **structure** in a **constructed wetland** or to form a **constructed wetland**, are permitted activities provided:

- 1) the activities comply with all relevant conditions of **C.2.3 General conditions**, and
- 2) do not cause flooding or ponding on any **other property**, and
- 3) 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, extension, removal or demolition of a **structure**, in a **constructed wetland** that is not part of the bed of a lake or river or in the coastal marine area, or to form a **constructed wetland** that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Disturbance of the bed of a **wetland** that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.4 Activities in wetlands – discretionary activity

Any:

- 1) damage, destruction, disturbance, or removal of a plant in a wetland or deliberate introduction of a plant in a wetland for wetland maintenance or wetland enhancement, or
- 2) use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure in a wetland, or
- 3) disturbance of the bed of a constructed wetland and construction or installation of a structure in a constructed wetland,

that is not the subject of any other rule in this Plan are discretionary activities, provided the activities are not undertaken in a significant wetland.

For the avoidance of doubt this rule covers the following RMA activities:

Activities relating to plants:

- Damage, destruction, disturbance, or removal of a plant in a wetland that is not part of a bed of a lake, and introduction of a plant in a wetland outside the bed of a lake or river (s9(2)).
- The introduction of any exotic or introduced plant to a wetland that is part of the coastal marine area (s12(1)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of the coastal marine area (s12(3)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of a bed of a lake or river, and introduction of a plant in a wetland that is part of the bed of a lake or river (s13(2)).

Activities relating to structures:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is not part of the bed of a lake or river (s9(2)).
- Erection, placement, alteration or extension of a structure in, on, under or over any foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a structure in a wetland in the coastal marine area (s12(2)).
- Use of a structure in a wetland in the coastal marine area (s12(3)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

- Disturbance of the bed of a wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Disturbance of the foreshore that is part of a wetland (s12(1)).
- Disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.5 Activities in significant wetlands – non-complying activities

The:

- 1) damage, destruction, disturbance, or removal of vegetation in a [significant wetland](#) or deliberate introduction of a plant in a [significant wetland](#) for [wetland maintenance](#) or [wetland enhancement](#), or
- 2) use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any [structure](#) in a [significant wetland](#),

that is not the subject of any other rule in this Plan, is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

Activities relating to plants:

- Damage, destruction, disturbance, or removal of a plant in a [wetland](#) that is not part of a bed of a lake, and introduction of a plant in a [wetland](#) outside the bed of a lake or river (s9(2)).
- The introduction of any exotic or introduced plant to a [wetland](#) that is part of the coastal marine area (s12(1)).
- Damage, destruction, disturbance, or removal of a plant in a [wetland](#) that is part of the coastal marine area (s12(3)).
- Damage, destruction, disturbance, or removal of a plant in a [wetland](#) that is part of a bed of a lake or river, and introduction a plant in a [wetland](#) that is part of the bed of a lake or river (s13(2)).

Activities relating to [structures](#):

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a [structure](#) in a [wetland](#) that is not part of the bed of a lake or river (s9(2)).
- Erection, placement, alteration or extension of a [structure](#) in, on, under or over any foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a [structure](#) in a [wetland](#) in the coastal marine area (s12(2)).
- Use of a [structure](#) in a [wetland](#) in the coastal marine area (s12(3)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a [structure](#) in a [wetland](#) that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

- Disturbance of the bed of a [wetland](#) that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Disturbance of the foreshore that is part of a [wetland](#) (s12(1)).
- Disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.3 General conditions

General conditions apply to activities when referred to in the rules of Sections [C.2.1 Activities in the beds of lakes and rivers](#), [C.2.2 Activities affecting wetlands](#) or [C.3.1 Damming and diverting water](#).

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 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 activities 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) beyond the [zone of reasonable mixing](#), the discharge must not give rise to any conspicuous change in the colour or visual clarity, and
- d) any conspicuous change in the colour or visual clarity within the [zone of reasonable mixing](#) must not occur for longer than 12 hours per day.¹¹⁰

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.¹¹¹
- 4) All equipment and excess materials must be removed from the bed of the water body on completion of the activity.

Avoiding pest introduction

- 5) All plant, machinery, equipment or material operating or used in a water body, must be free of plant contaminants, seeds or vegetative material, which is capable of germinating or reproducing [pest](#) species.¹¹²

River alignment and flooding effects

- 6) The activities must not:
 - a) cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, or
 - b) compromise the structural integrity or use of any other [authorised structure](#) or activity in the bed of the river or lake, or

¹¹⁰ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

¹¹¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

¹¹² Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- c) **dam** or divert water in a way that causes flooding or ponding on any **other property**.
- 7) Any dammed water must not raise sub-surface or **surface water** levels to the extent that drainage of **other property** is adversely impeded.

Natural wetlands

- 8) The activities 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.
- 9) The vegetation and the bed of any **natural wetland** are not disturbed to a depth or an extent greater than that required to give effect to the permitted-activities.¹¹³

Indigenous vegetation disturbance or removal¹¹⁴

- 10) Any **indigenous vegetation** damage, destruction, disturbance or removal is limited to the minimum extent necessary to give effect to the permitted activities.

Fuel storage and refuelling

- 11) Fuel must not be stored and machinery must not be refuelled in any location where fuel may 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.
- 12) Fuel must not be discharged to water, or the bed of a surface waterbody, or to land, in circumstances where the fuel can enter water.

Fresh water structures

Erosion and sediment discharges associated with a structure

- 13) The presence of the **structure** must not cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream.
- 14) 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 sediment discharges.

Structure durability, maintenance and off-site effect avoidance

- 15) The **structure** must be maintained in a sound condition and function for the purpose it was designed for, and at all times be capable of withstanding a one percent annual exceedance probability (AEP) flood without structural failure or risk to people or **other property**.
- 16) 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 activities.
- 17) The activities must not cause damage to, or restriction of the use of, any other authorised **structure**.
- 18) The activities must not prevent existing lawful public access or navigation to or along a continually or **intermittently flowing river** or lake, unless provided by an existing authorisation.
- 19) **Dam structures** must be designed, constructed, operated and maintained so that:
 - a) vegetation 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** or faces of the **dam**.

¹¹³ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

¹¹⁴ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 20) **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 inspection, 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.*

Fish passage¹¹⁵

- 21) The upstream and downstream passage of fish in continually or **intermittently flowing rivers** must 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:
- a) 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
 - 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.

Note:

*Advice on the potential **pest** fish populations located downstream of the **structure** can be obtained from the Regional Council, the Department of Conservation, or the Northland Fish and Game Council.*

Construction activity controls

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

Notifying the Regional Council

- 24) The person undertaking the activities 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 catchments are greater than 50 hectares and the activities involve 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 **minimum flow** to provide for fish passage and the method by which that **minimum flow** will be maintained, and
 - iv. the proposed date of commencement and duration of the activities.

¹¹⁵ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

Temporary flow diversion around work sites

- 25) The temporary damming, diverting or pumping of river flow around work sites in the bed of a water body must:
- a) only be undertaken 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** no greater than 600 millimetres, and
 - d) when pumping, use a fish screen with the intake screen mesh spacing not greater than three millimetres, and
 - 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.

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.

Notes:

- 1) *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).*
- 2) *For good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD.*
- 3) *The rules in this section do not apply to damming and diversion provided for in Rule C.2.1 Activities in the beds of lakes and rivers, Rule C.2.2 Activities affecting wetlands and Rule C.4.1 Land drainage and flood control.*

C.3.1 Damming and diverting water

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C.3.1 Damming and diverting water

C.3.1.1 Off-stream damming and diversion – permitted activity¹¹⁶

The damming or diversion of rainfall runoff, including in sediment ponds and [stormwater detention structures](#), or water in an [artificial watercourse](#) are permitted activities, provided:

- 1) the activities do not [dam](#) or divert water in a continually or [intermittently flowing river](#), [natural wetland](#) or lake, and
- 2) the activities do 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 flood levels upstream or downstream of the [structure](#) beyond the land or [structures](#) owned or controlled by the person undertaking the activities, 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 activities 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
- 6) the level of a lake or downstream flow in a continually or [intermittently flowing 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 for, and at all times be capable of withstanding a one percent annual exceedance probability flood without structural failure or risk to people or [other property](#), and
- 8) 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 activities 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Damming or diversion of rainfall runoff or water in an [artificial watercourse](#) (s14(2)).

C.3.1.2 Small dam – permitted activity¹¹⁷

The use, erection, reconstruction, placement, alteration or extension of a [dam](#) in a lake, river or [natural wetland](#), any associated disturbance of the bed of a river or lake and deposition of material on the bed, and damming and diversion of water are permitted activities, provided:

- 1) the activities are necessary for:
 - a) the creation or enhancement of a [wetland](#), or
 - b) hydrological monitoring, or

¹¹⁶ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

¹¹⁷ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- c) stock drinking where **livestock** are excluded from entering the lake, continually or **intermittently flowing river** or **wetland**, and
- 2) the activities are 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) Site or Area of Significance to tangata whenua, and
- 3) the width of a continually or **intermittently flowing 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** 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 level of a lake or downstream flow in a continually or **intermittently flowing river** is not reduced below a **minimum flow** or **minimum level** as a result of the **dam**, and
- 7) the person undertaking the activities 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**, the values being enhanced, and
- 8) the activities comply with all relevant conditions of **C.2.3 General conditions**.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a **dam** in, on, under, or over the bed of a lake or river, and any associated disturbance of the bed of a river or lake and deposition of any substance in, on, or under the bed of a river or lake (s13(1)).
- Damming and diversion of water associated with the **dam** (s14(2)).
- Discharge sediment or water into water or onto land where it may enter water incidental to the use, erection, reconstruction, placement, alteration or extension of a **dam** or disturbance of the bed or any deposition of any substance on the bed (s15(1)).
- Discharge sediment or water onto land incidental to the use, erection, reconstruction, placement, alteration or extension of a **dam** or any disturbance of the bed or any deposition of any substance on the bed (s15(2A)).

C.3.1.3 Existing in-stream dam – permitted activity¹¹⁸

The use of an existing **dam** in a lake, river or **natural wetland** and any associated damming and diversion of water are permitted activities, provided:

- 1) the damming or diversion is **authorised**, and
- 2) the **reservoir capacity** is:

¹¹⁸ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- a) less than 20,000 cubic metres, and the **dam height** is less than four metres, or
 - b) necessary for maintaining the **wetland's** natural ecosystem and not associated with any consented water take, and
- 3) the level of a lake or downstream flow in a continually or **intermittently flowing river** is not reduced below a **minimum flow** or **minimum level** as a result of the **dam**, and
 - 4) the **dam structure** complies with all relevant conditions of **C.2.3 General conditions**.

For the avoidance of doubt this rule covers the following RMA activities:

- Use of a **dam** in, on, under, or over the bed of a lake or river (s13(1)).
- Damming and diversion of water associated with the **dam** (s14(2)).
- Discharge of sediment or water into water incidental to the use of a **dam** (s15(1)).

C.3.1.4 Dam maintenance – permitted activity

The maintenance and repair of an **authorised dam** (including excavation of accumulated material retained behind the **dam**), any associated disturbance of the bed of a river or lake and deposition of material in, on, or under the bed, and the associated damming and diversion of water are permitted activities, provided:

- 1) the activities do 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 activities comply with all relevant conditions of **C.2.3 General conditions**.

For the avoidance of doubt this rule covers the following RMA activities:

- The maintenance or repair (forms of alteration) of a **dam** in, on, under, or over the bed of a lake or river and any associated disturbance of the bed of a river or lake and deposition of any substance in, on, or under the bed of a river or lake (s13(1)).
- Damming and diversion of water associated with the maintenance or repair of a **dam** (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the maintenance or repair of a **dam**, or disturbance of the bed or any deposition of a substance on the bed (s15(1)).
- Discharge sediment or water onto land incidental to the maintenance or repair of a **dam**, or disturbance of the bed or any deposition of a substance on the bed (s15(2A)).

C.3.1.5 Existing in-stream large dams – controlled activity¹¹⁹

The use of an existing **dam** in a lake, river or **natural wetland** and the associated damming and diversion of water that are not permitted activities under **C.3.1.3** are controlled activities, provided:

- 1) the dam is **authorised**, and
- 2) the level of a lake or downstream flow in a continually or **intermittently flowing river** is not reduced below a **minimum flow** or **minimum level** as a result of the **dam**, and
- 3) the activities comply with all relevant conditions of **C.2.3 General conditions**.

¹¹⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

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 structural integrity of the [dam](#) and any upgrade works or maintenance required.
- 6) Effects on aquatic ecosystem health.

For the avoidance of doubt this rule covers the following RMA activities:

- Use of a [dam](#) in, on, under, or over the bed of a lake or river (s13(1)).
- Damming and diversion of water associated with the [dam](#) (s14(2)).
- Discharge of sediment or water into water incidental to the use of a [dam](#) (s15(1)).

C.3.1.6 River channel diversion – discretionary activity¹²⁰

The diversion of water in a river and any associated disturbance of the bed or deposition of material on the bed, that is not the subject of any other rule in this Plan are discretionary activities, provided it is not in a [significant wetland](#), an [outstanding freshwater body](#), or a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) Outstanding Natural Character Area, or
- 2) Outstanding Natural Feature, or
- 3) Site or Area of Significance to tangata whenua.

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of the bed of a river and deposition of any substance in, on, or under the bed of a river associated with diverting water in a river (s13(1)).
- Diversion of water in a river (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the diversion of water in a river or disturbance of the bed or deposition of a substance on the bed (s15(1)).
- Discharge sediment or water onto land incidental to damming and diversion of water in a river or disturbance of the bed or any deposition of material on the bed (s15(2A)).

C.3.1.7 Damming or diverting water – discretionary activity

The use, erection, reconstruction, placement, alteration or extension of a [dam](#) in the bed of a river, lake or [natural wetland](#), any associated disturbance of the bed of a river or lake and deposition of material on the bed, and the associated damming and diversion of water that is not the subject of any other rule in this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration or extension of a [dam](#) in a [natural wetland](#) that is not part of the bed of a lake or river (s9(2)).

¹²⁰ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- Use, erection, reconstruction, placement, alteration or extension of a **dam** in, on, under or over the bed of a lake or river, and any associated disturbance of the bed of a river or lake and deposition of any substance in, on, or under the bed of a river or lake (s13(1)).
- Damming and diversion of water associated with the **dam** (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the use, erection, reconstruction, placement, alteration or extension of a **dam**, or the damming and diversion of water, or disturbance of the bed or deposition of a substance in, on, or under the bed (s15(1)).
- Discharge of sediment or water onto land incidental to the use, erection, reconstruction, placement, alteration or extension of a **dam**, or the damming and diversion of water, or disturbance of the bed or deposition of a substance in, on, or under the bed (s15(2A)).

C.3.1.8 Obstructions that divert water onto other property – discretionary activity

The placement of an **obstruction** (including a **structure**) in a **flood hazard area** (including a **high-risk flood hazard area**), an **overland flow path**, a river or an **artificial watercourse** that will, or is likely to, divert water onto **other property**, is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Placement of an **obstruction** (including a **structure**) in a **flood hazard area** (including a **high-risk flood hazard area**), an **overland flow path**, or an **artificial watercourse** that will, or is likely to, divert water onto **other property** (s9(2)).
- Placement of an **obstruction** (including a **structure**) or deposition of an **obstruction** in, on, or under the bed of a river that will, or is likely to, divert water onto **other property** (s13(1)).
- Damming and diversion of water within a **flood hazard area** (including a **high-risk flood hazard area**), an **overland flow path**, a river, or an **artificial watercourse** (s14(2)).

C.3.1.9 Damming or diversion of water in a significant wetland or significant area – non-complying activity¹²¹

The damming or diversion of water in a **significant wetland**, an **outstanding freshwater body** or mapped (refer **I Maps | Ngā mahere matawhenua**):

- 1) Outstanding Natural Character Area, or
- 2) Outstanding Natural Feature, or
- 3) Site or Area of Significance to tangata whenua, and

that is not a permitted activity in section **C.3.1** of this Plan is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration or extension of a **dam** in, on, under, or over the bed of a natural wetland that is not part of the bed of a lake or river, and any associated disturbance of the bed or deposition of any substance in, on, or under the bed (s9(2)).

¹²¹ Appeal to Environment Court by i) Northland Fish & Game Council ENV-2019-AKL-000120
ii) CEP Services Matawhi Ltd ENV-2019-AKL-000111

- Use, erection, reconstruction, placement, alteration or extension of a [dam](#) in, on, under, or over the bed of a lake or river, and any associated disturbance of the bed or deposition of any substance in, on, or under the bed (s13(1)).
- Damming and diversion of water associated with the [dam](#) (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the use, erection, reconstruction, placement, alteration or extension of a [dam](#), the damming and diversion of water, or the disturbance of the bed or deposition of material on the bed (s15(1)).
- Discharge sediment or water onto land incidental to the use, erection, reconstruction, placement, alteration or extension of a [dam](#), the damming and diversion of water, or disturbance of the bed or deposition of material on the bed (s15(2A)).

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.

C.4.1 Land drainage and flood control

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C.4.1 Land drainage and flood control

C.4.1.1 Land drainage – permitted activity¹²²

The damming, diversion and discharge of water associated with [land drainage](#) are permitted activities, provided:

- 1) the activity complies with all relevant conditions of Rule [C.4.1.9 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 in or from the same catchment in which the water would naturally flow, and
- 4) a new drain is not constructed within 15 metres of an existing [wastewater](#) disposal area.

For the avoidance of doubt this rule covers the following RMA activities:

- Drainage of land (s9(2)).
- Disturbance of the bed of a lake or river or deposition of a substance in, on, or under the bed of a lake or river incidental to the connection of a drain to a lake or river (s13(1)).
- Damming and diversion of water (s14(2)).
- Discharge of drainage water and the incidental discharge of sediment entrained in drainage water to water (s15(1)).

C.4.1.2 Existing authorised stopbanks – permitted activity

The damming and diversion of water by a stopbank and the use of a stopbank in the bed of a lake or river where the stopbank was [authorised](#) before the notification date of this Plan are permitted activities, provided:

- 1) the activity complies with all relevant conditions of Rule [C.4.1.9 Land drainage and flood control general conditions](#), and
- 2) The owner or person responsible for the stopbank can provide, if requested by the Regional Council, a copy of the authorisation of the stopbank.

For the avoidance of doubt this rule covers the following RMA activities:

- The use of a stopbank in, on, under or over the bed of a lake or river (s13(1)).
- Damming and diversion of water by a stopbank (s14(2)).
- Discharge of sediment to water incidental to the use of a stopbank (s15(1)).

C.4.1.3 Repair and maintenance of a stopbank or floodgate – permitted activity

The repair or maintenance (forms of alteration) of an existing stopbank or floodgate, any associated disturbance of the bed of a lake or river and the damming, taking, diversion and discharge of water around the activity site during the repair or maintenance, are permitted activities, provided:

¹²² Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

- 1) the activity complies with all relevant conditions of Rule [C.4.1.9 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, other than as required to provide for the settlement of earthen stopbanks, and
- 3) the Regional Council's Compliance Manager is given at least 10 working days' notice (in writing or by email) of the details of the proposed works.

For the avoidance of doubt this rule covers the following RMA activities:

- The repair or maintenance (forms of alteration) of a stopbank or floodgate that is outside the bed of a lake or river (s9(2)).
- The repair or maintenance (forms of alteration) of a stopbank or floodgate in, on, under, or over the bed of a lake or river, and the incidental disturbance of the bed and deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking and diversion of water around the activity site during the repair or maintenance of a stopbank or floodgate (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the repair or maintenance of a stopbank or floodgate (s15(1)).
- Discharge of sediment onto land incidental to the repair or maintenance of a stopbank or floodgate (s15(2A)).

C.4.1.4 Repair, maintenance and clearance of a drain – permitted activity

The repair or maintenance (forms of alteration) or clearance of a drain, including any associated damming, and taking and diversion of water around the activity site, are permitted activities, provided:

- 1) the activity complies with all relevant conditions of Rule [C.4.1.9 Land drainage and flood control general conditions](#), and
- 2) there is no increase to the length or width of the original drain, and
- 3) drain clearance activities are undertaken in an upstream to downstream direction.

For the avoidance of doubt this rule covers the following RMA activities:

- Repair, maintenance or clearance of a drain that is an [artificial watercourse](#) (s9(2)).
- Repair or maintenance (forms of alteration) of a drain that is a modified watercourse and any associated disturbance of the bed of the watercourse and incidental deposition of a substance on the bed (s13(1)).
- Damming, taking and diversion of water around the activity site during repair, maintenance or clearance of a drain (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the repair, maintenance or clearance of a drain (s15(1)).
- Discharge of sediment or water onto land incidental to the repair, maintenance or clearance of a drain (s15(2A)).

C.4.1.5 Re-consenting flood control schemes – controlled activity

An application for a resource consent that will replace a resource consent that authorises the use of a flood control scheme involving an activity described in sections 13, 14 and 15 of the Act 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.
- 4) The [zone of reasonable mixing](#) for any discharge.
- 5) Effects on in-stream habitat and freshwater fish (excluding [pest](#) species).

For the avoidance of doubt this rule covers the following RMA activities:

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

C.4.1.6 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, or
- 2) clearing of drainage channels and floodgates, or
- 3) maintenance and repair (forms of alteration) and reconstruction of land drainage scheme assets, that are not a:
- 4) permitted activity under Rule [C.4.1.2 Existing authorised stopbanks – permitted activity](#), or
- 5) permitted activity under Rule [C.4.1.3 Repair and maintenance of a stopbank or floodgate – permitted activity](#), or
- 6) permitted activity under Rule [C.4.1.4 Repair, maintenance and clearance of a drain – permitted activity](#),

are controlled activities provided:

- 7) 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.

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](#) for any discharge.

- 4) Any necessary staging of works.
- 5) Effects on tangata whenua and their [taonga](#).
- 6) Fish passage.
- 7) Effects on any [natural wetlands](#).
- 8) Effects on freshwater fish (excluding [pest](#) species) and in particular eels.

For the avoidance of doubt this rule covers the following RMA activities:

- Clearing drainage channels and floodgates and the maintenance, repair and reconstruction of land drainage scheme assets outside the bed of a lake or river in a drainage district (s9(2)).
- Taking, damming and diversion of water for [land drainage](#) within an existing drainage district (s14(2)).
- Discharge of water, and sediment entrained in water, to water and onto land where it may enter water within and from the flood drainage scheme (s15(1)).
- Discharge of sediment or water onto land within and from the flood drainage scheme (s15(2A)).

C.4.1.7 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), including:

- 1) the use, erection, reconstruction, placement, alteration and extension of a [structure](#) for [land drainage](#) or flood control work in, on, under, or over the bed of a lake or river, and
- 2) any associated disturbance of the bed, and
- 3) any associated deposition of a substance in, on or under the bed, and
- 4) any associated taking, damming or diversion of water,

that are not a permitted activity, controlled activity or a discretionary activity in Section C.4.1 of this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- [Land drainage](#) or flood control work (including new [land drainage](#) or flood control schemes and new [structures](#) within schemes) (s9(2)).
- Use, erection, reconstruction, placement, alteration or extension of a [structure](#) for [land drainage](#) or flood control work in, on, under, or over the bed of a lake or river, and any associated disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1)).
- Taking, damming or diversion of water associated with [land drainage](#) or flood control work (14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to [land drainage](#) or flood control work (s15(1)).
- Discharge of sediment onto land incidental to [land drainage](#) or flood control work (s15(2A)).

C.4.1.8 Activities affecting flood control schemes – discretionary activity

The following activities within a Regional Council flood control scheme (refer [I Maps | Ngā mahere matawhenua](#)) that are not a permitted activity under Rule [C.2.1.9 Minor river bank protection works – permitted activity](#) are discretionary activities:

- 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
- 3) land disturbance activity within 10 metres of a [flood defence](#) that impedes access required for maintenance of a flood control scheme.

For the avoidance of doubt this rule covers the following RMA activities:

- The disturbance of land within 10 metres of a [flood defence](#) (s9(2)).
- Erection of a [structure](#) in, on, or under the bed of any river and any disturbance of the bed (s13(1)).

C.4.1.9 Land drainage and flood control general conditions¹²³

General conditions apply to activities when referred to in the rules of Section [C.4.1](#).

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 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) There is no adverse flooding, erosion or over-drainage effects on [other property](#).
- 2) The activity does not alter the course of a lake or continually or [intermittently flowing river](#).
- 3) New [land drainage](#) does not occur within 50 metres of any [natural wetland](#).
- 4) 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.
- 5) 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.
- 6) There is no damage to a [flood defence](#) or any other [authorised structure](#).
- 7) Fish passage is maintained, unless an existing authorisation provides otherwise, or temporary works to enable repair and replacement works are being carried out.
- 8) Eels, 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 practicable, but no later than one hour after their removal.
- 9) Refuelling of machinery does not take place in the bed of a river or lake.

¹²³ Appeal to Environment Court by i) Minister of Conservation ENV-2019-AKL-000122
ii) Public and Population Health Unit, Northland District Health Board ENV-AKL-000126

- 10) Where a discharge from **land drainage** enters an **outstanding freshwater body** or coastal water beyond the **zone of reasonable mixing**, the discharge does not:
- 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 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.
- 11) Any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days and must not occur for more than 12 hours on any one day.

C.5 Taking and use of 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.

C.5.1 Taking and use of water

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C.5.1 Taking and use of water

Note:

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 Māori](#) 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)).

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:

- Catchment specific Rule [E.3.1.2 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.3.2.1 Water takes from a lake in the Poutō catchment – permitted activity](#) applies to the taking and use of water and prevails over Rule [C.5.1.13 Water take below a minimum flow or water level – non-complying activity](#).

C.5.1.1 Minor takes – permitted activity¹²⁴

The taking and use of water, and in the case of geothermal water any associated heat and energy, from a river, lake or aquifer is a permitted activity, provided:

- 1) the take is not from a [coastal aquifer](#) or [outstanding freshwater body](#) 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) 10 cubic metres, or
 - b) 30 cubic metres for the purposes of dairy shed wash down and milk cooling water, and
- 3) 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
- 4) the maximum rate of geothermal heat take (without taking water) does not exceed 7500 megajoules per day, and
- 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

¹²⁴ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

- 7) for a **surface water** take, 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 0.12 metres per second, and
 - b) if the take is from a **coastal river, outstanding river or lake**, the intake **structure** has a fish screen with the intake screen mesh spacing not greater than 1.5 millimetres, or
 - c) if the take is from a **small river or large river**, the intake **structure** has a fish screen with mesh spacing not greater than three millimetres, and
- 8) any reticulation system and its components are maintained to minimise leakage and wastage, and
- 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, and
 - 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river, lake or aquifer, and any associated heat or energy from geothermal water (s14(2)).

C.5.1.2 Taking and use of coastal water – permitted activity

The taking and use of coastal water other than open coastal water is a permitted activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of coastal water other than open coastal water (s14(2)).

Note:

Open coastal water may be taken without resource consent in accordance with S14(1), RMA.

C.5.1.3 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 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) 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 0.12 metres per second, and
 - b) a take from a [coastal river](#) or lake has a fish screen with mesh spacing not greater than 1.5 millimetres, or
 - c) a take from a [small river](#) or [large river](#) has a fish screen with mesh spacing not greater than three millimetres, and
- 6) 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river or lake for road construction, road dust suppression or road maintenance purposes (s14(2)).

C.5.1.4 Water take from an off-stream dam – permitted activity

The taking and use of water from an [off-stream dam](#) is a permitted activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of fresh water from an [off-stream dam](#) (s14(2)).

C.5.1.5 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 to a continually or [intermittently flowing river](#), lake, or [natural wetland](#), and
- 2) the [artificial watercourse](#) is controlled to prevent backflow of water from connected continually or [intermittently flowing 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of fresh water from an [artificial watercourse](#) (s14(2)).

C.5.1.6 Water take associated with bore development, bore testing or dewatering – permitted activity

The taking and use of groundwater associated with [bore](#) development, [bore](#) testing, or [dewatering](#) by pumping is a permitted activity, provided:

- 1) if the take is from a [coastal aquifer](#):
 - 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
- 2) if the take is from the [Aupōuri 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
- 3) if the take is in another area, the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 cubic metres per day, or
- 4) 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
- 5) the activity does not adversely affect the reliability of water supply of an [authorised](#) water take, and
- 6) the activity is not in a [natural wetland](#) or does not cause any permanent change to water levels in any [natural wetland](#), and
- 7) any resulting ground settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of groundwater associated with [bore](#) development, [bore](#) testing, or [dewatering](#) by pumping (s14(2)).

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.6.9.6 Discharges to land or water not provided for by other rules – permitted activity](#).

C.5.1.7 Water takes associated with existing quarry and mine site dewatering – controlled activity

The taking of water by [dewatering](#) an existing quarry or mine site, including ground [dewatering](#) by way of existing drainage sumps, which does not draw water from a [coastal aquifer](#) is a controlled activity.

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.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking, diversion and use of fresh water from an existing quarry or mine site which does not draw water from a [coastal aquifer](#) (s14(2)).

Note:

Any discharge associated with the take may be permitted by Rule [C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity](#).

C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity¹²⁵

An application for a resource consent to take and use water from a river, lake or aquifer 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) Effects on:
 - a) aquatic ecosystems health, and
 - b) [mahinga kai](#) and access to [mahinga kai](#), and
 - c) indigenous biodiversity in the bed of a water body where it affects tangata whenua ability to carry out cultural and traditional activities, and
 - d) [wāhi tapu](#), and
 - e) the identified values of mapped Sites and Areas of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of fresh water for a [registered drinking water supply](#) from a river, lake or aquifer (s14(2)).

C.5.1.9 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 at the notification date of this Plan, and the total daily volume per [property](#) taken from all sources exceeds a volume in Condition 2 of [C.5.1.1](#), 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) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 4) 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, including restrictions on abstraction required to give effect to the [minimum flows](#) set in [H.4 Environmental flows and levels](#).

¹²⁵ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127.
ii) Appeal to Environment Court by the Public and Population Health Unit, Northland District Health Board ENV-AKL-000126

- 2) The design, location and maintenance of the intake **structure** to minimise adverse effects on fish species.
- 3) Measures to ensure the reasonable and efficient use of water, including ensuring consistency with industry good practice.
- 4) Effects on the identified values of mapped Sites and Areas of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river, lake or aquifer (s14(2)).

C.5.1.10 High flow allocation – restricted discretionary activity¹²⁶

The taking and use of water from a river when the flow in the river is above the **median flow** that is not a permitted or controlled activity under [C.5.1](#) of this Plan is a restricted discretionary activity.

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.
- 2) Measures to ensure the reasonable and efficient use of water.
- 3) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river (s14(2)).

C.5.1.11 Takes existing at the notification date of this Plan – discretionary activity

The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan but was not **authorised** 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 this Plan.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river, lake or aquifer (s14(2)).

C.5.1.12 Other water takes – discretionary activity

The taking and use of water, or the taking and use of heat or energy from water or heat or energy from the material surrounding geothermal water, that is not the subject of any other rule in this Plan is a discretionary activity.

¹²⁶ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Northland Fish & Game Council ENV-2019-AKL-000120

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river, lake or aquifer, and taking heat or energy from geothermal water or material surrounding geothermal water (s14(2)).

C.5.1.13 Water take below a minimum flow or water level – non-complying activity¹²⁷

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.4 Environmental flows and levels](#), and that is not permitted by a rule in this Plan, is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of water from a river, lake or [natural wetland](#) (s14(2)).

C.5.1.14 Water take that will exceed an allocation limit – non-complying activity¹²⁸

The taking and use of fresh water that would cause an allocation limit set in [H.4 Environmental flows and levels](#) for a river or aquifer to be exceeded, and that is not permitted by a rule in this Plan, is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Taking and use of fresh water from a river or aquifer (s14(2)).

¹²⁷ Appeal to Environment Court by i) Northland Fish & Game Council ENV-2019-AKL-000120
ii) Minister of Conservation ENV-2019-AKL-000122
iii) Federated Farmers of New Zealand ENV-2019-AKL-000114

¹²⁸ Appeal to Environment Court by i) Northland Fish & Game Council ENV-2019-AKL-000120
ii) Minister of Conservation ENV-2019-AKL-000122

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.

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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, and the associated discharge of any odour into air from the on-site system, are permitted activities, provided:

- 1) the discharge volume does not exceed:
 - a) three cubic metres per day, averaged 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 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 at least **secondary treatment**, and
- 3) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and
- 4) **wastewater** irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area or are 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of **domestic type wastewater** into or onto land from an on-site system, and the associated discharge of any odour into air from the on-site system and the discharge into or onto land (s15(1) and s15(2A)).

C.6.1.2 Pit toilet – permitted activity

The discharge of human **effluent** from a pit toilet into land and the associated discharge of odour into air from the pit toilet are permitted activities, provided:

- 1) there is no discharge from a domestic **wastewater** system into the pit toilet, and
- 2) the pit toilet is situated outside exclusion areas and setback distances in *Table 8: Exclusion areas and setback distances for pit toilets*, and
- 3) the pit toilet is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour, and
- 4) the pit toilet is constructed to prevent rainfall and **surface water** runoff from entering it, and
- 5) the discharge does not contaminate any groundwater water 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.

Table 8: Exclusion areas and setback distances for pit toilets

Feature	Pit toilet
<i>Exclusion areas</i>	
Floodplain	1 percent Annual Exceedance Probability
<i>Horizontal setback distances</i>	
Identified stormwater flow path (including a formed road with kerb and channel) that is down-slope of the disposal area	5 metres
Water-table drain, off-stream dam or pond that is down-slope of the disposal area	10 metres
River, lake, stream, or natural wetland	20 metres
Coastal marine area	20 metres
Existing water supply bore	20 metres
Property boundary	1.5 metres
<i>Vertical setback distances</i>	
Winter groundwater table	1.2 metres

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of human [effluent](#) into or onto land and the associated discharge of odour into air from a pit toilet (s15(1) and 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 and the associated discharge of odour into air from the on-site system are permitted activities, provided:

- 1) the on-site system is designed and constructed in accordance with the *Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012)*, 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 [wastewater](#) has received [secondary or tertiary treatment](#), and is discharged via a trench or bed in soil categories 3 to 5 that is designed in accordance with Appendix L of *Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012)*; or is via an irrigation line system that is:
 - a) dose loaded, and
 - b) covered 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 disposal area, and
 - c) where there is an up-slope catchment that generates **stormwater** runoff, a diversion system is 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 by a minimum of 100 millimetres of topsoil, mulch, or bark, and
- 7) the disposal area and reserve disposal area are situated outside the relevant exclusion areas and setbacks in *Table 9: 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 in accordance with the manufacturer's specifications, and
- 11) the discharge does not contaminate any groundwater 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 9: 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
<i>Exclusion areas</i>			
Floodplain	5 percent annual exceedance probability	5 percent annual exceedance probability	5 percent annual exceedance probability
<i>Horizontal setback distances</i>			
Identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is down-slope of the disposal area	5 metres	5 metres	5 metres
River, lake, stream, pond, dam or natural 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

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
Property boundary	1.5 metres	1.5 metres	1.5 metres
<i>Vertical setback distances</i>			
Winter groundwater table	1.2 metres	0.6 metres	0.6 metres

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of [domestic type wastewater](#) into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(1) and s15(2A)).

C.6.1.4 Replacement discharge permits – controlled activity

An application for a resource consent to replace an existing resource consent for a discharge of [domestic-type wastewater](#) into or onto land, or to discharge treated [domestic-type wastewater](#) into water, from an on-site system, 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of [domestic type wastewater](#) into or onto land, the discharge of treated [domestic type wastewater](#) into water, and the associated discharge of odour into air from an on-site system (s15(1)).
- Discharge of [domestic type wastewater](#) into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(2A)).

C.6.1.5 Other domestic wastewater discharges – discretionary activity

The discharge of treated on-site [domestic type wastewater](#) into or onto land or into water, or the discharge of human [effluent](#) from a pit toilet into land, and any associated discharge of odour into air, that are not a permitted, controlled, or prohibited activity under any other rules in Section C.6.1 of this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of treated on-site [domestic type wastewater](#) or human [effluent](#) from a pit toilet into water or into or onto land where it may enter water and any associated discharge of odour into air from the on-site system or pit toilet (s15(1)).
- Discharge of treated on-site [domestic type wastewater](#) or human [effluent](#) from a pit toilet into or onto land and any associated discharge of odour into air from the on-site system or pit toilet (s15(2A)).

C.6.1.6 Discharge of untreated domestic type wastewater into water – prohibited activity

The discharge of untreated [domestic type wastewater](#) into [surface water](#) or directly into groundwater is a prohibited activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of untreated [domestic type wastewater](#) into water (s15(1)).

C.6.2 Wastewater network and treatment plant discharges

C.6.2.1 Discharge from a pump station or pipe network – discretionary activity

The discharge of [wastewater](#) from a [wastewater network](#) into water or onto or into land, and any associated discharge of odour to air resulting from the discharge are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of [wastewater](#) from a [wastewater network](#) into water or onto or into land where it may enter water and the associated discharge of odour into air (s15(1))
- Discharge of [wastewater](#) from a [wastewater network](#) onto or into land and the associated discharge of odour into air (s15(2)(A)).

C.6.2.2 Wastewater treatment plant discharge – discretionary activity

The discharge of treated [wastewater](#) from a [wastewater](#) treatment plant into water or onto or into land, and any associated discharge of odour into air resulting from the discharge, are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of treated [wastewater](#) from a [wastewater](#) treatment plant into water or onto or into land where it may enter water and any associated discharge of odour into air (s15(1)).
- Discharge of treated [wastewater](#) from a [wastewater](#) treatment plant onto or into land and any associated discharge of odour into air (s15(2)(A)).

C.6.2.3 Wastewater discharge – prohibited activity

The discharge of untreated [wastewater](#) from a [wastewater](#) treatment plant into water or onto or into land where it may enter water is a prohibited activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of untreated [wastewater](#) from a [wastewater](#) treatment plant into water or onto or into land where it may enter water (s15(1)).

C.6.3 Production land discharges

C.6.3.1 Farm wastewater discharges to land – permitted activity¹²⁹

The discharge of **farm wastewater** onto or into land and any associated discharge of odour to air are permitted activities, provided:

- 1) there is no discharge:
 - a) into **surface water** or to the coastal marine area via overland flow, or
 - b) into **surface water** or to the coastal marine area via any tile, mole or other subsurface drain, or
 - c) into an **artificial watercourse**, and
- 2) there is no discharge onto or into land or overland flow within:
 - a) 20 metres of continually or **intermittently flowing river**, lake, **natural wetland**, or the coastal marine area, or
 - b) 50m of the water body for a distance of 2000 metres upstream of a public water supply intake servicing more than 25 people, and
 - c) 20 metres of an **artificial watercourse**, or
 - d) 20 metres of a neighbouring **property** owned or occupied by another person, or
 - e) 20 metres of a public road or public space, or
 - f) 20 metres of the head of any drinking water supply **bore**, or
 - g) 50 metres of a dwelling owned or occupied by another person, and
- 3) it is discharged in a manner that:
 - a) evenly distributes the **farm wastewater**, and
 - b) does not result in ponding on the land for longer than three hours after the discharge, and
 - c) minimises overland flow, and
 - d) 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 **stormwater**, and
- 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**, and
- 6) catchment **stormwater** is prevented from entering **farm wastewater storage facilities**, and
- 7) **farm wastewater storage facilities** are used for ensuring compliance with conditions 1), 2) and 3) of this rule, and from 1 March 2021:

¹²⁹ Appeal to Environment Court by i) Federated Farmers of New Zealand ENV-2019-AKL-000114.
ii) Appeal to Environment Court by the Public and Population Health Unit, Northland District Health Board ENV-AKL-000126.

- a) for dairy farms, they are designed, constructed and used in accordance with the *Dairy Effluent Storage Calculator* (DESC), and
 - b) for dairy farms, they have at least 75 percent working volume available between 1 March and 1 May each year, and
 - 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 to the Regional Council that shows compliance with a), and
- 8) **farm wastewater storage facilities** are sealed or lined so that seepage is minimised, and
- 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) land application area, and
 - c) application rates and depths, and
 - d) maximum number of cows being milked and milking regime, and
 - e) maintenance records.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of **farm wastewater** onto or into land where it may enter water (s15(1)).
- Discharge of **farm wastewater** onto or into land and any associated discharge of odour into air (s15(2A)).

C.6.3.2 Horticulture wastewater discharges to land – permitted activity ¹³⁰

The discharge of **horticulture wastewater** onto or into land is a permitted activity, provided:

- 1) there is no discharge onto or into land within:
 - a) 20 metres of a stream, continually or **intermittently flowing 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 any dwelling owned or occupied by another person, or
 - d) 20 metres of the head of any drinking water supply **bore**, and
- 2) the discharge does not result in ponding on the land for longer than three hours, and
- 3) the discharge of vegetable washwater is undertaken in accordance with Section 2 of Horticulture New Zealand's *Vegetable Washwater Discharge Code of Practice 2017*, and
- 4) the discharge of greenhouse nutrient solution is undertaken in accordance with the *Code of Practice for the Management of Greenhouse Nutrient Discharges 2007*, and

¹³⁰ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-2019-AKL-000126

- 5) 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of horticulture wastewater onto or into land (s15(1) and s15(2A)).

C.6.3.3 Discharges associated with the making or storage of silage – permitted activity¹³¹

The discharge of a contaminants onto or into land resulting from the making or storage of silage, and any associated discharge of odour to air, are permitted activities, provided:

- 1) there is no discharge onto land within a setback distance in condition 2), and
- 2) the storage site is not located within:
 - a) 50 metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland 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 is prevented from entering the storage site, and
- 5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant onto or into land where it may enter water resulting from the making or storage of silage (s15(1)).
- Discharge of a contaminant onto or into land resulting from the making or storage of silage and any associated discharge of odour into air (s15(2A)).

C.6.3.4 Discharges associated with the disposal of dead animals or offal – permitted activity¹³²

The discharge of a contaminants onto or into land resulting from the disposal of dead animals or offal, and any associated discharge of odour to air, are permitted activities, provided:

- 1) the disposal site is not located within:
 - a) 50 metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or

¹³¹ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

¹³² Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

- 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 discharge does not contaminate any groundwater supply or [surface water](#), and
 - 3) catchment runoff is prevented from entering the disposal site, and
 - 4) the disposal site is covered or otherwise contained, and
 - 5) the discharge does not cause an offensive or objectionable odour beyond the [property](#) boundary, and
 - 6) where a composting process is used, only dead animals or animal parts from the production land activity within the [property](#) are to be composted, and industry guidelines specific to the type of dead animal being composted are complied with.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into water or onto or into land where it may enter water resulting from the disposal of dead animals or offal (s15(1)).
- Discharge of a contaminant onto or into land resulting from the disposal of dead animals or offal and any associated discharge of odour into air (s15(2A)).

C.6.3.5 Emergency discharge of milk to land – permitted activity

The emergency discharge of milk onto or into land, and any associated discharge of odour to air, are permitted activities, provided:

- 1) there is no discharge 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of milk onto or into land where it may enter water (s15(1)).
- Discharge of milk onto or into land and any associated discharge of odour into air (s15(2A)).

C.6.3.6 Wastewater discharges to land – discretionary activity

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 of dead stock or offal, or milk, and any associated discharge of odour to air, that are not permitted, restricted discretionary, non-complying activity, or prohibited activities in section C.6.3 of this Plan, are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of farm wastewater, [horticulture wastewater](#), contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land where it may enter water (s15(1)).
- Discharge of farm wastewater, [horticulture wastewater](#), contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land, and any associated discharge of odour to air (s15(2A)).

C.6.3.7 Horticulture wastewater discharges to water – discretionary activity

The discharge of treated [horticulture wastewater](#) into water is a discretionary activity, provided the discharge is not into a dune lake, [surface water](#) flowing into a dune lake, an [outstanding freshwater body](#) or a [significant wetland](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of treated [horticulture wastewater](#) into water (s15(1)).

C.6.3.8 Farm wastewater discharges to water – non-complying activity¹³³

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](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of treated [farm wastewater](#) into water (s15(1)).

C.6.3.9 Farm wastewater discharges into water – prohibited activity

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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of [farm wastewater](#) into water (s15(1)).

¹³³ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

C.6.4 Stormwater discharges

C.6.4.1 Stormwater discharges from a public stormwater network – permitted activity¹³⁴

The diversion and discharge of **stormwater** from a **public stormwater network** into water or onto or into land where it may enter water is a permitted activity, provided:

- 1) the discharge is not from a **public stormwater network** servicing an urban area listed in *Table 10: Urban areas*, and
- 2) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and
- 3) the discharge is not within 100 metres of a **geothermal surface feature**, and
- 4) the discharge does not contain contaminants used, stored or generated in trade or industrial premises, and
- 5) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and
- 6) the discharge does not cause any of the following effects in the receiving waters beyond the **zone of reasonable mixing**:
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, 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.

Table 10: Urban areas

Far North district	Whangārei district	Kaipara district
Kaitiāia Kaikohe Kerikeri Paihia Waipapa-Haruru	One Tree Point-Marsden Cove Ruakaka Waipū Whangārei City	Dargaville Mangawhai-Mangawhai Heads

For the avoidance of doubt this rule covers the following RMA activities:

- Diversion of **stormwater** (s14(2)).
- Discharge of **stormwater** from a **public stormwater network** into water or onto or into land where it may enter water (s15(1)).

¹³⁴ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

C.6.4.2 Other stormwater discharges – permitted activity ¹³⁵

The diversion and discharge of **stormwater** into water or onto or into land where it may enter water from an **impervious area** or by way of a **stormwater collection system**, is a permitted activity, provided:

- 1) the discharge or diversion is not from:
 - a) a **public stormwater network**, or
 - b) a **high-risk industrial or trade premises**, and
- 2) 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 10 percent annual exceedance probability, or flooding of buildings on another **property** in a storm event of up to and including a one percent annual exceedance probability, and
- 3) where the diversion or discharge is from a **hazardous substance** storage or handling area:
 - a) the **stormwater collection system** is designed and operated to prevent **hazardous substances** stored or used on the site from entering the **stormwater** system, or
 - b) there is a **secondary containment system** in place to intercept any spillage of **hazardous substances** and either discharges that spillage to a trade waste system or stores it for removal and treatment, or
 - c) if the **stormwater** contains **oil contaminants**, the **stormwater** is passed through a **stormwater** treatment system designed in accordance with the *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand* (Ministry for the Environment, 1998) prior to discharge, and
- 4) where the diversion or discharge is from an industrial or trade premises:
 - a) the **stormwater collection system** is designed and operated to prevent any contaminants stored or used on the site, other than those already controlled by condition 3) above, from entering **stormwater** unless the **stormwater** is discharged through a **stormwater treatment system**, and
 - b) any process water or liquid waste stream on the site is bunded, 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 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) the diversion or discharge is not into **potentially contaminated land**, or onto **potentially contaminated land** that is not covered by an **impervious area**, and
- 6) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and
- 7) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and
- 8) the discharge does not cause any of the following effects in the receiving waters beyond the **zone of reasonable mixing**:
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) a conspicuous change in the colour or visual clarity, or
 - c) an emission of objectionable odour, or

¹³⁵ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

- d) the rendering of fresh water unsuitable for consumption by farm animals.

For the avoidance of doubt this rule covers the following RMA activities:

- Diversion of **stormwater** (s14(2)).
- Discharge of **stormwater** into water or onto or into land where it may enter water from an **impervious area** or by way of a **stormwater collection system** (s15(1)).

C.6.4.3 Stormwater discharges – controlled activity

The diversion and discharge of **stormwater** into water or onto or into land where it may enter water that is not a permitted activity or discretionary activity in section C.6.4 of this Plan is a controlled activity.

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) The adequacy of measures to minimise flooding caused by the **stormwater** network.
- 5) The design and operation of the **stormwater** system and any staging of works.

For the avoidance of doubt this rule covers the following RMA activities:

- Diversion of **stormwater** (s14(2)).
- Discharge **stormwater** into water or onto or into land where it may enter water (s15(1)).

C.6.4.4 Stormwater discharges onto or into contaminated land or from high-risk industrial or trade premises – discretionary activity¹³⁶

The diversion and discharge of **stormwater**:

- 1) into water or onto land where it may enter water from a **high-risk industrial or trade premises**, or
 - 2) into **contaminated land**, or
 - 3) onto **contaminated land** that is not covered by an **impervious area**
- is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Diversion of **stormwater** (s14(2)).
- Discharge of **stormwater** into water or onto or into land where it may enter water (s15(1)).
- Discharge of **stormwater** onto or into land (s15(2A)).

¹³⁶ Appeal to the Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

C.6.5 Agrichemicals and vertebrate toxic agents

C.6.5.1 Application of agrichemicals – permitted activity¹³⁷

The discharge of an [agrichemical](#) into air or onto or into land is a permitted activity, provided:

- 1) for all methods (including [hand-held spraying](#), [ground-based spraying](#) and [aerial application](#)):
 - a) the discharge does not result in:
 - i. any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject [property](#) or in the coastal marine area, or
 - 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
 - c) other than for spraying in plantation forestry where notification must be given at least 20 and no more than 60 working days before spraying commences, neighbouring [properties](#) receive notification no less than 24 hours and no more than three weeks before the spraying activity is to take place, as set out in *Table 11: Spraying notification requirements*, and
 - d) if [agrichemicals](#) are applied within 100 metres of a [public amenity area](#), prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete. The signs must include the contact details of the [property](#) owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, indication of any specific hazards and the application method. A record of the notification undertaken must be kept and made available to the Regional Council on request, and
 - e) for spraying by any method in public road corridors and rail corridors:
 - i. other than for backpack spraying of roadside boundary fence lines adjacent to private land, a public notice must be placed in a newspaper, or a letter drop made to properties within 30 metres (or 200 metres for [aerial spraying](#)) from the area to be sprayed, at least seven days and not one month before spraying is to take place, and
 - ii. the signs, public notice and letter drop must include the contact details of the [property](#) owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, and the application method, and
 - iii. vehicles used for spraying must display prominent signs (front and back) advising that spraying is in progress, and
 - iv. a record of the notification undertaken must be kept and made available to the Regional Council on request.

¹³⁷ Appeal to Environment Court by i) Hancock Forest Management NZ Ltd ENV-2019-AKL-000096.
ii) Public & Population Health Unit, Northland District Health Board ENV-AKL-000126
iii) Horticulture New Zealand ENV-2019-AKL-000116

Table 11: Spraying notification requirements

Spraying method	Properties to be notified	Notification requirements
Hand-held spraying	Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).	Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).
Ground-based spraying	Any property with a spray-sensitive area within 50 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 road corridor or rail corridor.	Notification: a) is to be undertaken by the owner or occupier of the property where agrichemicals will be applied unless delegated to the applicator, management company, forest manager, or pack house operator, and b) is to be in writing (which can include email or other electronic means) or by telephone, and c) includes:
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 road corridor or rail corridor.	i. the days and times during which the agrichemical application is likely to take place, including alternative days and times if the weather is unsuitable, and ii. the contact details of the owner or occupier of the property, or applicator, or management company forest manager, or packhouse operator, and iii. the details of agrichemicals being applied, and iv. indication of any specific hazards (including toxicity to bees), and v. the application method.
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 or rail corridor.	

2) for ground-based spraying and aerial spraying:

- a) the activity is undertaken in accordance with the following sections of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)* as it relates to the management of the discharge of agrichemicals:
 - i. Use – Part 5.3, and
 - ii. Storage – Appendix L4, and
 - iii. Disposal – Appendix S, and
 - iv. Records – Appendix C9, and
- b) a Spray Plan must be prepared annually for the area where the agrichemical is to be applied, and
- c) where the activity is undertaken within 100 metres of a spray sensitive area:

- i. a risk assessment must be carried out prior to the application of an **agrichemical** and measures must be taken to minimise adverse effects on **spray-sensitive areas**. The risk assessment must include reference to Table G1 of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)*, and
- ii. **agrichemicals** must only be applied when the wind direction is away from the **spray-sensitive area**, and
- iii. the application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)*.

3) for **ground-based spraying**:

- a) an applicator who is a **contractor** holds a current GROWSAFE Registered Chemical Applicators Certificate (or equivalent), and
- b) an applicator who is not a **contractor** holds a current GROWSAFE 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), and

4) for **aerial application**:

- a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or their equivalent), and

5) for **agrichemicals** containing 2,4-D:

- a) the **agrichemical** is non-volatile or is slightly low volatile¹³⁸, 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.

Notes:

*In addition to the requirements of Rule C.6.5.1 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.*

*In relation to a 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 the 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.*

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of an **agrichemical** onto or into land or into air (s15(1) and s15(2A)).

¹³⁸Vapour pressure less than 1 x 10⁻⁴mmHg.

C.6.5.2 Application of agrichemicals into water – permitted activity¹³⁹

The discharge of an [agrichemical](#) into water is a permitted activity provided:

- 1) other than for the control of plant [pest](#) species listed in the Regional [Pest](#) Management Plan or the National [Pest](#) Plant Accord, there is no discharge into coastal water, and
- 2) the discharge does not cause, beyond the [zone of reasonable mixing](#) 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) an increase in the temperature by more than three degrees Celsius, or
 - c) the pH to fall outside the range of 6.5 - 8.5 or change the pH by more than one pH unit, or
 - d) the dissolved oxygen to be less than five milligrams per litre, or
 - e) any conspicuous change in the colour or visual clarity, or
 - f) the rendering of fresh water unsuitable for consumption by farm animals if the water is used for stock drinking water, and
- 3) an applicator holds a recognised application qualification (GROWSAFE or its equivalent with an aquatic component), and
- 4) the activity is undertaken in accordance with the following sections of the *New Zealand Standard. Management of [Agrichemicals](#) (NZS 8409:2004)* as it relates to the management of the discharge of [agrichemicals](#):
 - a) Use – Part 5.3, and
 - b) Storage – Appendix L4, and
 - c) Disposal – Appendix S, and
 - d) Records – Appendix C9, and
- 5) where the activity is undertaken within 100 metres of a [spray-sensitive area](#):
 - a) a risk assessment must be carried out prior to the application of an [agrichemical](#) and measures must be taken 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
 - b) [agrichemicals](#) must only be applied when the wind direction is away from the [spray-sensitive area](#), and
 - c) 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)*, and
- 6) the following notification takes place:
 - a) other than for spraying in plantation forestry where notification must be given at least 20 and no more than 60 working days before spraying commences, 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, and

¹³⁹ Appeal to Environment Court by i) Hancock Forest Management NZ Ltd ENV-2019-AKL-000096
ii) Horticulture New Zealand ENV-2019-AKL-000116

- 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, and
 - 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, and
 - d) notification must include:
 - i. the days and times during which the spraying is likely to take place, including alternative days and times if the weather is unsuitable, and
 - ii. the contact details of the **property** owner or applicator, and
 - iii. the details of **agrichemicals** being sprayed, and
 - iv. an indication of any specific hazards (including toxicity to bees), and
 - v. the application method, and
- 7) in addition, for **aerial application** into water:
- a) an applicator holds a current GROWSAFE Pilot AgricChemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or its equivalent, and
 - b) there is no **aerial application** in **urban areas**, and
- 8) if **agrichemicals** are applied within 100 metres of a **public amenity area**, prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete. The signs must include the contact details of the **property** owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, an indication of any specific hazards (including toxicity to bees), and the application method. A record of the notification undertaken must be kept and made available to the Regional Council on request, and
- 9) in addition, for spraying by any method in public road corridors or rail corridors:
- a) prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying, and remain in place until spraying is complete, and
 - b) a public notice must be placed in a newspaper or a letter drop made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed at least seven days and not one month before spraying is to take place, and
 - c) the signs, public notice and letter drop must include the contact details of the **property** owner or applicator, details on the **agrichemical** to be sprayed, the time period during which the spraying is likely to take place, an indication of any specific hazards (including toxicity to bees), and the application method, and
 - d) vehicles used for spraying must display prominent signs (front and back) advising that spraying is in progress, and
 - e) a record of the notification undertaken must be kept and made available to the Regional Council on request.

Notes:

*In addition to the requirements of Rule C.6.5.2, 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.*

In relation to a 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 an aerial application, the applicator and ground crew must hold qualifications and competencies as required by the Environmental Protection Authority and Worksafe New Zealand.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of an agrichemical into water (s15(1)).

C.6.5.3 Ground-based application of vertebrate toxic agents – permitted activity

The ground-based application of vertebrate toxic agents onto or into land, other than those complying with the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a permitted activity, provided the substance is used as approved by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*.

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 on 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a vertebrate toxic agent onto or into land (s15(2A)).

C.6.5.4 Aerial application of vertebrate toxic agents – controlled activity

The aerial application of a vertebrate toxic agent onto or into land and any incidental discharge into water or incidental discharge of dust to air, other than those complying with the *Resource Management (Exemption) Regulations 2017 – Pest Control*, are controlled activities, provided:

- 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.
- 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 on 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a **vertebrate toxic agent** onto or into land where they may enter water and any incidental discharge of a **vertebrate toxic agent** into water (s15(1)).
- Discharge of a **vertebrate toxic agent** onto or into land and any incidental discharge of a **vertebrate toxic agent** into air (S15(2A)).

C.6.5.5 Application of agrichemicals and vertebrate toxic agents – discretionary activity

The discharge of an **agrichemical** or **vertebrate toxic agent** that is not a permitted or controlled activity in section **C.6.5** of this Plan is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of an **agrichemical** or **vertebrate toxic agent** into water, onto or into land where it may enter water, or into air (s15(1)).
- Discharge of an **agrichemical** or **vertebrate toxic agent** 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 ¹⁴⁰

The discharge of cooling water into water is a permitted activity, provided:

- 1) the discharge is free of any **hazardous substance**, and
- 2) the discharge is not within 100 metres of a **geothermal surface feature**, and
- 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 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, and
- 4) the discharge does not cause any permanent scouring or erosion of the bed of a water body at the point of discharge.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of cooling water into water (s15(1)).

C.6.6.2 Discharge of contaminants from a water treatment plant – permitted activity

The discharge of untreated or primary treated water containing contaminants into water, or onto or into land where it may enter water, 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, and
- 2) the discharge only occurs during times of high total suspended solids concentrations in the treatment plant's source water, and
- 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.

¹⁴⁰ by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of untreated or primary treated water containing contaminants from a water treatment plant for potable water supply, into water or onto or into land where it may enter water (s15(1)).
- Discharge of untreated or primary treated water containing contaminants from a water treatment plant for potable water supply, onto or into land (s15(2A)).

C.6.6.3 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water – permitted activity ¹⁴¹

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, and
- 3) the lowest point of the disposal system is not less than 0.9 metres above the winter groundwater table, and
- 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) there is no discharge:
 - a) into [surface water](#) via overland flow, or
 - b) into [surface water](#) via any tile, mole or other subsurface drain, and
- 8) 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
- 9) The discharge occurs in a manner that:
 - a) does not result in ponding on the land for more than three hours after the discharge, and
 - b) evenly distributes it over the entire infiltration surface of the disposal system, and
- 10) there is a reserve area equivalent to 100 percent of the disposal area, and
- 11) there is no clogging of the disposal system or soils.

¹⁴¹ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land (s15(2A)).

C.6.6.4 Industrial or trade discharges – discretionary activity

The discharge of a contaminant (except for a contaminant entrained in [stormwater](#)) from an industrial or trade premises into water, or onto or into land, that is not the subject of any other rule in this Plan is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant (except for a contaminant entrained in [stormwater](#)) from an industrial or trade premises into water or onto or into land (s15(1)).

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.

C.6.7 Solid waste

C.6.7.1 Discharges to land from closed landfills – permitted activity

The discharge of a contaminant from a closed landfill onto or into land is a permitted activity, provided:

- 1) a risk assessment of the closed landfill is certified by a suitably qualified and experienced practitioner and is carried out in accordance with the risk screening system developed by the Ministry for the Environment which demonstrates that the environmental risk is low, and
- 2) a copy of the risk assessment is lodged with the Regional Council.

Notes:

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 A Guide to the Management of Closing and Closed Landfills in New Zealand (MfE, 2001).

The discharge to air from a closed landfill is covered by Rule C.7.2.4.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from a closed landfill onto or into land (s15(2A)).

C.6.7.2 On-site refuse disposal – permitted activity

The discharge of a contaminant from primary production or household waste, except dead animals and offal, 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 agrichemical containers or hazardous substances, and
- 3) the waste is generated on the property where the discharge site is located, and
- 4) the property is not located within 20 kilometres by road of a territorial authority waste transfer station that accepts bulk refuse, and
- 5) the property is more than four hectares in area, and
- 6) the volume of waste discharged does not exceed 12 cubic metres per property per calendar year, and
- 7) the discharge is not located within:
 - a) 50 metres of the coastal marine area, a stream, river, lake or natural wetland, or
 - 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
- 8) stormwater is prevented from entering the waste discharge site, and
- 9) the waste discharge site is not subject to groundwater or salt water intrusion or inundation, and

- 10) the waste is covered to prevent wind-blown refuse, and
- 11) the surface of the discharge site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and
- 12) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject [property](#).

Note:

The disposal of dead stock and offal is covered by Rule [C.6.3.4](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from [primary production](#) or household waste, except dead animals and offal, onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant from [primary production](#) or household waste, except dead animals and offal, onto or into land and any incidental discharge of odour and dust (s15(2A)).

C.6.7.3 Discharges from composting operations less than 10 cubic metres – permitted activity

The discharge of a contaminants onto or into land from a [composting operation](#) and the associated discharge of dust and odour into air are permitted activities, 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant onto or into land from a [composting operation](#) and the associated discharge of dust and odour into air (s15(1) and s15(2A)).

C.6.7.4 Discharges from composting operations greater than 10 cubic metres – permitted activity

The discharge of a contaminants onto or into land from a [composting operation](#) and the associated discharge of dust and odour into air where the total volume of material composted at any time exceeds 10 cubic metres are permitted activities, 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 via overland flow or via any tile, mole or other subsurface drain, and
- 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, and

- 5) the activity is not located within:
 - a) 50 metres of any water supply **bore**, stream, river, lake or **natural wetland**, or
 - 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**.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant onto or into land from a **composting operation** and the associated discharge of dust and odour into air (s15(1) and s15(2A)).

C.6.7.5 Discharges from waste transfer stations – controlled activity

The discharge of a contaminants from a **waste transfer station** onto or into land and the associated discharge of a contaminant into air are controlled activities.

Matters of control:

- 1) Measures in place to limit contaminants entering **surface water**, groundwater and the coastal marine area.
- 2) Measures to manage any noxious, dangerous, offensive or objectionable odour, smoke, dust or any noxious or dangerous levels of airborne contaminants.

Notification:

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

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from a **waste transfer station** onto or into land and the associated discharge of a contaminant into air (s15(1) and s15(2A)).

C.6.7.6 Discharges from closed landfills

The discharge of a contaminant from a closed **landfill** onto or into land is a controlled activity.

Matters of control:

- 1) The provision of a Closed **Landfill** Aftercare Management Plan and its format, contents and implementation.
- 2) Adequacy of protection from saltwater and fresh water intrusion including:
 - a) the permeability of the compacted capping layer, and
 - b) **stormwater** management onto and from the site, and
 - c) adequacy of the **landfill** surfaces to prevent ponding.
- 3) Adequacy of vegetation cover.
- 4) Mitigation of effects on water quality.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant onto or into land from a closed [landfill](#) (s15(1) and s15(2A)).

Note:

Discharges to air from closed [landfills](#) is covered in Rule [C.7.2.4](#).

C.6.7.7 Other solid waste discharges – discretionary activity

A solid waste discharge onto or into land that is not a permitted activity or a controlled activity under any other rules in section [C.6.7](#) of this Plan is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of solid waste onto or into land and any incidental discharge of a contaminant into air (s15(1) and 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 potentially contaminated land – permitted activity¹⁴²

The disturbance of land for 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 supervised and certified by a [suitably qualified and experienced practitioner](#), and
- 2) the person or organisation initiating the site investigation provides 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)*.

Note:

The construction of a [bore](#) in contaminated land is a controlled activity (refer Rule [C.8.5.3](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of land for a site inspection to assess the concentration of a hazardous substance in soil or water (s9(2)).
- Discharge of a contaminant onto or into land, or onto or into land where it may enter water, or into air incidental to the activity (s15(1)).
- Discharge of a contaminant onto or into land and into air incidental to the activity (s15(2A)).

C.6.8.2 Discharges from contaminated land – permitted activity¹⁴³

The [passive discharge](#) of a contaminant 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 supervised and certified by a [suitably qualified and experienced practitioner](#), and
- 2) the site investigation report demonstrates that the [passive discharge](#) of the [contaminants of concern](#) is equal to or less than the relevant contaminant concentrations set out in clauses 3 to 9 below:
- 3) in groundwater the concentration of a contaminant at the [property](#) boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:

¹⁴² Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

¹⁴³ Appeal to Environment Court by The Oil Companies ENV-2019-000119

- a) the relevant contaminant concentrations in the *Drinking Water Standards for New Zealand 2005 (revised 2008)*, and
 - b) the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1* (ANZECC 2000) at the level of 80 percent protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (95 percent protection of species), and
- 4) in surface water, the concentration of a contaminant, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), or immediately adjacent to any surface water or coastal water, does not exceed the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1* (ANZECC 2000) at the level of 95 percent protection of species, and
 - 5) concentrations of chlorinated solvents in soil gas do not exceed the land use specific Interim Health Investigation Levels for soil gas at one metre depth 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
 - 6) concentrations of petroleum hydrocarbons in soil gas do not exceed the land use specific target soil air concentrations at one metre depth in Appendix 4J of the *Guidelines 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
 - 7) light non-aqueous phase liquids (LNAPLs)¹⁴⁴ must have a LNAPL transmissivity of less than 0.07 square metres per day, or a [suitably qualified and experienced practitioner](#) must certify that the LNAPL is unlikely to be mobile using a lines of evidence approach, and
 - 8) for dense non-aqueous phase liquids (DNAPL)¹⁴⁵ a [suitably qualified and experienced practitioner](#) must certify that the DNAPL is unlikely to be mobile and in free phase form using a lines of evidence approach, and
 - 9) non-aqueous phase liquids do not extend across the [property](#) boundary.

Note:

Rules C.6.8.1 and C.6.8.2 reference several standards which list a range of contaminants. It is expected that compliance with these Rules 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, testing or sampling, chemical fate and transport assessment or modelling, or similar techniques.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant onto or into land (s15(2A)).

¹⁴⁴Light non-aqueous phase liquids are liquids that have a specific gravity of less than one.

¹⁴⁵Dense non-aqueous phase liquids are liquids that have a specific gravity of greater than one.

C.6.8.3 Contaminated land remediation – controlled activity

The remediation of contaminated land is a controlled activity.

Matters of control:

- 1) The content, adequacy and implementation of the detailed site investigation report including:
 - a) site sampling, and
 - b) laboratory analysis, and
 - c) risk assessment.
- 2) The need for, content, 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 *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011)*.

For the avoidance of doubt this rule covers the following RMA activities:

- Remediation of contaminated land (s9(2)).
- Discharge of a contaminant onto or into land where it may enter water or onto or into land or into air incidental to the activity (s15(1)).
- Discharge of a contaminant into air or into or onto land incidental to activity (s15(2A)).

C.6.8.4 Re-consenting passive discharges from contaminated land – controlled activity¹⁴⁶

An application for a new resource consent to replace an existing resource consent for a [passive discharge](#) of a contaminant into water, or onto or into land where it may enter water, is a controlled activity.

Matters of control:

- 1) The content, adequacy and implementation of a detailed site investigation (contaminated land), including:
 - a) site sampling, and
 - b) laboratory analysis, and
 - c) risk assessment.
- 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 *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011)*.
- 3) The need for a financial bond.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

¹⁴⁶ Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

C.6.8.5 Contaminated land – discretionary activity

The:

- 1) disturbance of land for a site investigation to assess the concentration of a hazardous substances that may be present in soil or water, or
- 2) discharge of a contaminant from contaminated land

that is not a permitted or controlled activity in section C.6.8 of this Plan is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of land for a site investigation to assess the concentration of hazardous substances in soil or water (s9(2)).
- Discharge of a contaminant into water, or onto or into land where it may enter water, or onto or into land, or into air incidental to the activity (s15(1)).
- Discharge of contaminants into air or into or onto land (s15(2A)).

C.6.9 Other discharges of contaminants

C.6.9.1 Discharge of dust suppressants – permitted activity

The discharge of a dust suppressant onto or into land is a permitted activity, provided the dust suppressant:

- 1) is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, or
- 2) 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a dust suppressant onto or into land where it may enter water (s15(1)).
- 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 or onto or into land where it may enter 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 the [zone of reasonable mixing](#):
 - a) a conspicuous change in the colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, and
- 4) the Regional Council's Compliance Manager is given at least 24 hours' notice (in writing or by email) prior to the discharge.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

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 – With Emphasis on Fertiliser Use* (Fertiliser Association, 2013).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a [fertiliser](#) onto or into land where it may enter water (s15(1)).

C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir – permitted activity

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, is a permitted activity, provided:

- 1) the discharge does not cause any permanent scouring or erosion of the channel or banks of the receiving water body at the point of discharge, and
- 2) the discharge does not cause any of the following effects in the receiving waters beyond the **zone of reasonable mixing**:
 - 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of sluicing water or water from a public or community water supply network, or reservoir to water or onto or into land where it may enter water (s15(1)).

C.6.9.5 Discharges from shellfish harvesting, washing and sorting – permitted activity

The discharge of water or biodegradable organic matter to coastal water or the foreshore and seabed 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 in the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside the range of 6.5 to 8.5, or
 - d) the dissolved oxygen in 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of water or biodegradable organic matter to water or onto or into land where it may enter water (s15(1)).
- Deposition of biodegradable organic matter on the foreshore or seabed incidental to the activity (s12(1)).

C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity¹⁴⁷

The discharge of water or a contaminant into water, or onto or into land where it may enter water, that is not the subject of any other rule in this Plan is a permitted activity, provided:

- 1) 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, and
- 2) the discharge does not contain **biosolids**, and
- 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 the temperature of the water by more than three degrees Celsius, or
 - b) the pH of fresh water to be outside of the range of 6.5-8.5, or
 - c) the dissolved oxygen in fresh water to be less than five milligrams per litre, or
 - d) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - e) a conspicuous change in the colour or visual clarity, or
 - f) an emission of objectionable odour, or
 - g) the rendering of fresh water unsuitable for consumption by farm animals, and
- 4) the discharge does not cause permanent scouring or erosion of the bed of any water body or the coastal marine area at the point of discharge.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant or water to water or onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.7 Other discharges – discretionary activity

The following discharges are discretionary activities:

- 1) the discharge of dust suppressant to land that is not permitted activity under Rule [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 Rule [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 Rule [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 Rule [C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir – 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 Rule [C.6.9.5 Discharges from shellfish harvesting, washing and sorting – permitted activity](#).

¹⁴⁷ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.8 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](#)) for [vessels](#) that have a certificate of survey to carry more than 49 passengers and crew.

For the avoidance of doubt this rule covers the following RMA activities:

- 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.

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C.7.1 Burning

C.7.1.1 Outdoor burning outside the Whangārei airshed – permitted activity¹⁴⁸

The discharge of a contaminant into air from **outdoor burning** outside the Whangārei airshed (refer 'I Maps | Ngā mahere matawhenua') is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 2) the only materials burnt are:
 - a) untreated wood, paper, cardboard, vegetative matter, and
 - b) animal carcasses and offal on production land, and
- 3) 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, and
- 4) 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.

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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from **outdoor burning** (15(1) and s15(2A)).

C.7.1.2 Outdoor burning in the Whangārei airshed – permitted activity¹⁴⁹

The discharge of a contaminant into air from **outdoor burning** in the Whangārei airshed (refer 'I Maps | Ngā mahere matawhenua') is a permitted activity, provided:

¹⁴⁸ Appeal to Environment Court by Horticulture New Zealand ENV-2019-AKL-000116

¹⁴⁹ Appeal to Environment Court by Horticulture New Zealand ENV-2019-AKL-000116

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 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, and
- 4) no burning takes place during June, July or August, and
- 5) clauses 3 and 4 above do not apply provided the burning is:
 - a) on an industrial and trade premise, in an **incineration device** and only material generated on-site is burnt, or
 - b) in a wood-fired kiln, or
 - c) a bonfire organised by a **community-controlled organisation** and the Regional Council and Fire and Emergency New Zealand are notified five working days in advance, and
- 6) if the burning is an outdoor fire used for cooking food or in an appliance designed for cooking food outdoors, then clauses 3 and 4 above do not apply, and gas, liquid fuel or charcoal may also be burnt in addition to the materials listed in clause 2 above, and
- 7) 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from **outdoor burning** premises (15(1)).
- Discharge of a contaminant into air from **outdoor burning** (s15(2A)).

C.7.1.3 Burning for fire training purposes – permitted activity

The discharge of a contaminant into air from 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:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 2) the fire is under the control of a nationally recognised body **authorised** to undertake fire research, fire training, or fire response activities, and

- 3) the relevant Territorial Authority and the 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
 - 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 three-month period at the same [property](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from burning (15(1) and s15(2A)).

C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity

The discharge of a contaminant into air from [outdoor burning](#) of any material for the purpose of meeting a requirement of the Biosecurity Act 1993 is a permitted activity, provided the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject [property](#) or in the coastal marine area.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from [outdoor burning](#) (15(1)).
- Discharge of a contaminant into air from [outdoor burning](#) (s15(2A)).

C.7.1.5 Flaring natural gas – permitted activity

The discharge of natural gas into air 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 6MW, and
- 2) the discharge does not occur for more than two 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 metres above ground level, or at least three metres above the ridge line of the roof, building or other structure (whichever is the highest) within a radius of 50 metres 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 Regional Council upon request.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of natural gas into air (s15(1) and s15(2A)).

C.7.1.6 Burning for energy (electricity or heat) generation less than 40kW – permitted activity

The discharge of a contaminants into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood in a burning device for energy (electricity or 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, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject [property](#) or in the coastal marine area.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood s15(1) and s15(2A)).

C.7.1.7 Burning for energy (electricity or heat) generation more than 40KW – permitted activity

The discharge of a contaminant into 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 (electricity or heat) 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 five MW, and
 - b) natural gas, biogas and liquid petroleum gas– does not exceed 10MW, and
 - c) untreated wood burning – does not exceed 2.5MW, and
- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area, and
- 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) Either:
 - a) the stack height is calculated in accordance with the chimney height requirements in [H.1 Stack height requirements](#), and the stack vertical efflux velocity is not less than 10m/s, or
 - b) the discharge was [authorised](#) at the operative date of this Plan and there is no increase in the scale of, or change to the type of, discharge, and
- 5) the opacity of the discharge to air when measured visually in accordance with the *Australian Standard. Use of standard Ringelmann and Australian Standard miniature smoke charts (AS3543:2014)* 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

- 6) the opacity of the discharge to air when measured by photoelectric means in accordance with the *Australian Standard. Use of standard Ringelmann and Australian Standard miniature smoke charts (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.7.2.11. 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (15(1) and s15(2A)).

C.7.1.8 Existing authorised burning for energy generation – restricted discretionary activity ¹⁵⁰

An application for a new resource consent to replace an existing resource consent for the discharge of a contaminant into air from burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy (electricity or heat) generation 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 or change to the type 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 and neighbouring dwelling places or properties.
- 2) The location of the discharge in relation to sensitive areas.
- 3) The method of discharge, including stack height, design and exit velocity.
- 4) Emission control equipment, its effectiveness, operation and maintenance.
- 5) Combustion rate, efficiency, operation and maintenance.
- 6) Fuel use, quality (including sulphur content), storage and handling.
- 7) Requirement for, and contents of, a management plan.
- 8) Emission limits (concentrations and rates) on the discharge.

¹⁵⁰ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

- 9) Local air quality, 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 *Good Practice Guide for Assessing Discharges to Air from Industry* (Ministry for the Environment, June 2008).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood (s15(1) and s15(2A)).

C.7.1.9 Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity

The discharge of a contaminant into air from burning a substance that is not a permitted, restricted discretionary or non-complying activity in section C.7.1 of this Plan is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from burning a substance (15(1) and s15(2A)).

C.7.1.10 Outdoor burning – non-complying activity

The discharge of a contaminant into air from 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
 - 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 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](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from [outdoor burning](#) (s15(1) and s15(2A)).

C.7.2 Other air discharges

C.7.2.1 Wet abrasive blasting – permitted activity

The discharge of a contaminant from wet **abrasive blasting** (including water blasting) onto or into land or into air is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 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 five percent by dry weight free silica, and
- 5) the discharge does not cause any of the following effects in the receiving waters beyond the **zone of reasonable mixing**:
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) increase the temperature by more than three degrees Celsius, or
 - c) 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
 - d) cause the dissolved oxygen to be less than 5mg/L, or
 - e) any conspicuous change in the colour or visual clarity, or
 - f) the rendering of fresh water unsuitable for consumption by farm animals.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from wet **abrasive blasting** onto or into land or into air (s15(1) and s15(2A)).

C.7.2.2 Dry abrasive blasting within an enclosed booth – permitted activity

The discharge of a contaminant into air from 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, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 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 percent 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**.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from dry **abrasive blasting** into air (s15(1) and s15(2A)).

C.7.2.3 Venting natural gas – permitted activity

The discharge of natural gas into air 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of natural gas into air (s15(1) and s15(2A)).

C.7.2.4 Discharges to air from closed landfills – permitted activity

The discharge of a contaminant into air from any closed **landfill** is a permitted activity, provided:

- 1) the **landfill** was closed before the 1 September 2017, and
- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 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
- 5) in circumstances where the closed **landfill** is **authorised** by an existing resource consent to discharge to air, prior to the expiry of the consent it is demonstrated to the Regional Council, by a risk assessment prepared by a **suitably qualified and experienced practitioner**, that conditions (2) and (3) of this rule are met.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from a closed **landfill** (s15(1) and s15(2A)).

C.7.2.5 Discharges to air from industrial or trade premises - permitted activity¹⁵¹

The discharge of a contaminant into air from the following industrial or trade premises 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 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 dry-cleaning facilities consuming solvents, and
- 4) the application of spray coating activities in quantities not exceeding 30 litres per day, and
- 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) premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and
- 9) premises used for the application of surface coatings, including printing or manufacture of packaging materials and the printing of paper, but excluding spray coating activities in quantities exceeding 30 litres per day, and
- 10) 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
- 11) 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
- 12) yards used to hold stock and/or buildings used solely for animal slaughtering and skinning, and
- 13) 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
- 14) premises or activities where water vapour or steam are released, and
- 15) premises used for fumigation for export or quarantine purposes, and
- 16) the construction, repair, maintenance and demolition of buildings, and
- 17) the refilling, storage and dispensing of tallow, and
- 18) the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and
- 19) the loading and unloading and on-site movement of materials, and
- 20) a recycling depot, and

¹⁵¹ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

- 21) premises used for the bulk storage, mixing and distribution of **fertiliser**, and
- 22) **quarrying** operations, **earthworks** and clean fill operations, and
- 23) rotational plastic moulding, and
- 24) a **poultry hatchery** or poultry feed mill,

provided the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air (s15(1)).

C.7.2.6 Discharges to air from the use of public roads by motor vehicles – permitted activity ¹⁵²

The discharge of dust into air from the use of a public road by a motor vehicle is a permitted activity, provided 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, and
- 2) provides on its website, an up to date list of roads 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air from the use of public roads by motor vehicles (s15(2A)).

C.7.2.7 Discharges to air not regulated in the Plan – permitted activity

The discharge of a contaminant into air that is not the subject of any other rule in 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, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 2) the discharge is not from dry **abrasive blasting**, except as provided for by rule **C.7.2.9 Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity**.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air (s15(2A)).

¹⁵² Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

C.7.2.8 Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance – permitted activity

The spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance into air or onto or into land is a permitted activity, provided:

- 1) there are no [spray-sensitive activities](#) within 30m of the activity, and
- 2) there is 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 does not exceed 18 litres per day, and
- 4) there 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from spray application of surface coatings onto or into land or into air (s15(1) and s15(2A)).

C.7.2.9 Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity

The discharge of a contaminant into air or onto or into land from 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 metres 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 five percent 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.
- 2) Effects on occupied buildings.
- 3) The risk of contaminating land.
- 4) Effects on human health.
- 5) Timing, location and duration of the activity.
- 6) The use of covers, tarpaulins or cladding over area of the structure to be worked on.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant from dry [abrasive blasting](#) onto or into land or into air (s15(1) and s15(2A)).

C.7.2.10 Existing authorised air discharges from industrial or trade premises – restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for a discharge to air associated with an industrial or trade premises that is not the subject of any 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.

Notification:

Applications processed under this rule are precluded from public notification.

Matters of discretion:

- 1) Effects on **dust, odour, smoke and spray-sensitive areas**.
- 2) The location of the discharge in relation to **dust, odour, smoke and spray-sensitive areas**.
- 3) The method of discharge.
- 4) Emission control equipment, its operation and maintenance.
- 5) Requirement for a management plan.
- 6) Emission limits (concentrations and/or rates) on the discharge.
- 7) Local air quality, 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 *Good Practice Guide for Assessing Discharges to Air from Industry* (Ministry for the Environment, June 2008).

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air and any incidental discharge of a contaminant onto or into land (s15(1) and s15(2A)).

C.7.2.11 Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity

The discharge of a contaminant into air that are not a permitted (including through [C.7.2.7 Discharges to air not regulated in the Plan - permitted activity](#)), controlled, restricted discretionary, non-complying or prohibited activity under another rule in this Plan, is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of a contaminant into air and any incidental discharge of a contaminant onto or into land (s15(1) and s15(2A)).

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.

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C.8.1 Livestock exclusion

Note:

Catchment-specific Rule E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity and Rule E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity apply and take precedence over Rule C.8.1.2 Access of livestock to the bed of a water body or continually permanently flowing artificial watercourse – permitted activity.

C.8.1.1 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Allow **livestock** to enter or pass across the bed of an **ephemeral river** or an **intermittently flowing river** (s13(2)).

C.8.1.2 Access of livestock to the bed of a water body or continually flowing artificial watercourse – permitted activity¹⁵³

The access of **livestock** to a **natural wetland**, the bed of a lake or a continually flowing river, or a continually flowing **artificial watercourse** is a permitted activity, provided:

- 1) **indigenous vegetation** in a **natural wetland** is not destroyed, and
- 2) **livestock** are **effectively excluded** from the water body for a distance of 1,000 metres upstream of a registered water supply intake servicing more than 25 people, and
- 3) **livestock** are **effectively excluded** from any inanga spawning sites identified by the Regional Council, and
- 4) other than at a **livestock crossing point**, **livestock** are **effectively excluded** from the full extent of the water body or **artificial watercourse** in accordance with the requirements in Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses', and
- 5) **livestock crossing points** used by **livestock** (excluding deer) more than once per week must be bridged or culverted by the dates in *Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*, and
- 6) at a **livestock crossing point** that is not required to be bridged or culverted, **livestock** are:
 - a) led or driven across the water body or **artificial watercourse** in one continuous movement, and
 - b) **effectively excluded** from the river or drain between crossings by the dates in *Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*.

¹⁵³ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Minister of Conservation ENV-2019-AKL-000122
iii) Federated Farmers of New Zealand ENV-2019-AKL-000114

Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses.

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than one metre wide*	All continually flowing rivers, streams and artificial watercourses	Natural wetlands >2000 m	Lakes >1ha	
Pigs and dairy cows	Excluded from the date Rule C.8.1.2 becomes operative.	Excluded from 1 January 2023.		Excluded from the date Rule C.8.1.2 becomes operative.	
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in I Maps Ngā mahere matawhenua.				
	Excluded from 1 January 2025.	Excluded from 1 January 2030.	Excluded from 1 January 2025.		
	Hill country areas as mapped in I Maps Ngā mahere matawhenua. No exclusion required.				

*Rivers, streams and artificial watercourses that continually 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Allow livestock to enter or pass across an artificial watercourse or the bed of natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

C.8.1.3 Access of livestock to rivers, lakes, and wetlands – discretionary activity¹⁵⁴

The access of livestock to a natural wetland that is larger than 2000m², the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse that is not:

- 1) a permitted activity under Rule C.8.1.2 Access of livestock to the bed of a water body or continually flowing artificial watercourse – permitted activity, or
- 2) a permitted activity under Rule E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity, or
- 3) a permitted activity under Rule E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity, or
- 4) a non-complying activity under Rule C.8.1.4 Access of livestock to an outstanding freshwater body or the coastal marine area – non-complying activity,

is a discretionary activity.

¹⁵⁴ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

For the avoidance of doubt this rule covers the following RMA activities:

- Allow **livestock** to enter or pass across an **artificial watercourse** or the bed of a **natural wetland** that is not part of the bed of a lake or river (s9(2)).
- Allow **livestock** to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land incidental to the activity (s15(1)).

C.8.1.4 Access of livestock to an outstanding freshwater body or the coastal marine area – non-complying activity¹⁵⁵

The access of **livestock** to an **outstanding freshwater body** or the coastal marine area is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Allow **livestock** to access the coastal marine area (s12(3)).
- Allow **livestock** to access the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

¹⁵⁵ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

C.8.2 Land preparation

C.8.2.1 Land preparation – permitted activity¹⁵⁶

Land preparation and any associated damming and diversion of stormwater, and discharge of stormwater into water or onto or into land where it may enter water, are permitted activities, provided:

- 1) the activity is not undertaken in the catchment of an outstanding lake or a dune lake with outstanding or high ecological value, and
- 2) the activity is not undertaken:
 - a) on erosion-prone land, or
 - b) within five metres of a natural wetland, the bed of a lake, or the bed of a continually or intermittently flowing river, and
- 3) if the land preparation is associated with horticulture and clause 2) is not complied with, it is undertaken in accordance with the *Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand)*, and
- 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) any conspicuous change in colour or visual clarity, or
 - b) rendering fresh water unsuitable for consumption by farm animals.

For the avoidance of doubt this rule covers the following RMA activities:

- Land preparation (s9(2))
- Damming and diversion of stormwater associated with land preparation (s14(2)).
- Discharge of stormwater associated with land preparation into water or onto or into land where they may enter water (s15(1)).

C.8.2.2 Land preparation – controlled activity

Land preparation and any associated damming and diversion of stormwater and discharge of stormwater, that is not a permitted activity under Rule C.8.2.1 are controlled activities.

Matters of control:

- 1) Measures to avoid or mitigate adverse effects on surface and groundwater quality.
- 2) The scale, location, and timing of land preparation.
- 3) Erosion and sediment control measures.

For the avoidance of doubt this rule covers the following RMA activities:

- Land preparation (s9(2)).
- Damming and diversion of stormwater associated with land preparation (s14(2)).
- Discharge of stormwater associated with land preparation into water or onto or into land where they may enter water (s15(1)).

¹⁵⁶ Appeal to Environment Court by i) Horticulture New Zealand ENV-2019-AKL-000116
ii) Minister of Conservation ENV-2019-AKL-000122
iii) Federated Farmers of New Zealand ENV-2019-AKL-000114

C.8.3 Earthworks

C.8.3.1 Earthworks – permitted activity¹⁵⁷

Earthworks outside the bed of a river, lake, wetland and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities provided:

- 1) the area and volume of earthworks at a particular location or associated with a project complies with the thresholds in Table 13:

Table 13: Permitted activity earthworks thresholds

Location	Earthworks thresholds
Within 10m of a natural wetland, the bed of a continually or intermittently flowing river or lake	200 square metres of exposed earth at any 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 time.
Erosion-prone land	2500 square metres of exposed earth at any time.
High-risk flood hazard area	50 cubic metres of moved or placed earth in any 12-month period.
Coastal riparian and foredune management area	Excluding for coastal dune restoration, 200 square metres of exposed earth at any time.
Flood hazard area	100 cubic metres of moved or placed earth in any 12-month period.
Other areas	5000 square metres of exposed earth at any time.

- 2) the discharge is not within 20 metres of a geothermal surface feature, and
- 3) good management practice erosion and sediment control measures equivalent to those set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005)*, are implemented for the duration of the activity, and
- 4) batters and side castings are stabilised to prevent slumping, and
- 5) exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, and
- 6) 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 watercourse, or the coastal marine, and
- 7) the earthworks activity does not:

¹⁵⁷ Appeal to Environment Court by i) Top Energy Ltd ENV-2019-AKL-000125
 ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
 iii) Minister of Conservation ENV-2019-AKL-000122
 iv) Federated Farmers of New Zealand ENV-2019-AKL-000114
 v) Public & Population Health Unit, Northland District Health Board ENV-AKL-000126.

- a) reduce the height of a dune crest in a coastal riparian and foredune management area, except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work, or
 - 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
- 8) any associated damming, 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) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, and
- 9) 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
- 10) 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 sand dunes within a coastal riparian and foredune management area.

Note:

Work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Earthworks (s9(2)).
- Damming and diversion of stormwater associated with earthworks (s14(2)).
- Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).

C.8.3.2 Earthworks – controlled activity¹⁵⁸

Earthworks outside the bed of a river or lake, wetland and the coastal marine area that exceed 5000 square metres of exposed earth at any time at a particular location or associated with a project area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are controlled activities, provided the earthworks are not located:

- 1) within 10 metres of a natural wetland, the bed of a continually or intermittently flowing river or lake, or
- 2) in a catchment of an outstanding lake, or
- 3) on erosion-prone land, or
- 4) in a flood hazard or high-risk flood hazard area, or
- 5) in the coastal riparian and foredune management area.

¹⁵⁸ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

Matters of control:

- 1) The design and adequacy of erosion and sediment control measures with reference to [good management practice](#) guidelines, equivalent to those set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016* (Auckland Council Guideline Document GD2016/005).
- 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 avoiding increased natural hazard risks on [other property](#).
- 6) Adverse effects on [regionally significant infrastructure](#).
- 7) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:
 - a) [wāhi tapu](#), and
 - b) the identified values of mapped Sites and Areas of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- [Earthworks](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [earthworks](#) (s14(2)).
- Discharge of [stormwater](#) associated with [earthworks](#) into water or onto or into land where it may enter water (s15(1)).

C.8.3.3 Earthworks in a flood hazard area – controlled activity

[Earthworks](#) in a [flood hazard area](#) that involve more than 50 cubic metres, but not more than 1000 cubic metres, of [earth](#) being moved or placed in any 12-month period, and any associated damming and diversion of stormwater and discharge of [stormwater](#) onto or into land where it may enter water, are controlled activities.

Matters of control:

- 1) The design and adequacy of erosion and sediment control measures.
- 2) Effects of flood hazard risks, land instability and land subsidence on [other property](#).
- 3) The location, extent, timing, and duration of [earthworks](#).
- 4) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- 5) Adverse effects on water bodies and coastal water.
- 6) Management of flooding effects and avoiding increased natural hazard risks on [other property](#).
- 7) Adverse effects on the following, where present in adjacent fresh waterbodies 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](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- [Earthworks](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [earthworks](#) (s14(2)).
- Discharge of [stormwater](#) associated with [earthworks](#) into water or onto or into land where it may enter water (s15(1)).

C.8.3.4 Earthworks – discretionary activity

[Earthworks](#) outside the bed of a river or lake, a [wetland](#), or the coastal marine area, and any associated damming and diversion of stormwater and discharge of [stormwater](#) onto or into land where it may enter water, that are not a permitted or controlled activity under another rule in section [C.8.3](#) of this Plan.

For the avoidance of doubt this rule covers the following RMA activities:

- [Earthworks](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [earthworks](#) (s14(2)).
- Discharge of [stormwater](#) associated with [earthworks](#) into water or onto or into land where it may enter water (s15(1)).

C.8.4 Vegetation clearance in riparian areas and foredune management area

C.8.4.1 Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area – permitted activity¹⁵⁹

Vegetation clearance and coastal dune restoration in the coastal riparian and foredune management area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities, provided:

- 1) indigenous dune vegetation is not removed or cleared, and
- 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 with indigenous dune vegetation as soon as practicable, but no later than two months after clearance, and
- 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 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Vegetation clearance and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).
- Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).

¹⁵⁹ Appeal to Environment Court by i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
ii) Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

C.8.4.2 Vegetation clearance in riparian areas – permitted activity¹⁶⁰

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, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities, provided:

- 1) the area of cleared vegetation does not exceed 200 square metres in any 12-month period, and
- 2) vegetation is felled away from rivers, lakes, and natural wetlands, except where it is unsafe or impractical to do so, and
- 3) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise because of 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
- 4) 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:
 - a) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or

For the avoidance of doubt this rule covers the following RMA activities:

- Vegetation clearance and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).
- Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).

C.8.4.3 Vegetation clearance – discretionary activity

Vegetation clearance in the coastal riparian and foredune management area, within 10 metres of a natural wetland, or within 10 metres of the bed of a continually or intermittently flowing river or lake, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that are not a permitted activity in section C.8.4 of this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Vegetation clearance and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).
- Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).

¹⁶⁰ Appeal to Environment Court by i) Federated Farmers of New Zealand ENV-2019-AKL-000114
ii) Public & Population Health Unit, Northland District Health Board ENV-AKL-000126.

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, and any associated discharge of drilling fluid or drilling fluid additives, are permitted activities, provided:

- 1) the discharge is not within 100 metres of a **geothermal surface feature**, and
- 2) it is not for the purpose of taking groundwater, except for the removal of groundwater for water 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 Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)*, 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 Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)* 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:

Work affecting **archaeological sites** is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity 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.

For the avoidance of doubt this rule covers the following RMA activities:

- 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 or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.2 Alteration or decommissioning of a bore – permitted activity

The alteration or decommissioning of a **bore**, and any associated discharge of drilling fluid or drilling fluid additives, are permitted activities 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 Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)*, 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.

For the avoidance of doubt this rule covers the following RMA activities:

- Alteration or decommissioning of a **bore** (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.3 Construction or alteration of a bore – controlled activity

The construction or alteration of a **bore**, and any associated discharge of drilling fluid or drilling fluid additives, that are 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**,

are controlled activities.

Matters of control:

- 1) Pump testing requirements.
- 2) The location of the **bore**, including distance from any **refuse** disposal site, **wastewater** discharge site, or offal pit.
- 3) The **bore** design (including **bore** head security), construction (including depth), operation and maintenance requirements.
- 4) Ensuring compliance with the requirements set out in the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)*.
- 5) Measures to avoid, remedy or mitigate:
 - a) effects on the quality and quantity of groundwater and connected **surface water**, and
 - b) effects on tangata whenua and their **taonga**.
- 6) Provision of information related to the construction of the **bore**.

For the avoidance of doubt this rule covers the following RMA activities:

- Construction or alteration of a **bore** (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

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](#), including any associated discharge of drilling fluid or drilling fluid additives, that is not a permitted or controlled activity under any other rule in [C.8.5](#) of this Plan are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- The construction, alteration, or decommissioning of a [bore](#) (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land for the purposes of the construction, alteration, or decommissioning of a [bore](#) (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land for the purposes of the construction, alteration, or decommissioning of a [bore](#) (s15(2A)).

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 the application for the resource consent includes a natural hazard assessment from a suitably qualified professional.

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) Measures to avoid exacerbating the existing natural hazard risk as a result of the proposed re-building.
- 3) Measures to avoid increasing natural hazard risks on [other property](#).

For the avoidance of doubt this rule covers the following RMA activities:

- 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 restricted discretionary activity under Rule [C.8.6.1](#) is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Re-building of [materially damaged](#) or destroyed buildings (s9(2)).

D Policies | Ngā kaupapa

This is an index and guide to the policies in this section. It does not form part of the Plan.

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D.1 Tangata whenua¹⁶¹

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**¹⁶² if one or more of the following is likely:

- 1) adverse effects on **mahinga kai**¹⁶³ or access to **mahinga kai**¹⁶⁴, or
- 2) any damage, destruction or loss of access to **wāhi tapu**, sites of customary value and other ancestral sites and **taonga** with which Māori have a special relationship¹⁶⁵, 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 activities¹⁶⁶, 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,¹⁶⁷ or
- 6) adverse effects on protected customary rights,¹⁶⁸ or
- 7) adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan (refer [I Maps | Ngā mahere matawhenua](#)).

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, the analysis 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 region, and

¹⁶¹The RMA definition of tangata whenua is “in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area”. For an analysis of effects, the appropriate iwi or hapū will need to be identified. Council officers will be available to assist with this.

¹⁶²An 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.

¹⁶³Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

¹⁶⁴This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (sea food).

¹⁶⁵This includes, for instance, impacts on the quality of water used for ceremonial purposes.

¹⁶⁶ This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).

¹⁶⁷Māori non-commercial fisheries are defined in the Fisheries Act 1996.

¹⁶⁸As defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

- b) the outcomes of any consultation with tangata whenua with respect to the consent application, and
 - c) statutory acknowledgements in Treaty Settlement legislation, and
- 3) follow best practice,¹⁶⁹ including requesting, in the first instance, that the relevant tangata whenua undertake the assessment, and
 - 4) specify the tangata whenua that the assessment relates to, 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,¹⁷⁰ 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 values of the activity that are more than minor, and
 - 10) include any other relevant information.

D.1.3 Affected persons

The following persons must be considered an affected person regarding notification¹⁷¹ where the adverse effects on the following resources and activities are minor or more than minor:

Table 14: Circumstances where tangata whenua are adversely affected for purposes of notification

Person	Resource or activity
The tangata whenua 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.
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.

¹⁶⁹Best practice can be determined by relevant professional bodies.

¹⁷⁰The full range of effects defined in Section 3 of the RMA need to be considered.

¹⁷¹For resource consent applications for restricted-discretionary, discretionary and non-complying activities.

D.1.4 Managing effects on places of significance to tangata whenua

Resource consent for an activity may generally 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.

D.1.5 Places of significance to tangata whenua^{172,173}

For the purposes of this Plan, a [place of significance to tangata whenua](#):

- 1) 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:
 - a) soil conservation, or
 - b) quality and quantity of water, or
 - c) aquatic ecosystems and indigenous biodiversity, and
- 2) is:
 - a) a historic heritage resource, or
 - b) ancestral land, water, site, [wāhi tapu](#), or other [taonga](#), and
- 3) 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,¹⁷⁴ and
- 4) 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, including permanent, 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:

¹⁷² Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114

¹⁷³ This policy sets out how a [Place of Significance to tangata whenua](#) is to be identified and described. In order to be included in the mapped Sites and Areas of Significance to tangata whenua in the Plan, a plan change will be required. Places which have been identified and described in the manner required by the policy, but have not been subject to a plan change and hence are not included in the Plan, can still be given weight in consent application decisions.

¹⁷⁴ A Landscape of Significance to tangata whenua may include Sites and/or Areas of Significance to tangata whenua.

- 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 whanaungatanga¹⁷⁵ 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
- 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,¹⁷⁶ and their offspring such as Tangaroa and Tāne, or
 - ii. the recognition of places with connection to 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
- 5) 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 affected.

¹⁷⁵Whanaungatanga, as in 3) c) i), is not limited to genealogical connections between people, living and dead, but includes connections with the deities Ranginui and Papatūānuku and their progeny, as in 3) d) i). Those children are personifications of and proxy for natural resources, such as Tāne Mahuta for the forests. Further, as elder or tuakana, those atua and their associated natural resources command respect from people, as junior or teina.

¹⁷⁶Ibid.

D.2 General

D.2.1 Rules for managing natural and physical resources¹⁷⁷

Include rules to manage the use, development and protection of natural and physical resources that:

- 1) are the most efficient and effective way of achieving national and regional resource management objectives, and
- 2) are as internally 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 Plan, and
- 6) focus on effects and, where suitable, use performance standards.

D.2.2 Social, cultural and economic benefits of activities

Regard must be had to the social, cultural and economic benefits of a proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited.

D.2.3 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.

D.2.4 Adaptive management

Regard should be had to the appropriateness of an [adaptive management](#) approach where:

- 1) there is an inadequate baseline of information on the receiving environment, and
- 2) the occurrence of potential adverse effects can be effectively monitored, and
- 3) thresholds can be set to require mitigation action if more than minor adverse effects arise, and
- 4) potential adverse effects can be remedied before they become irreversible.

¹⁷⁷ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

D.2.5 Benefits of regionally significant infrastructure

Particular regard must be had to the national, regional and locally significant social, economic, and cultural benefits of [regionally significant infrastructure](#).¹⁷⁸

D.2.6 Minor adverse effects arising from the establishment and operation of regionally significant infrastructure¹⁷⁹

Enable the establishment and operation (including consenting) of [regionally significant infrastructure](#) by allowing any minor adverse effects providing:

- 1) The [regionally significant infrastructure](#) proposal is consistent with:
 - a) all policies in Section [D.1 Tangata whenua](#), and
 - b) Rule [D.2.14 Managing adverse effects on historic heritage](#), and
 - c) Rule [D.2.15 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features](#), and
 - d) Rule [D.2.7 Managing adverse effects on indigenous biodiversity](#), and
- 2) the [regionally significant infrastructure](#) proposal will not likely result in over-allocation having regard to the allocation limits in [H.4.3 Allocation limits for rivers](#), and
- 3) other adverse effects arising from the [regionally significant infrastructure](#) are avoided, remedied, mitigated or offset to the extent they are no more than minor.

D.2.7 Maintenance, repair and upgrading of regionally significant infrastructure¹⁸⁰

Enable the maintenance and upgrading of established [regionally significant infrastructure](#) wherever it is located by allowing adverse effects, where:

- 1) the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and
- 2) the adverse effects after the conclusion of the maintenance or upgrading are the same, or similar, to those arising from the [regionally significant infrastructure](#) before the activity was undertaken.

D.2.8 Appropriateness of regionally significant infrastructure proposals¹⁸¹

¹⁷⁸ Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) Northpower Limited ENV-2019-AKL-000123

¹⁷⁹ Appeal to Environment Court by Northpower Limited ENV-2019-AKL-000123

¹⁸⁰ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

¹⁸¹ Appeal to Environment Court by i) Northpower Limited ENV-2019-AKL-000123
ii) Transpower New Zealand Ltd ENV-2019-AKL-000107

When considering the appropriateness of a **regionally significant infrastructure** activity in circumstances where adverse effects are greater than envisaged in Policies D.2.6 and D.2.7, have regard and give appropriate weight to:

- 1) the benefits of the activity in terms of D.2.5, and
- 2) whether the activity must be recognised and provided for by a national policy statement, and
- 3) any demonstrated functional need for the activity, and
- 4) the extent to which any adverse environmental effects have been avoided, remedied or mitigated by route, site or method selection, and
- 5) any operational, technical or location 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
- 6) 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
- 7) the extent to which the adverse effects of the activity can be practicably reduced, inclusive of any positive effects and environmental offsets proposed, and
- 8) whether an **adaptive management** regime (including modification to the consented activity) can be used to manage any uncertainty around the occurrence of residual adverse effects, and
- 9) whether the activity helps to achieve consolidated development and the efficient use of land and resources, including within the coastal marine area.

D.2.9 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.¹⁸²

D.2.10 Renewable energy

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, and
- 2) recognise the availability of renewable energy resources in Northland, including:
 - a) high temperature geothermal resources at Ngāwhā, and
 - b) tidal resources, particularly in west coast harbours, and
 - c) hydroelectric resources on river systems, and
- 3) have regard to the practical constraints on large scale generation of renewable energy including:
 - a) the need for the generation of renewable energy to locate where the resource exists, and
 - b) that effective generation of energy from geothermal resources will include the need to consumptively use geothermal heat and pressure, and
 - c) that effective generation of energy from tidal resources may include the need to place equipment in the coastal marine area, and

¹⁸² Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

- d) that effective generation of energy from hydroelectric resources may include the need to divert, [dam](#) or otherwise restrict the flow of water, and
- e) The need to connect to the electricity supply network or national grid.

D.2.11 Marine and freshwater pest management

Manage the adverse effects from [marine pests](#), and [pests](#) within the beds of freshwater bodies, by:

- 1) recognising that the introduction or spreading of [pests](#) within the coastal marine area and freshwater bodies could have significant and irreversible adverse effects on Northland's environment, and
- 2) recognising that the main risk of introducing and spreading [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 conditions on resource consents requiring that best practice measures are implemented so that risk of introducing or spreading [pests](#) is effectively managed as a result of the consented activity.

D.2.12 Resource consent duration¹⁸³

When determining the expiry date for a resource consent, have particular regard to:

- 1) security of tenure for investment (the larger the investment, then generally the longer the consent duration), and
- 2) the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and
- 3) certainty of effects (the less certain the effects, the shorter the consent duration), and
- 4) whether the activity is associated with [regionally significant infrastructure](#) (generally longer consent durations for [regionally significant infrastructure](#)), and
- 5) 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 (significant previous non-compliance should generally result in a shorter duration), and
 - b) the applicant's voluntary adoption of [good management practice](#) (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).

D.2.13 Recognising other plans and strategies

When considering a resource consent application have regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by the Regional Council that has followed

¹⁸³ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
 ii) Robinia Investments Ltd ENV-2019-AKL-000115
 iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
 iv) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

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.

D.2.14 Managing adverse effects on historic heritage

Manage the adverse effects of activities on historic heritage by:

- 1) avoiding significant adverse effects on the characteristics, qualities and values that contribute to historic heritage, and
- 2) recognising that [historic heritage sites](#) and [historic heritage areas](#) in the coastal marine area identified in [I Maps | Ngā mahere matawhenua](#) have been identified in accordance with the criteria outlined in Policy 4.5.3 of the Regional Policy Statement for Northland, and
- 3) recognising the following as being significant adverse effects to be avoided:
 - 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 to the form and appearance of the physical elements of historic heritage, and
 - d) loss of context to the surroundings of historic heritage, taking into account the scale of any proposal, and
- 4) recognising that despite (2), there are not likely to be significant adverse effects if:
 - a) the historic heritage has already been irreparably damaged as assessed by a suitably qualified and experienced heritage professional and there are significant health and safety or navigational safety risks if it were to remain, or
 - b) alterations, additions, 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
- 5) 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 assessment reports available on the Regional Council's website, and
 - 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'), the Department of Conservation or any other appropriate body with statutory heritage protection functions, and
 - ii. tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and
 - c) where considered necessary, a historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and
 - 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*), and

- ii. patterns (*the resource is associated with important aspects, processes, themes or patterns of local, regional or national history*), and
 - 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*), and
 - 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*), and
 - v. education (*the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures*), and
- 6) recognising that appropriate 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 conservation plans, and
 - f) gathering and recording information on historic heritage by a suitably qualified and experienced heritage professional, and
 - g) implementing the stabilisation, preservation and conservation principles of the ICOMOS¹⁸⁴ New Zealand Charter Revised 2010, and
- 7) 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, and
- 8) 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 is an affected person in relation to resource consent applications under the RMA affecting:
- a) any listed items in this Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and
 - b) are pre-1900 recorded and unrecorded [archaeological sites](#).

D.2.15 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features¹⁸⁵

¹⁸⁴ International Council on Monuments and Sites

¹⁸⁵ Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107 requests new policy to provide exceptions to this policy
 ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
 iii) Minister of Conservation ENV-2019-AKL-000122
 iv) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:

- 1) avoiding adverse effects of activities as follows:

Table 15: Adverse effects to be avoided

Place / value	Location of the place	Effects to be avoided
Areas of outstanding natural character Outstanding natural features	Coastal marine area and fresh waterbodies in the coastal environment.	Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding.
Outstanding natural seascapes	Coastal marine area.	
Natural character	The coastal marine area and freshwater bodies.	Significant adverse effects on the characteristics, qualities and values that contribute to natural character.
Outstanding natural features	Fresh waterbodies outside the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to make the natural feature outstanding.

- 2) 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
- 3) 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 feature's scale, form and vulnerability to modification of the feature, and
 - b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the outstanding natural feature, and
- 4) recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.

D.2.16 Managing adverse effects on indigenous biodiversity¹⁸⁶

¹⁸⁶ Appeal to Environment Court by i) Northpower Limited ENV-2019-AKL-000123

Manage the adverse effects of activities on indigenous biodiversity by:

1) in the coastal environment:

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:

- i. areas of predominantly [indigenous vegetation](#), other than areas of mangroves to be pruned or removed for one of the purposes listed in [D.5.26](#), and
- 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

2) 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

b) avoiding, remedying or mitigating adverse effects so they are not significant on:

- i. areas of predominantly [indigenous vegetation](#), and
- 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 [wetlands](#), wet heathlands, headwater streams, spawning and nursery areas, and

3) recognising areas of significant [indigenous vegetation](#) and significant habitats of indigenous fauna include:

a) Significant Ecological Areas, and

b) Significant Bird Areas, and

-
- ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
 - iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
 - iv) Federated Farmers of New Zealand ENV-2019-AKL-000114
 - v) New Zealand Refining Company Ltd ENV-2019-AKL-000121

- c) Significant Marine Mammal and Seabird Areas, and
- 4) recognising damage, disturbance or loss to the following as being potential adverse effects:
 - 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 area of indigenous biodiversity, and
- 5) assessing the potential adverse effects of the activity on 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 habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and
 - b) recognising that existing activities may be having existing acceptable effects, and
 - c) recognising that discrete, localised or otherwise minor effects impacting on the indigenous biodiversity may be acceptable, and
 - d) recognising that activities with transitory effects may be acceptable, and
- 6) recognising that appropriate 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 the minimisation of effects 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) the development of ecological management and restoration plans, and
- 7) recognising that significant residual adverse effects on biodiversity values can be offset or compensated:
 - a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and¹⁸⁷
 - b) after consideration of the methods in (6) above, and
- 8) recognising the benefits of activities that:
 - a) include the restoration and enhancement of ecosystems, habitats and indigenous biodiversity, and
 - b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.

¹⁸⁷Biodiversity offsetting and environmental compensation are defined in the Regional Policy Statement for Northland 2016

D.2.17 Managing adverse effects on land-based values and infrastructure¹⁸⁸

When considering an application for a resource consent for an activity in the coastal marine area or in, on or under the bed of a freshwater body, recognise that adverse effects may extend beyond the coastal marine area or the freshwater body to:

- 1) significant areas and values including:
 - a) Areas of outstanding and high natural character, and
 - b) Outstanding natural landscapes, and
 - c) Outstanding natural features, and
 - d) Historic heritage, and
 - e) Areas of significant indigenous biodiversity, and
 - f) Places of significance to tangata whenua, and
- 2) land-based infrastructure including:
 - a) toilets, and
 - b) car parks, and
 - c) refuse facilities, and
 - d) boat ramps, and
 - e) boat and dinghy storage, and
- 3) 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.

D.2.18 Precautionary approach to managing effects on significant indigenous biodiversity¹⁸⁹

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), or
- 2) any values ranked high by the Significant Ecological Areas maps (Refer Maps), then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight.

¹⁸⁸ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

¹⁸⁹ Appeal to Environment Court by i) Top Energy Ltd ENV-2019-AKL-000125
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iv) New Zealand Refining Company Ltd ENV-2019-AKL-000121
v) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

D.3 Air

D.3.1 General approach to managing air quality

When considering resource consent applications for discharges to air:

- 1) 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
- 2) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and
- 3) [H.1 Stack height requirements](#) when assessing height requirements for fuel burning devices of more than 40KW capacity, and
- 4) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on sensitive areas, and
- 5) take into account the *Ambient Air Quality Guidelines (Ministry for the Environment, 2002)* when assessing the effects of the discharge on [ambient air quality](#), and
- 6) take into account the cumulative effects of air discharges and any constraints that may occur from the granting of the consent on the operation of existing activities, and
- 7) recognise that discharges to air may have adverse effects across the [property](#) boundary (including reverse sensitivity effects) and adverse effects on natural character, and
- 8) take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and
- 9) 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
- 10) use national guidance produced by the Ministry for the Environment, including:
 - a) the *Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016)*, and
 - b) the *Good Practice Guide for Assessing and Managing Dust (Ministry of the Environment, 2016)*, and
 - c) the *Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, 2016)*, or
 - d) any subsequent update or revision of these national guidance documents, and
- 11) 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.

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, and
- 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 at the boundary of the site 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 activities¹⁹⁰

When considering resource consent applications for discharges to air from dust or odour generating activities:

- 1) require a dust or odour management plan to be produced where there is a likelihood that there will be objectionable or offensive discharges of dust or odour at the boundary of the site where the activity is to take place. The dust or odour management plan must include:
 - a) a description of dust or odour generating activities, and
 - b) potentially affected **dust sensitive areas** or **odour sensitive areas**, and
 - c) details of **good management practices** that will be used to control dust or odour to the extent that adverse effects from dust or odour at the boundary of the site are 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 odorant (such as mercaptan) from pipelines and ancillary equipment.

¹⁹⁰ Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

D.3.4 Spray generating activities

When considering resource consent applications for discharges to air from [agrichemical](#) or surface coat spray generating activities:

- 1) avoid [aerial agrichemical spraying](#) in [urban areas](#) unless:
 - a) there is a significant public benefit,¹⁹¹ or
 - b) alternative options have been explored, and have been demonstrated to be impractical, and adverse effects of the proposed aerial spraying are no more than 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 or offensive discharges of spray across the boundary of the site where the activity is to take place. The spray management plan must include:
 - a) a description of the spraying methods, and
 - b) chemicals to be used, and
 - c) qualifications of the applicators, and
 - d) adjacent [spray-sensitive areas](#), and
 - e) details of [good management practices](#) that will be used to manage the risk of spray-drift to the extent that adverse effects from spray at the boundary of the site are avoided, remedied or mitigated.

D.3.5 Activities in the Marsden Point airshed¹⁹²

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.

¹⁹¹ Including significant environmental and biodiversity protection

¹⁹² Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

D.4 Land and water

D.4.1 Maintaining overall water quality¹⁹³

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.3 Water quality standards and guidelines](#), and
- 3) generally not grant a proposal if it will, or is likely to, exceed or further exceed a water quality standard in [H.3 Water quality standards and guidelines](#).

D.4.2 Industrial or trade wastewater discharges to water

An application for resource consent to discharge [industrial or trade wastewater](#) to water will generally not be granted unless the best practicable option to manage the treatment and discharge of contaminants is adopted.

D.4.3 Municipal, domestic and production land wastewater discharges

An application for resource consent 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.4.4 Zone of reasonable mixing

When determining what constitutes the [zone of reasonable mixing](#) for a discharge of 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) entering water, have regard to:

- 1) using the smallest zone necessary to achieve the required water quality in the receiving waters as determined under Policy [D.4.1](#), and
- 2) ensuring that within the mixing zone contaminant concentrations and levels of dissolved oxygen will not cause acute toxicity effects on aquatic ecosystems.

Note:

See also the definition of [zone of reasonable mixing](#).

¹⁹³ Appeal to Environment Court by i) Minister of Conservation ENV-2019-AKL-000122
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) NIWA ENV-2019-AKL-000108

D.4.5 Transitional policy under Policy A4 of the National Policy Statement for Freshwater Management 2017

- 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.
- 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 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 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 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.

Note:

This policy applies until any changes under Schedule 1 of the Act to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative.

D.4.6 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:
 - a) non-target organisms, and
 - b) the use and consumption of water by humans or livestock, and
- 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:

- a) as a first priority, avoid a discharge (including accidental spillage) of the hazardous substance onto land or into water, including reticulated [stormwater](#) systems, and
- b) as a second priority, ensure, where there is a residual risk of a discharge of the hazardous substance, including any accidental spillage, it is contained on-site and does not enter [surface water](#) bodies, groundwater or [stormwater](#) systems.

D.4.7 Discharges from contaminated land

Discharges of contaminants from contaminated land to air, land or water are managed or remediated to a level that:

- 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 an unacceptable risk to human health or the environment, and
- 2) mitigates adverse effects on potable water supplies, and
- 3) avoids, remedies or mitigates adverse effects on aquatic ecosystem health, water quality, human health and amenity values, while taking into account all of the following:
 - a) the physical constraints of the site and operational practicalities, and
 - b) the financial implications of investigation, remediation, management and monitoring options, and
 - 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, and
 - 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.

D.4.8 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 to minimise contamination of the receiving environment, and
- 3A) receiving environment monitoring, and
- 4) ensuring [landfills](#) are managed in accordance with site-specific [landfill](#) management plans, and
- 4A) ensuring new [landfills](#) are located to avoid sensitive aquifers and aquifer recharge zones, and
- 5) 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
- 6) 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).

D.4.9 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.4.10 Avoiding over-allocation

For the purpose of assisting with the achievement of Objective F.1.1 of this Plan:

- 1) apply the allocation limits set in [H.4 Environmental flows and levels](#) when considering and determining applications for resource consents to take, use, [dam](#) or divert fresh water, and
- 2) ensure that no decision will likely result in over-allocation.

D.4.11 Integrated surface water and groundwater management

Prepare and consider applications for resource consents to take groundwater in accordance with [H.5 Managing groundwater and surface water connectivity](#) so that surface and groundwater resources are managed in an integrated way.

D.4.12 Minimum flows and levels¹⁹⁴

- 1) For the purpose of assisting with the achievement of Objective [F.1.1](#) of this Plan, ensure that the minimum flows and levels in [H.4 Environmental flows and levels](#) apply to activities that require water permits pursuant to rules in this Plan, and
- 2) Notwithstanding this general requirement, for rivers an alternative [minimum flow](#) (comprising the minimum flow set in [H.4 Environmental flows and levels](#) less a specified rate of flow particular to an activity) may be applied where the water is to be taken, dammed or diverted for:
 - a) the health of people as part of a [registered drinking water supply](#), or
 - b) [root stock survival water](#), or
 - c) an individual's reasonable domestic needs or the reasonable domestic needs of a person's animals for drinking water that is, or is likely to be, having an adverse effect on the environment and is not permitted by a rule in this Plan, or
 - d) a [non-consumptive take](#).

D.4.13 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 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.

¹⁹⁴ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127.
ii) Northland Fish & Game Council ENV-2019-AKL-000120.
iii) Minister of Conservation ENV-2019-AKL-000122.

The model must reliably predict annual irrigation volume. 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 that occur in nine out of 10 years.

D.4.14 Reasonable and efficient use of water – group or community water supplies

An application for a resource consent to take or use water for community or public water supplies must include a water management plan to demonstrate water use 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.4.15 Reasonable and efficient use of water – other uses¹⁹⁵

An application for resource consent to take water for any use of water other than that addressed under D.4.13 or D.4.14 must include an assessment of reasonable and efficient use by, taking into account the nature of the activity, and identifying if water will potentially be wasted, and opportunities for re-use or conservation.

D.4.16 Water user groups¹⁹⁶

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 sub-catchment 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; and
- 2) metering and telemetry of water abstraction data is undertaken for all takes, and
- 3) all water permits are subject to common water take restriction conditions, or any discrepancies in restriction conditions are addressed prior to the formation of the group.

D.4.17 Conditions on water permits

Water permits for the taking and use of water 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

¹⁹⁵ Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121.

¹⁹⁶ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127.

- 2) unless there are exceptional circumstances, or the water permit is for a temporary take or a **non-consumptive take**, 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, the water meter to be telemetered to the Regional Council, and
- 3) clearly define when the water take must be restricted or cease to ensure compliance with environmental flows and levels, 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
- 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.4.18 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.4.19 Transitional policy under Policy B7 of the National Policy Statement for Freshwater Management 2017

- 1) When considering any application, the consent authority must have regard to the following matters:
 - a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem, and
 - b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.
- 2) This policy applies to:
 - a) any new activity, and
 - b) change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining or any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

- 3) 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.

Note:

The policy applies until the provisions in this plan that give effect to Policy B1 (allocation limits) and Policy B2 (allocation) have become operative.

D.4.20 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.4.21 Land drainage

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 dewatering are avoided, or where avoidance is not possible, remedied or mitigated, and
- 5) maintain the values of natural wetlands, and
- 6) maintain existing fish passages and where possible, encourage development of new fish passage opportunities.

D.4.22 Natural wetlands – requirements¹⁹⁷

Activities affecting a natural wetland:

- 1) should maintain the following important functions and values of wetlands, including:
 - a) water purification and nutrient attenuation, and
 - 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 to surrounding habitat, and
 - e) recreation, amenity and natural character values, and
- 2) must avoid, remedy, or mitigate adverse effects on important wetland functions and values, or
- 3) must provide biodiversity off-setting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of wetlands are no more than minor.

¹⁹⁷ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Federated Farmers of New Zealand ENV-2019-AKL-000114

D.4.23 Wetland – values¹⁹⁸

When considering resource consents for activities in wetlands, recognise:

- 1) the benefits of wetland creation and restoration, and the enhancement of wetland functions, and
- 2) that the values of induced wetlands or reverted wetlands 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 do not require maintenance are of greater value), and
- 3) that the consent duration should be for as long as active restoration or enhancement works are required.

D.4.24 Freshwater fish

When considering resource consent applications for activities in freshwater bodies recognise:

- 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 all fish species have varying degrees of sensitivity 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) activities in continually or intermittently flowing rivers during fish migration periods, and
 - b) spawning habitat disturbance, particularly during spawning periods.

D.4.25 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, and
- 2) regionally significant infrastructure, and
- 3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, and
- 4) flood protection and the safeguarding of public health and safety, and
- 5) public access along, over or in the water body, and
- 6) enabling community resilience to climate change, and

¹⁹⁸ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Northland Fish & Game Council ENV-2019-AKL-000120

- 7) enhancing recreation opportunities including walking, bird watching, fishing, game bird hunting and boating, and
- 8) education and scientific research, and
- 9) enhancing amenity and natural character.

D.4.26 Land preparation, earthworks and vegetation clearance¹⁹⁹

When assessing an application for a resource consent for an [earthworks, vegetation clearance](#) or [land preparation](#) activity and any associated discharge of a contaminant, ensure that the activity:

- 1) will be done in accordance with established [good management practices](#), and
- 2) avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on:
 - a) drinking water supplies, and
 - b) areas of high recreational use, and
 - c) aquatic ecosystem health, aquatic species, and receiving environments that are sensitive to sediment or phosphorus accumulation.

D.4.27 Construction, alteration and decommission 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](#).

D.4.28 Exceptions to livestock exclusion requirements²⁰⁰

When considering an application for a resource consent to allow [livestock](#) access to the bed of a lake or a [continually flowing river](#), a continually flowing [artificial watercourse](#), a [natural wetland](#), or the coastal marine area, have regard to:

- 1) any relevant priorities and recommendations in a farm environment plan prepared by the Regional Council or in an industry approved farm environment plan, 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, such as [constructed wetlands](#), to avoid or mitigate losses of sediment and faecal microbes to downstream water bodies and coastal waters, and
- 4) the benefits of grazing the banks of water bodies, including suppression of weeds and maintenance of grass cover to minimise contaminant inputs to water bodies.

¹⁹⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²⁰⁰ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Federated Farmers of New Zealand ENV-2019-AKL-000114

D.5 Coastal

D.5.1 Aquaculture – benefits²⁰¹

Recognise and enable the significant benefits that existing and new 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 – existing activities, realignment, extensions, and small scale short duration activities²⁰²

Subject to [D.5.5](#), [D.5.6](#), and [D.5.7](#) provide for and enable the continued operation of existing aquaculture activities (including their realignment and extension) and for aquaculture research trials and experimental aquaculture activities, provided that:

- 1) potential adverse effects listed in [D.5.3](#) and significant adverse effects listed in [D.5.4](#) are avoided, and
- 2) adverse effects on the characteristics, qualities and values that contribute to the identified values of the following areas identified in the Plan's [I Maps | Ngā mahere matawhenua](#) are managed in accordance with the relevant policies in [D.1](#), [D.2](#) and [D.5](#) of this Plan:
 - a) Significant Ecological Areas, or
 - b) Significant Bird Areas, or
 - c) Outstanding Natural Features, or
 - d) Areas of Outstanding Natural Character, or
 - e) Regionally Significant Anchorages, or
 - f) [Mooring Zones](#), or

²⁰¹ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
iv) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127.

²⁰² Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
iv) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
v) CEP Services Matauwhi Ltd ENV-2019-AKL-000111.

- g) Coastal Commercial Zones, or
- h) Nationally or Regionally Significant Surf Breaks, or
- i) Sites or Areas of Significance to tangata whenua, or
- j) Historic Heritage Sites or Areas.

D.5.3 Aquaculture – avoid adverse effects²⁰³

In addition to any other requirement to 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 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 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
- 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

²⁰³ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
 ii) Robinia Investments Ltd ENV-2019-AKL-000115
 iii) Paroa Bay Station Ltd ENV-2019-AKL-000112

- f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971,²⁰⁴ and
 - g) any marine park established by or through statutory or regulatory processes, and
- 12) **Mooring Zones.**

D.5.4 Aquaculture – avoid significant adverse effects²⁰⁵

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.5.5 Aquaculture – general matters²⁰⁶

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) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing or harvesting of shellfish, where the aquaculture is for the purpose of directly harvesting shellfish for human consumption, and
- 3) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

D.5.6 Aquaculture – staged development²⁰⁷

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.

²⁰⁴The 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.

²⁰⁵ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112

²⁰⁶ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112.
ii) Robinia Investments Ltd ENV-2019-AKL-000115.
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112.

²⁰⁷ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112.
ii) Robinia Investments Ltd ENV-2019-AKL-000115.
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112

D.5.7 Aquaculture – abandoned or derelict farms²⁰⁸

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 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.

D.5.8 Coastal Commercial Zone and Marsden Point Port Zone Purpose²⁰⁹

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.

D.5.9 Coastal Commercial Zone and Marsden Point Port Zone²¹⁰

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.

Development that is inconsistent with 1) or 2) will not necessarily be inappropriate.

²⁰⁸ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112

²⁰⁹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²¹⁰ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

D.5.10 Whangārei City Centre Marine Zone²¹¹

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.5.11 Moorings outside Mooring Zones²¹²

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, unless the **mooring** is associated with a **property** that is only legally accessible by water and the **mooring** is necessary to provide for the safety of people or the moored **vessel**, and
- 3) demonstrate why it is not practical to be in a **Mooring** Zone, and
- 4) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless directly associated with a maritime-related commercial enterprise or existing **authorised** industrial activity, and
- 5) demonstrate why short-term anchorage or land-based **vessel** storage is not practical, and
- 6) not be in the following areas (refer: [I Maps | Ngā mahere matawhenua](#)):
 - 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 Anchorages, or
 - f) Sites or Areas of Significance to tangata whenua, unless
 - g) the **mooring** is associated with a **property** that is only legally accessible by water, or
 - h) the **mooring** is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
 - i) 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.

D.5.12 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:

²¹¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127.

²¹² Appeal to Environment Court by CEP Services Matawhi Ltd ENV-2019-AKL-000111.

Table 16: 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:
 - 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 on private [property](#) near the proposed [mooring](#), and
- 3) where an applicant demonstrates provision of adequate parking, toilet facilities, [refuse](#) disposal and dinghy storage at private [property](#) in accordance with clause 2), the coastal permit must include a condition precluding the transfer of the [mooring](#) unless the services for the mooring will be provided from a [property](#) owned by the transferee.

D.5.13 Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer [I Maps | Ngā mahere matawhenua](#)) by:

- 1) recognising the value of Regionally Significant Anchorages 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.5.14 Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publications.

D.5.15 Marinas – managing the effects of marinas²¹³

Marinas must:

- 1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:

²¹³ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 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
- 2) provide shore-based facilities, including parking, public toilets, boat racks, public access, and
 - 3) mitigate any loss of public access to, along and within the coastal marine area, including the provision of facilities such as public boat ramps and alternative access for other users, and
 - 4) be designed and constructed in a manner that reflects the benefits of landscaping and urban design treatment, and
 - 5) be consistent with any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

D.5.16 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.5.17 Marina Zones – purpose²¹⁴

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

D.5.18 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.

²¹⁴ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

D.5.19 Marinas and moorings in high demand areas

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.

D.5.20 Reclamation²¹⁵

Recognise the potential benefits of [reclamations](#) when they are undertaken to:

- 1) maintain or repair an [authorised reclamation](#), or
- 2) carry out rehabilitation or remedial works, or
- 3) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.

D.5.21 Unlawful reclamation²¹⁶

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, and
- 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](#).

D.5.22 Dredging, disturbance and deposition activities²¹⁷

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](#).

²¹⁵ Appeal to Environment Court Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²¹⁶ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²¹⁷ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

D.5.23 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
- 2) for the operation, maintenance, upgrade or development of [regionally significant infrastructure](#), or
- 3) to maintain or improve access and navigational safety within the coastal marine area, or
- 4) for beach re-nourishment or replenishment activities, or
- 5) to protect, restore or rehabilitate ecological or recreational values, or
- 6) 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.

D.5.24 Dumping (deliberate disposal) of dredge spoil and other waste material²¹⁸

Discourage the dumping (deliberate disposal) of dredge spoil and other waste in the coastal marine area, unless:

- 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
- 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, or
 - b) Nationally Significant Surf Break, or
 - c) Area of Outstanding Natural Character, or
 - d) Outstanding Natural Feature, or
 - e) Site or Area of Significance to tangata whenua, or
 - f) [Historic Heritage Area](#).

The dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with clauses 1 to 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.

D.5.25 Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

- 1) adopt the best practicable option to manage noise so that it does not exceed a reasonable level, and

²¹⁸ Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

- 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) avoid adverse effects on marine mammals listed as Threatened or At Risk in the New Zealand Threat Classification System, and
- 4) avoid, remedy or mitigate other adverse effects on marine mammals, having regard to the location and duration of the proposed activity and the benefits of activities:
 - a) to be undertaken in association with scientific research and analysis, or
 - b) involving the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
 - c) to be undertaken in association with the operation, maintenance and protection of [regionally significant infrastructure](#), or
 - d) that mitigate natural hazards.

D.5.26 Mangrove removal – purpose²¹⁹

Subject to Policy [D.2.16](#), resource consent for mangrove pruning or removal:

- 1) may be granted when it is necessary to maintain, restore or improve one or more of the following:
 - a) biodiversity, aquatic ecosystem health, natural features, or scheduled historic places, or
 - b) habitats that have been displaced or colonised by mangroves, including rush marsh, salt marsh and intertidal flats, or
 - c) areas within which mangroves have previously been lawfully pruned or removed, or
 - d) public recreation and walking access to, or along, the coastal marine area, or
 - e) connections with reserves or publicly owned land and the coast, or
 - f) public use and public amenity values, or
 - g) water access for [vessels](#) and navigation, or
 - h) public health and safety, including sightlines and traffic safety, or
 - i) access to the coast from marae, or to areas of traditional use, or
 - j) ongoing [authorised](#) activities, or
 - k) infrastructure, or
 - l) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or
 - m) tidal flows, or
 - n) scientific research, and
- 2) must not be granted where it is for the purpose of improving private views.

²¹⁹ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
 ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
 iii) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

D.5.27 Mangrove removal – adverse effects²²⁰

When considering resource consents for mangrove removal, have regard to a range of potential adverse effects, in particular:

- 1) effects on ecological values including:
 - a) disturbance, displacement or loss of fauna and habitat, and
 - b) disturbing or displacing birds classified as Threatened or At Risk in the New Zealand Threat Classification System, particularly within [Significant Bird Areas](#), and
 - c) disturbing ecological sequences, or corridors, and
 - d) removal of a buffer to sensitive ecological areas, and
 - e) disturbance of the foreshore and seabed, including compaction, sediment redistribution, and mangrove biomass deposition, and
- 2) increased risk of 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) changes to natural character.

D.5.28 Significant surf breaks²²¹

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
- 2) adverse effects on the characteristics, qualities and values that contribute to make Nationally Significant Surf Breaks significant, are avoided, and
- 3) significant adverse effects on the characteristics, qualities and values that contribute to make Regionally Significant Surf Breaks significant, are avoided, and
- 4) access to Nationally and Regionally Significant Surf Breaks is maintained or enhanced.

D.5.29 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

²²⁰ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²²¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 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 structures²²²

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:
 - a) existing or planned **regionally significant infrastructure**, or
 - b) existing **core local infrastructure**, or
 - c) concentrations of existing vulnerable development, and
 - d) they provide a better outcome for the local community, district or region, compared to no **hard protection structure**, 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 structures²²³

New **hard protection structures** must:

- 1) be located as far landward as possible in order to retain existing natural defences against coastal hazards as much as possible, and
- 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.

D.6.4 Flood hazard management – flood defences²²⁴

Recognise the significant benefits that **flood defences** play in reducing flood hazard risk to people, **property** and the environment.

²²² Appeal to Environment Court by i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

ii) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

²²³ Appeal to Environment Court by i) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

ii) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

²²⁴ Appeal to Environment Court by Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

D.6.5 Flood hazard management – development within floodplains²²⁵

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.

²²⁵ Appeal to Environment Court by Bay of Islands Maritime Park Inc ENV-2019-AKL-000117

E Catchments | Ngā whaitua

E.1 Objective

E.1.1 Catchment-specific values

Recognise the following values in the Doubtless Bay, Waitangi, Poutō, Mangere and Whāngarei Harbour catchments:

- 1) cultural and recreational uses associated with fresh and coastal waters, and
- 2) the ability to gather [mahinga kai](#), and
- 3) the natural character of waterbodies and their margins, and
- 4) the quality of habitat for aquatic native species, and
- 5) access to freshwater for productive uses.

E.2 Policy

E.2.1 Catchments

When considering resource consent applications in the Doubtless Bay, Waitangi, Poutō, Mangere and Whangārei Harbour catchments, have regard to the following:

- 1) reducing the amount of sediment entering waterways from hill slope and stream-bank erosion, and
- 2) improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather [mahinga kai](#), and
- 3) protecting the ecosystem health and natural character of freshwater bodies, particularly [outstanding lakes](#), and
- 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.

E.3 Rules

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:

The rules in this section are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, Whangārei Harbour and Poutō catchments. Catchment-specific rules take precedence over other rules in this Plan (whether more or less restrictive).

E.3.1 Doubtless Bay catchment

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E.3.2 Poutō catchment

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E.3.3 Waitangi catchment

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E.3.5 Whangārei Harbour catchment

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E.3.1 Doubtless Bay catchment

E.3.1.1 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 from areas of gully, landslide and earthflow erosion, and
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

For the avoidance of doubt this rule covers the following RMA activities:

- Pastoral land use on high sediment yielding land (s9(2)).

E.3.1.2 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 set in H.4 Environmental flows and levels to be exceeded.

For the avoidance of doubt this rule covers the following RMA activities:

- The taking and use of fresh water from Lake Waiporohita (s14(2)) and s14(3)(b)).

E.3.2 Poutō catchment

E.3.2.1 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) 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](#), up to a maximum of 20 cubic metres, or
 - b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare of [property](#) up to a maximum volume of 50 cubic metres, and
- 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) water users 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 and use records are provided to the Regional Council.

For the avoidance of doubt this rule covers the following RMA activities:

- The taking and use of fresh water from a lake in the Poutō catchment (s14(2)).

Note:

Where the conditions of this rule cannot be met, [C.5.1.12 Other water takes – discretionary activity](#) applies.

E.3.2.2 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 [I 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.

For the avoidance of doubt this rule covers the following RMA activities:

- New plantation forestry in the Poutō Forestry Restriction Area (s9(2)).

E.3.2.3 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.
- 2) The potential effects of the activity on outstanding Poutō lakes.
- 3) The positive effects of the activity.

For the avoidance of doubt this rule covers the following RMA activities:

- New plantation forestry within 20 metres of the bed of an outstanding Poutō lake (s9(2)).

E.3.3 Waitangi catchment

E.3.3.1 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 from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

For the avoidance of doubt this rule covers the following RMA activities:

- Pastoral land use on high sediment yielding land (s9(2)).

E.3.4 Mangere catchment

E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity²²⁶

The access of **livestock** to a **natural wetland**, the bed of a lake or a continually flowing river, or a continually flowing **artificial watercourse** in the Mangere Catchment (refer [I Maps](#) | [Ngā mahere matawhenua](#)) is a permitted activity, provided:

- 1) **indigenous vegetation** in a **natural wetland** is not destroyed, and
- 2) **livestock** are **effectively excluded** from the water body for a distance of 1000 metres upstream of a registered water supply intake servicing more than 25 people, and
- 3) **livestock** are **effectively excluded** from inanga spawning sites identified by the Regional Council, and
- 4) other than at a **livestock crossing point**, **livestock** are **effectively excluded** from the full extent of the water body or **artificial watercourse** in accordance with the requirements in Table 14 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment', and
- 5) **livestock crossing points** used by **livestock** (excluding deer), more than once per week on average, must be bridged or culverted by the dates in *Table 17: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment*, and
- 6) at a **livestock crossing point** that is not required to be bridged or culverted, **livestock** are:
 - a) led or driven across the water body or **artificial watercourse** in one continuous movement, and
 - b) **effectively excluded** from the river or drain between crossings by the dates in *Table 17: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment*.

²²⁶ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 (it is unclear what is being requested)
ii) Minister of Conservation ENV-2019-AKL-000122

Table 17: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment.

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than 1m wide*	All continually flowing rivers, streams and artificial watercourses	Natural wetlands >2000m ²	Lakes (>1ha)
Pigs and dairy cows	Excluded from the date Rule E.3.4.1 becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date Rule E.3.4.1 becomes operative.	
Beef cattle, dairy support cattle and deer	Lowland and hill country areas as mapped in 'I Maps Ngā mahere matawhenua': Excluded by 1 January 2025.	Lowland and hill country areas as mapped in 'I Maps Ngā mahere matawhenua': Excluded from 1 January 2030.	Lowland areas as mapped in 'I Maps Ngā mahere matawhenua': Excluded from 1 January 2025.	Excluded from the date Rule E.3.4.1 becomes operative.
			Hill country areas as mapped in 'I Maps Ngā mahere matawhenua': No exclusion required.	

*Rivers, streams and artificial watercourses that continually 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.

Note:

Where the conditions of this rule cannot be met, Rule C.8.1.3 Access of livestock to rivers, lakes, and wetlands –discretionary activity applies.

For the avoidance of doubt this rule covers the following RMA activities:

- Allow livestock to enter or pass across an artificial watercourse or the bed of a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).

E.3.4.2 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 loss from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

For the avoidance of doubt this rule covers the following RMA activities:

- Pastoral land use on high sediment yielding land (s9(2)).

E.3.5 Whangārei Harbour catchment

E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity²²⁷

The access of livestock to a natural wetland, the bed of a lake or a continually flowing river or a continually flowing artificial watercourse in the Whangārei Harbour Catchment (refer I Maps | Ngā mahere matawhenua) is a permitted activity, provided:

- 1) indigenous vegetation in a natural wetland is not destroyed, and
- 2) livestock are effectively excluded from the water body for a distance of 1000 metres upstream of a registered water supply intake servicing more than 25 people, and
- 3) livestock are effectively excluded from īnanga spawning sites identified by the Regional Council, and
- 4) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in Table 15 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment', and
- 5) livestock crossing points used by livestock (excluding deer) more than once per week on average must be bridged or culverted by the dates in *Table 18: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment*, and
- 6) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
 - a) led or driven across the water body or artificial watercourse in one continuous movement, and
 - b) effectively excluded from the river or drain between crossings by the dates in *Table 18: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment*.

²²⁷ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

Table 18: Dates when livestock must be excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour catchment.

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than 1m wide*	All continually flowing rivers, streams and artificial watercourses	Natural wetlands >2000m²	Continually flowing rivers upstream of swimming sites on Hātea and Raumanga rivers ('I Maps Ngā mahere matawhenua')	Lakes (>1ha)
Pigs and dairy cows	Excluded from date Rule E.3.5.1 becomes operative.	Excluded from 1 January 2023.		Excluded from two years after Rule E.3.5.1 becomes operative.	Excluded from date Rule E.3.5.1 becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in 'I Maps Ngā mahere matawhenua':				
	Excluded by 1 January 2025	Excluded from 1 January 2030	Excluded from 1 January 2025		
	Hill country areas as mapped in 'I Maps Ngā mahere matawhenua': No exclusion required.				

*Rivers, streams and artificial watercourses that continually 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.

Note:

Where the conditions of this rule cannot be met, Rule C.8.1.3 Access of livestock to rivers, lakes, and wetlands –discretionary activity applies.

For the avoidance of doubt this rule covers the following RMA activities:

- Allow livestock to enter or pass across an artificial watercourse or the bed of a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).

E.3.5.2 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 loss from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

For the avoidance of doubt this rule covers the following RMA activities:

- Pastoral land use on high sediment yielding land (s9(2)).

F.1 Objectives | Ngā whāinga

F.1.1 Freshwater quantity²²⁸

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 hydrological variation in outstanding freshwater bodies and natural wetlands are protected, and
- 3) the extent of littoral zones in lakes are maintained, and
- 4) continually flowing rivers have sufficient flows and flow 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, and
- 5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies, and
- 6) adverse effects associated with saline intrusion and land subsidence above are avoided, and
- 7) it is a reliable resource for consumptive and non-consumptive uses.

Note:

This objective was included in this plan pursuant to Policy B1 of the National Policy Statement for Freshwater Management 2017.

F.1.2 Water quality²²⁹

Manage the use of land and discharges of contaminants to land and water so that:

- 1) existing overall water quality is at least maintained, and improved where it has been degraded below the river or lake water quality standards set out in H.3 Water quality standards and guidelines, and
- 2) the sedimentation of continually or intermittently flowing rivers, lakes and coastal water is minimised, and
- 3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and
- 4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and
- 5) the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and
- 6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and
- 7) the significant values of outstanding freshwater bodies and natural wetlands are protected, and

²²⁸ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Northland Fish & Game Council ENV-2019-AKL-000120
iii) New Zealand Refining Company Ltd ENV-2019-AKL-000121

²²⁹ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) Minister of Conservation ENV-2019-AKL-000122

- 8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.

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.

F.1.3 Indigenous ecosystems and biodiversity²³⁰

In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by:

- 1) protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- 2) maintaining regional indigenous biodiversity, 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 marine or freshwater pests within the region.

F.1.4 Enabling economic well-being²³¹

Northland's natural and physical resources are managed in a way that is attractive for business and investment that will improve the economic well-being of Northland and its communities.

F.1.5 Regionally significant infrastructure²³²

Recognise the national, regional and local benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repair, upgrading and removal.

F.1.6 Security of energy supply²³³

Northland's energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.

F.1.7 Use and development in the coastal marine area²³⁴

Use and development in the coastal marine area:

- 1) makes efficient use of space occupied in the common marine and coastal area, and

²³⁰ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²³¹ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²³² Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²³³ Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

²³⁴ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

- 2) is of a scale, density and design compatible with its location, and
- 3) recognises the need to maintain and enhance public open space and recreational opportunities, and
- 4) is provided for in appropriate places and forms, and within appropriate limits.

F.1.8 Tangata whenua role in decision-making

Tangata whenua's kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

F.1.9 Natural hazard risk²³⁵

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, [property](#), natural systems, infrastructure and the regional economy are minimised by:

- 1) increasing 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
- 3) avoiding inappropriate new development in 100-year flood hazard areas and coastal hazard areas, and
- 4) not compromising the effectiveness of existing natural and man-made defences against natural hazards, and
- 5) enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and
- 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.

F.1.10 Improving Northland's natural and physical resources

Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.

F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua²³⁶

Protect from inappropriate use and development:

- 1) the characteristics, qualities and values that make up:
 - a) outstanding natural features in the coastal marine area and in fresh waterbodies, and

²³⁵ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

²³⁶ Appeal to Environment Court by CEP Services Matauwahi Ltd ENV-2019-AKL-000111

- 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 seascapes in the coastal marine area, and
- 2) the integrity of historic heritage in the coastal marine area, and
 - 3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.

F.1.12 Air quality²³⁷

Adverse effects from discharges to air are managed by:

- 1) minimising cross-boundary effects on sensitive areas from discharges of dust, smoke, **agrichemical** spray drift, and odour, and
- 2) protecting **dust, odour, smoke and spray-sensitive areas** from exposure to dangerous or noxious levels of gases or airborne contaminants, and
- 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue providing they are employing best practice, and
- 4) Maintaining, or enhancing where it is degraded by human activities, **ambient air quality** by avoiding significant cumulative adverse effects of air discharges on human health, cultural values, amenity values and the environment.

F.1.13 Hazardous substances and contaminated land

Protect human health, and minimise the risk to the environment, from:

- 1) discharges of hazardous substances, and
- 2) discharges of contaminants from contaminated land.

²³⁷ Appeal to Environment Court by i) Horticulture New Zealand ENV-2019-AKL-000116
 ii) Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

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 [I 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 ([I 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 ([I 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 metres, 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 requirement²³⁸ 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 regarding 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. They include 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.

²³⁸ Set out in the relevant Treaty of Waitangi settlement legislation

G.3 Coastal occupation charging

Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging regime²³⁹ 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.

²³⁹ To persons occupying any part of the common marine and coastal area

H Appendices | ĀpitiHanga

H.1 Stack height requirements

This appendix sets out the methods for complying with the stack height requirements of Rule [C.7.1.7 Burning for energy \(electricity or heat\) generation more than 40KW – permitted activity](#).

Fuel burning devices and buildings must meet the requirements of one of the following methods to comply with [C.7.1.7](#):

Method 1:

The activity must comply with Table 16A and the point of discharge must be more than 2.5 kilometres from land higher than the effective stack height.²⁴⁰

Table 19: Fuel burning devices and building dimensions

Fuel type	Fuel combustion threshold (MW)	Maximum building height (m)	Maximum building footprint (m ²)	Minimum stack height above ground level (m)
Coal	0.04 - 0.5	5	900	18
Wood	0.04 - 0.5	5	900	18
Natural Gas	0.04 -10	5	900	17
LPG	0.04 -10	5	900	17
Diesel / Fuel Oil	0.04 -0.5	5	900	16

Notes:

- 1) The SO₂ emission rate was based on a sulphur content of fuel of 1% by weight, and the PM₁₀ emission rate was based on an in-stack particulate emission concentration of 250 mg/Nm³ at STP of 0 °C and 1 atmosphere and on a dry gas basis. Stack height based on a building corner location.
- 2) For untreated wood, and based on in-stack PM₁₀ emission concentration of 250 mg/Nm³ at STP of 0 °C and 1 atmosphere and on a dry gas basis.
- 3) The SO₂ emission rate was based on a sulphur content of fuel of 0.001% (10 ppm) by weight.

Method 2:

The following requirements are all met:

- 1) the stack is designed by a suitably qualified and experienced person, and
- 2) the combustion activity is assessed through air dispersion modelling:
 - a) undertaken in accordance with the relevant Ministry for the Environment best practice guidelines, and

²⁴⁰ Effective stack height is the sum of the physical height of the top of the stack above ground level plus any plume rise due to buoyancy or initial momentum(inertia) of the vertical discharge (minus stack-tip or building downwash).

- b) the modelling concludes that the discharge will not result in an exceedance of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 and the Ministry for the Environment's Ambient Air Quality Guidelines, 2002, and
- 3) the person or organisation initiating the air dispersion modelling provides a copy of the report detailing how the requirements of clause 2 are met to the Regional Council within three months of the modelling being completed.

Notes:

- 1) *Where a Gaussian-plume model is the most appropriate dispersion modelling tool, Council will generally expect modelling to be undertaken using AERMOD (EPA) or its replacement.*
- 2) *Where an advanced model is the most appropriate dispersion modelling tool Council will generally expect modelling to be undertaken using CALPUF (Scire et al., 2000a) or its replacement.*

H.2 Erosion Control Plans

Erosion Control Plans 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 (or land retirement), remedial planting, stocking rate reductions, grazing or pasture management, or construction of **wetlands** or bunds or other suitable methods to reduce sediment entering waterways.
- 6) Recommendations on priority measures that address sediment loss critical source areas first and timeframes for undertaking erosion and sediment mitigation measures.
- 7) A plan based on aerial imagery showing items (3) to (6) above at a scale of 1:10,000 or less.
- 8) Evidence to support the recommendations in item (6) above.

H.3 Water quality standards and guidelines

Policy H.3.1 Water quality standards for continually or intermittently flowing rivers²⁴¹

The water quality standards in *Table 20: Water quality standards for ecosystem health in rivers* apply to Northland's continually or **intermittently flowing rivers**, and they apply after allowing for reasonable mixing.

Table 20: Water quality standards for ecosystem health in rivers

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	mg/L	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 minimum	≥ 8.0	≥ 5.0
		1-day minimum	≥ 7.5	≥ 4.0
pH	pH units are dimensionless	Annual minimum and annual maximum	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.*

²⁴¹ Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 – request reinstatement (with amendment) of Notified Policies D.4.1-D.4.4
ii) Minister of Conservation ENV-2019-AKL-000122

Policy H.3.2 Water quality standards for lakes²⁴²

The water quality standards in *Table 21: Water quality standards for ecosystem health in lakes* apply to Northland's lakes, and they apply after allowing for reasonable mixing.

Table 21: Water quality standards for ecosystem health in lakes

Attribute	Unit	Compliance metric	Shallow lakes (≤ 10m)	Deep lakes (>10 m)
Phytoplankton (chl-a)	mg Chl-a/m ³	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.*

²⁴² Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 – request reinstatement (with amendment) of Notified Policies D.4.1-D.4.4
ii) Minister of Conservation ENV-2019-AKL-000122

Policy H.3.3 Coastal water quality standards²⁴³

The water quality standards in *Table 22: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption* apply to Northland's coastal waters, and they apply after allowing for reasonable mixing.

Table 22: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption

Attribute	Unit	Compliance Metric	Coastal water quality management unit			
			Hātea River	Tidal creeks	Estuaries	Open coastal water
Dissolved oxygen	mg/L	Annual median	>6.2	>6.3	>6.9	No discernible change
		Minimum	4.6			
Temperature	°C	Maximum change	3			
pH	pH units are dimensionless	Annual minimum and annual maximum	7.0 - 8.5			8.0 - 8.4
Turbidity	NTU	Annual median	<7.5	<10.8	<6.9	No discernible change
Secchi depth	m	Annual median	>0.8	>0.7	>1.0	No discernible change
Chlorophyll-a	mg/L	Annual median	<0.003	<0.004	<0.004	No discernible change
Total phosphorus	mg/L	Annual median	<0.119	<0.040	<0.030	No discernible change

²⁴³ Appeal to Environment Court by

- i) NIWA ENV-2019-AKL-000108
- ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
- iii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 – request reinstatement (with amendment) of Notified Policies D.4.1-D.4.4
- iv) Minister of Conservation ENV-2019-AKL-000122

Attribute	Unit	Compliance Metric	Coastal water quality management unit			
			Hātea River	Tidal creeks	Estuaries	Open coastal water
Total nitrogen	mg/L	Annual median	<0.860	<0.600	<0.220	No discernible change
Nitrite-nitrate nitrogen	mg/L	Annual median	<0.580	<0.218	<0.048	No discernible change
Ammoniacal nitrogen	mg/L	Annual median	<0.099	<0.043	<0.023	No discernible change
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
		Annual 90th percentile	Not applicable		≤43	≤43
Enterococci	Enterococci /100mL	Annual 95th percentile	≤500	≤200	≤200	≤40

Policy H.3.4 Coastal sediment quality guidelines²⁴⁴

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.

Table 23: Coastal sediment quality guidelines for Northland coastal marine areas

Attribute	Unit	Compliance Metric	Coastal water quality management unit			
			Hātea 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		

²⁴⁴ Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 – request reinstatement (with amendment) of Notified Policies D.4.1-D.4.4

H.4 Environmental flows and levels

Policy H.4.1 Minimum flows for rivers²⁴⁵

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 provided for under Policy [D.4.12 Minimum flows and levels](#).

Table 24: Minimum flows for rivers

River water quantity management unit	Minimum flow (l/s)
Outstanding rivers	100 percent of the seven-day mean annual low flow
Coastal rivers	90 percent of the seven-day mean annual low flow
Small rivers	80 percent of the seven-day mean annual low flow
Large rivers	80 percent of the seven-day mean annual low flow

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 consecutive seven-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.

²⁴⁵ Appeal to Environment Court by Horticulture New Zealand ENV-2019-AKL-000116

Policy H.4.2 Minimum levels for lakes and natural wetlands²⁴⁶

The [minimum levels](#) in *Table 25: Minimum levels for lakes and natural wetlands* apply to Northland's lakes (excluding artificially constructed water storage reservoirs) and [natural wetlands](#) unless a lower level is provided for under Policy [D.4.12 Minimum flows and levels](#).

Table 25: Minimum levels for lakes and natural wetlands

Management unit	Minimum level
Deep lakes (> 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.
Shallow lakes (≤ 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.
Natural wetlands	There is no change in their seasonal or annual range in water levels.

²⁴⁶ Appeal to Environment Court by Minister of Conservation ENV-2019-AKL-000122

Policy H.4.3 Allocation limits for rivers²⁴⁷

- 1) The quantity of fresh water that can be taken from a river at flows below the [median flow](#) must not exceed whichever is the greater of the following limits:
 - a) the relevant limit in *Table 26: Allocation limits for rivers*, or
 - b) the quantity [authorised](#) to be taken by:
 - i. resource consents existing 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
 - ii. takes that existed at the notification date of this Plan that are subsequently [authorised](#) by resource consents under: Rule [C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity](#), Rule [C.5.1.9 Takes existing at the notification date of the plan – controlled activity](#) and Rule [C.5.1.11 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 water permits.
- 3) The allocation limits specified in Clause 1) apply to applications for water permits for the taking and use of fresh water from rivers, but do not apply to non-consumptive components of takes.

Table 26: Allocation limits for rivers

River water quantity management unit	Allocation limit (m ³ /day)
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

Notes:

- 1) *The allocation limit 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.*

²⁴⁷ Appeal to Environment Court by Horticulture New Zealand ENV-2019-AKL-000116

Policy H.4.4 Allocation limits for aquifers

- 1) The quantity of fresh water that can be taken from an aquifer must not exceed the following limits:
 - a) for the Aupōuri aquifer, the relevant limits in *Table 27: Allocation limits for the Aupōuri aquifer management unit* and minimum groundwater levels along the coastal margin required to prevent adverse effects associated with saline intrusion, or
 - b) for a **coastal aquifer**, an allocation limit of whichever is the greater of:
 - i. 10 percent of the average annual recharge of the aquifer, or
 - ii. the quantities of water **authorised** to be taken by:
 1. 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: Rule C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity, Rule C.5.1.9 Takes existing at the notification date of the plan – controlled activity and Rule C.5.1.11 Takes existing at the notification date of this Plan – discretionary activity, and
 - c) for **other aquifers**, an allocation limit of whichever is the greater of:
 - i. 35 percent of the average annual recharge, or
 - ii. the quantities **authorised** to be taken by:
 1. 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 not **authorised** by resource consents under: Rule C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity, Rule C.5.1.9 Takes existing at the notification date of the plan – controlled activity and Rule C.5.1.11 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.
- 3) The allocation limits specified in Clause 1) apply to applications for water permits for the taking and use of fresh water from aquifers, but do not apply to:
 - a) non-consumptive components of takes, or
 - b) the taking of water for temporary **dewatering** purposes, or
 - c) the taking and use of geothermal water and associated heat and energy.

Table 27: Allocation limits for the Aupōuri aquifer management unit

Sub-aquifer	Allocation limit (m ³ /year)
Aupōuri-Waihopo	1,278,200
Aupōuri-Houhora	3,211,950
Aupōuri-Motutangi	1,604,400
Aupōuri-Waiparera	3,468,300
Aupōuri-Paparore	3,787,500
Aupōuri-Waipapakauri	1,192,800
Aupōuri-Awanui	4,640,400
Aupōuri-Sweetwater	4,675,000
Aupōuri-Apihara	922,500
Aupōuri-other	Not applicable. The allocation limit for the Aupōuri-other sub-aquifer is 15 percent of its annual average recharge.

H.5 Managing groundwater and surface water connectivity

Table 28: Classifying and managing groundwater and surface water connectivity

Hydraulic Connection Category	Classification	Pumping Schedule	Management Approach
Direct	Where the calculated surface water depletion effect is assessed as greater than 90 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration of seven days continuous abstraction.	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.4 Environmental flows and levels .
High	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is greater than 60-percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration is calculated as follows: For takes with a pumping duration of less than 150 days, the maximum continuous period of abstraction at the abstraction rate, until the seasonal volume is fully utilised. For takes with a pumping duration in excess of 150 days, a pumping duration of 150 days will be assumed.	The calculated surface water depletion effect is included in the surface water allocation regime set in H.4 Environmental flows and levels . The remainder of the seasonal volume is managed as groundwater allocation. Takes with a daily average abstraction rate greater than 1 L/s are subject to relevant minimum flows water and levels set in H.4 Environmental flows and levels .
Moderate	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is between 40 percent and 60 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.	The calculated surface water depletion effect is included in the surface water allocation regime set in H.4 Environmental flows and levels . The take is not subject to surface water minimum flows and water levels.

Hydraulic Connection Category	Classification	Pumping Schedule	Management Approach
Other	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is less than 40 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.	The calculated surface water depletion effect is not included in the surface water allocation regime set in H.4 Environmental flows and levels . The take is not subject to surface water minimum flows and water levels.

The following requirements will assist implementation of Policy [D.4.11 Integrated surface water and groundwater management](#):

- 1) An 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.6 Wetland definitions relationship²⁴⁸

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 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, **"constructed wetland"** is now used instead of "man-made wetland" to help distinguish between this and the **induced wetland** and **reverted wetland**.

The Regional Council's **wetland** mapping indicates the location of **natural wetlands** and **constructed wetlands** 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, 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.

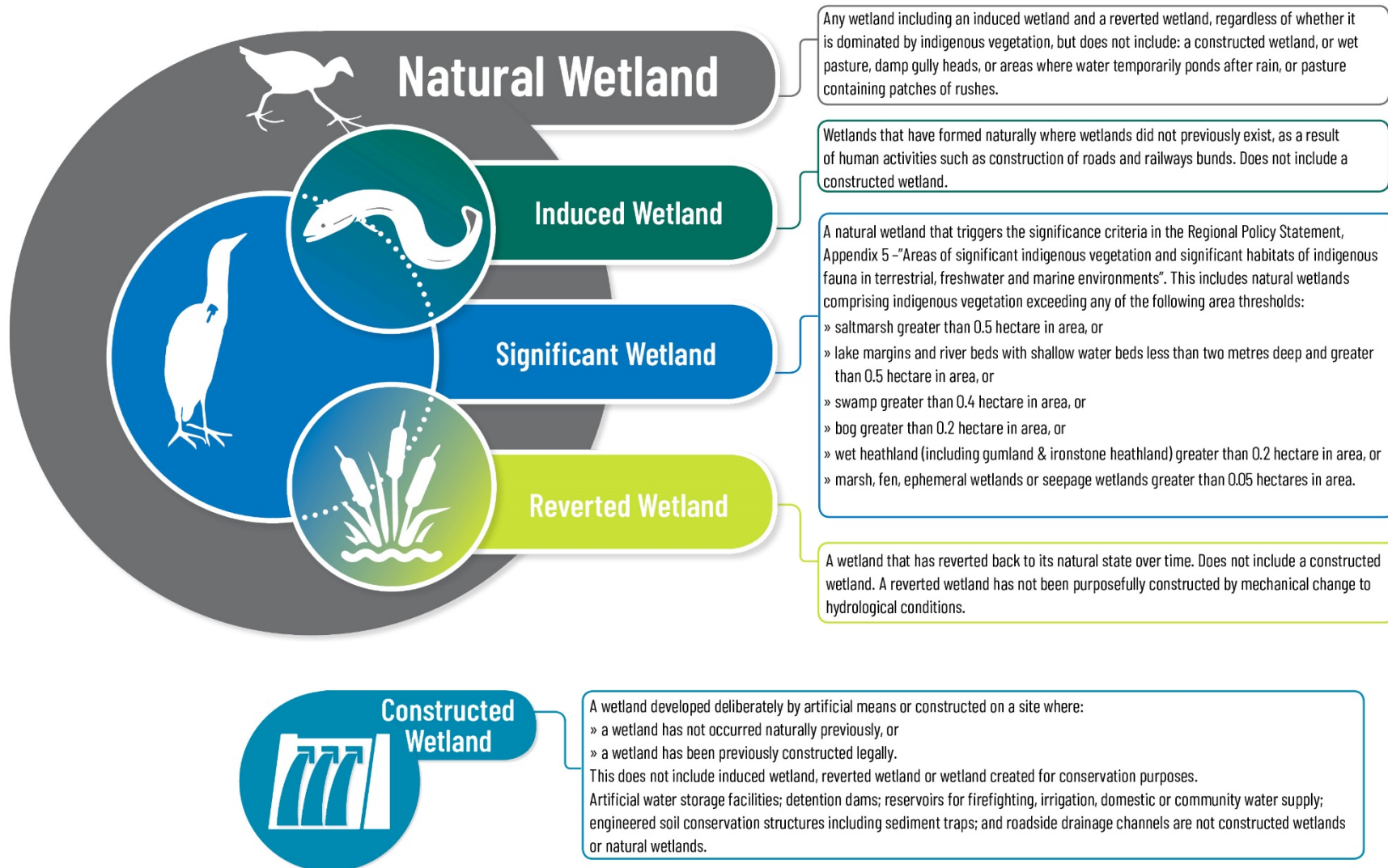
'Wet heathland' describes habitat found in Northland that includes gumland and ironstone heathland. When seasonally wet and consisting of **wetland** vegetation this is **wetland**. Wet heathland is often found in mosaics with other low fertility habitat such as bog and heathland. This is vulnerable habitat and can have very high biodiversity values.

If you propose an activity and are unsure which definition applies to it, please contact Council for advice.

²⁴⁸ Appeal to Environment Court by Federated Farmers of New Zealand ENV-2019-AKL-000114 – request various wetland definition amendments and consequently amendments to H.6

Wetlands

Includes permanently or intermittently wet areas, shallow water, and land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions.



H.7 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 on an objective assessment. A Regional Council enforcement officer's views will not be determinative but may trigger further action and may 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, that is, the Plan cannot override interpretations decided by the Courts. However, the following notes are intended to provide some guidance for interpreting these terms:
 - a) NOXIOUS, DANGEROUS – the Concise Oxford Dictionary defines 'noxious' as "harmful, unwholesome". Noxious effects may include significant adverse effects on the environment (for example, 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. WorkSafe New Zealand's "Workplace Exposure Standards and Biological Exposure Indices, November 2018, 10th Edition" can be used for interpreting the terms 'noxious' and 'dangerous'.
 - b) 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; and
 - iii. existing uses – it is important to consider what lawfully established activities exist in an area, that is, if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

The Regional Council's investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will generally be as follows:

- 3) 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:
 - a) 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;

- b) 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:
 - i. assessments by other suitably qualified and experienced Council officers,
 - ii. asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours,
 - iii. promoting the use of community working groups and other means of consultation between the affected community and the discharger,
 - iv. using the services of an independent consultant to carry out an investigation, and/or community survey,
 - v. 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,
 - vi. undertaking an odour assessment using an olfactometer, or other appropriate technology, or
 - vii. 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. In the case of a permitted activity causing an offensive or objectionable discharge, a resource consent may be required to allow the discharge to continue.

- 4) Further information can be found in the following guidance documents produced by the Ministry for the Environment:
 - a) Good Practice Guidance on Odour;
 - b) Good Practice Guidance on Dust;
 - c) Good Practice Guidance on Industrial Emissions.

I Maps | Ngā mahere matawhenua

View the maps in a GIS viewer:

<https://nrcmaps.nrc.govt.nz/portal/apps/webappviewer/index.html?id=b8ca7b93e48942b9be8223e79430674c>

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 Marine Zone</i> <i>Marsden Point Port Zone</i> ²⁴⁹	Northland's coastal marine area is split into six zones: • The Coastal Commercial Zone comprises 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 comprises locations in the coastal marine area where the primary purpose is to accommodate or develop marina structures and/or activities. • The Mooring Zone comprises 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.

²⁴⁹ Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

Map layer	Description
	- The General 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. - The Marsden Point Port Zone is the coastal marine area adjacent to Northport and Refining New Zealand, located at the entrance of Whangarei harbour.
<i>Significant Ecological Areas</i>²⁵⁰ <i>Significant Bird Areas</i>²⁵¹ <i>Significant Marine Mammal and Seabird Areas</i>²⁵²	The mapping is based on reports by Kerr, V., 2017. Kerr & Associates, that identify known: - Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System; - 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. The following reports detail the assessments used to map significant ecological areas in the coastal marine area: 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: 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;

²⁵⁰ Appeal to Environment Court by i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iii) New Zealand Refining Company Ltd ENV-2019-AKL-000121

²⁵¹ Appeal to Environment Court by i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iii) New Zealand Refining Company Ltd ENV-2019-AKL-000121

²⁵² Appeal to Environment Court by i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iii) New Zealand Refining Company Ltd ENV-2019-AKL-000121

Map layer	Description
	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; 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; b) SEA's coastal and island birds – Ecologically Significant Marine Area Assessment Sheet for Wading and Aquatic Birds. c) Northland Coastal Management Area – General marine values for highly mobile and dispersed species (marine mammals and seabirds).

Map layer	Description
<i>Regionally significant anchorages</i> ²⁵³	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> ²⁵⁴	The marine pollution limits are shown as a line, landward of which the rule restricting the discharge of sewage from vessels applies (Rule C.6.9.8 Discharges of untreated sewage from a ship or offshore installation – prohibited activity) The marine pollution limits include all coastal waters that are: • In any east coast harbour, are shallower than five metres; • Less than 500 metres from mean high water springs or less than 1000 metres from mean high water springs in the outer Bay of Islands, less than 500 metres from a Mataitai reserve; and • Less than 200 metres from a marine reserve. The marine pollution limits are a combination of: • The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998²⁵⁵; and • Extensions to the default areas²⁵⁶.
<i>Enclosed waters</i>	These areas include all harbours, estuaries and inlets.
<i>Aquaculture exclusion areas</i> ²⁵⁷	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: • Residential activities in significant urban areas provided for in operative District Plans, in 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; • Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather; • Port or harbour approaches; and • Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).

²⁵³ Appeal to the Environment Court Yachting NZ Inc ENV-2019-AKL-000118

²⁵⁴ Appeal to the Environment Court Yachting NZ Inc ENV-2019-AKL-000118

²⁵⁵ Section 11(1) and (2)

²⁵⁶ As allowed by Section 11(3) Resource Management (Marine Pollution) Regulations, 1998

²⁵⁷ Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000113

Map layer	Description
Surf Breaks: <i>Nationally significant surf breaks</i> <i>Regionally significant surf breaks</i> <i>Other surf breaks</i>	The Nationally significant surf breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010. The regionally significant surf breaks and other surf breaks are based on; • <i>Northland Regional Council, 2016. Methodology – Identifying Regionally Significant Surf Breaks in Northland;</i> and • <i>Northland Regional Council, 2016. Application of methodology Identifying Regionally Significant Surf Breaks in Northland.</i> These reports are available on the Regional Council's website. Regionally significant surf breaks are those with scores greater than the threshold for regional significance. Other mapped surf breaks are those breaks that are regularly surfed but do not meet the threshold for regional significance.
<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>	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. 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 Land Information New Zealand which is a component of the Topo50 maps (1:50,000 scale).

Natural, historic and cultural heritage – fresh and coastal waters

Map layer	Description
<i>Sites and areas of significance to tangata whenua</i>	Sites and Areas of Significance to tangata whenua are mapped in accordance with Policy D.1.5 Places of significance to tangata whenua. They are a single resource or set of resources identified, described and contained in a mapped location. 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>	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>. 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.

Map layer	Description
Natural character:²⁵⁸ <i>Outstanding natural character</i> <i>High natural character</i>	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. Natural character attributes include: 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. 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. 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. 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 body (for example, dune lakes) and the values and characteristics of the unit relate specifically to freshwater.
Historic heritage: <i>Historic heritage areas</i> <i>Historic heritage sites</i>	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: a) six historic heritage areas: • three of these are water-based areas that form part of a cultural heritage landscape in combination with land-based historic sites.

²⁵⁸ Appeal to Environment Court by i) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
ii) New Zealand Refining Company Ltd ENV-2019-AKL-000121
iii) Bay of Islands Maritime Park Inc ENV-2019-AKL-000117 – extra mapping

Map layer	Description
	They have been assessed by Clough and Associates and are considered to be significant enough to include in the plan; • one additional historic heritage area identified through consultation on the Proposed Plan; and • two waka landing sites that have been registered as wāhi tapu areas by Heritage New Zealand have also been included. b) Eighteen historic heritage sites. These are buildings and structures that have been assessed by Clough and Associates and Heritage New Zealand Pouhere Taonga (seven sites) and Clark L. (eight sites, peer reviewed by Heritage New Zealand Pouhere Taonga) and are considered to be significant enough to include in the plan. Three additional sites were identified through consultation on the Proposed Plan. Site and area reports comprising the historic heritage schedule are available on the Regional Council's website.

Water quality and quantity management units

Map layer	Description
Outstanding freshwater bodies: <i>Rivers</i> <i>Lakes</i>	Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014. The following rivers and sections 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: • Waipoua; • Waikohatu; • Wairau; • Whirinaki; • Waipapa; and • Mangamuka. The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):²⁵⁹ • Morehurehu; • Ngatu; • Waihopo; • Waiporohita; • Wahakari; • Taharoa; • Waikare;

²⁵⁹ Paul Champion and Mary de Winton. 2012. Northland Lakes Strategy: Part 1. Prepared for Northland Regional Council. NIWA Client. Report No: HAM2012-121.

Map layer	Description
	• Kai-Iwi; • Humuhumu; • Kanono; and • Mokeno.
Groundwater management units: <i>Aupōuri aquifer</i> <i>Coastal aquifers</i> <i>Other aquifers</i>	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 (<i>coastal aquifers</i> and <i>other aquifers</i>) 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 are consolidated. The Council has also identified the Aupōuri Aquifer system, which comprises 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.
River water quantity management units: <i>Outstanding rivers</i> <i>Coastal rivers</i> <i>Small rivers</i> <i>Large rivers</i>	Fresh water 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 fresh water objectives and limits, and for fresh water accounting and management purposes. Information on the <i>coastal rivers</i> , <i>small rivers</i> and <i>large rivers</i> management units can be found in: • <i>Ton Snelder. 2016. Defining Freshwater Management Units for Northland: A Recommended Approach. Prepared for Northland. Regional Council. LWP Client Report Number: 2015-004.</i> • <i>Susie Osbaldiston. 2016. Refining the Draft River Water Quantity FMUs for Northland. Northland Regional Council.</i>
Coastal water quality management units: <i>Open Coast</i> <i>Estuary</i> <i>Tidal Creek</i> <i>Hātea River</i>	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 <i>Richard Griffiths. 2016. Recommended Coastal Water Quality Standards for Northland. Northland Regional Council.</i>

Catchment-specific layers

Map layer	Description
Priority catchments: <i>Doubtless Bay</i> <i>Mangere</i> <i>Poutō</i> <i>Waitangi</i> <i>Whangārei</i>	This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Mangere, Poutō and Whangārei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in Section E Catchments .

Map layer	Description
<i>High sediment yielding land</i>	Areas of land predicted to have high sediment yield (high sediment yielding land) in the Doubtless Bay, Waitangi, Mangere and Whangārei 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 / km ² / year or more in the Waitangi, Whangārei Harbour and Mangere catchments and 500 tonnes / km ² / year or more in the Doubtless Bay catchment. See Section E Catchments .
Whangārei swimming sites livestock exclusion areas: <i>Popular swimming sites</i> <i>Upstream catchments</i>	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 E.3.5 Whangārei Harbour catchment).
<i>Forestry restriction area – Poutō catchment</i>	This map shows the surface water catchments of Outstanding Water Bodies (lakes) on the Poutō peninsula where new plantation forestry that exceeds five hectares per property is subject to a requirement for resource consent (see E.3.2 Poutō catchment).

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>	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: • Whangārei – for PM₁₀; • Marsden Point – for SO₂ and PM₁₀; • Kerikeri – for PM₁₀; • Dargaville – for PM₁₀; and • Kaitāia – for PM₁₀.

Livestock exclusion

Map layer	Description
Lowland and hill country areas	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

Map layer	Description
Erosion-prone land	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.